



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 14 Iúil 2021

Wednesday, 14 July 2021

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.15 a.m.

Paidir.

Prayer.

Mandatory Hotel Quarantine Extension: Motion

Minister of State at the Department of Health (Deputy Anne Rabbitte): I move:

That Dáil Éireann resolves that the relevant period, within the meaning of section 9 of the Health (Amendment) Act 2021 (No. 1 of 2021), shall stand extended for the period beginning on the 1st day of August, 2021 and ending on the 31st day of October, 2021.

On behalf of the Minister for Health, I propose a motion to extend the Health (Amendment) Act 2021, which provides for mandatory hotel quarantine, to 31 October 2021. The Act contains a sunset clause at section 9 and unless extended by a resolution, passed by each House of the Oireachtas before 31 July 2021, it will lapse on that date.

The Act allows for the extension of up to a maximum of three months. This would be the second extension. It has already been extended once, from 8 June 2021 to 31 July 2021. The Act requires travellers, who in the 14 days prior to their arrival in Ireland have been in one or more designated states, to quarantine in a designated facility for 14 days. The quarantine period is reduced if a negative Covid-19 test is returned after ten days. Those who do not present evidence of a negative PCR test taken within 72 hours prior to arrival are required to quarantine in a designated facility until they return a negative test. A number of exemptions from the obligation to quarantine are in place, including for those who have received a full course vaccine approved by the European Medicines Agency, EMA.

Mandatory hotel quarantine has been in operation since the 26 March 2021. It is an exceptional and temporary measure. It continues to be an important safeguard in managing the risk of importation of cases and variants of concern. A single-service provider is providing full-board accommodation service to guests in facilities, designated exclusively for the purpose of quarantine, as well as ground transportation, security services, and health and well-being services for guests within its facilities.

The provision of the Act allows travellers to request a review of decisions related to their

quarantine. This can only be undertaken once quarantine has begun and on a limited number of grounds. Reviews are conducted by independent appeals officers. A seven-day week service is provided. Decisions must be returned within 24 hours of receipt of the request for review. Requests for review are based on specific grounds established in the law. Notice of rights and obligations is provided to passengers on arrival in the State, usually by the first team to encounter relevant passengers. This notice is also available on the Government quarantine information page.

The Department of Health has begun to issue the mandatory hotel quarantine experience survey to recent residents. This will be an ongoing process that will help ensure the quality of the service being delivered. Medical services are available on site 24-7. It is also possible for a person to leave quarantine in the case of medical emergency and to attend urgent medical appointments. Special arrangements have been made to allow those seeking international protection or unaccompanied minors to undertake their quarantine in alternative appropriate circumstances.

There is a strong case for the continuation of mandatory hotel quarantine until the 31 October 2021. From December 2020 to 15 May 2021, 93 travel-related outbreaks and 327 cases were recorded. These were linked to 30 countries. There were 39 further travel-related outbreaks linked to 132 cases reported to the public health department in June 2021. Up to 12 July 2021, 8,395 people have quarantined in designated facilities. Of these residents, 376 have tested positive for Covid-19. Experience has shown that had those persons not been quarantined, a significant number of additional cases in the community would have resulted. From March to June 2021, of the samples suitable for whole genome sequencing, the Alpha variant was detected in 30.1% of cases. Beta or Gamma was detected in 24.7% of the cases, while Delta or Kappa was detected in 8.2% in travellers from 35 countries. Without mandatory hotel quarantine, there is a risk that new variants could be imported and would not be identified. In addition, many countries have been unable to adequately monitor new variants, which adds to the risk of circulation.

Mandatory hotel quarantine is creating space for the continued great progress of our vaccination programme. We can be proud that more than 4.73 million vaccine doses have been administered, despite the significant challenges of the HSE cyberattack. As of 13 July, more than 2.6 million people had received a first dose, with more than 2 million fully vaccinated. This means that in excess of 71% of the eligible population has received a first dose, while more than 56% have been fully vaccinated.

Currently, 61 states have been designated by a risk assessment in respect of Covid incidence rates and variants of concern. However, following consideration of the predominance of the Delta variant in Ireland, the progress of our vaccination programme and the Government's commitment to aligning with the EU approach, a review of the list of designated states is under way.

Deputy Darren O'Rourke: We are disappointed and frustrated with how the motion has been proposed. The way the Government has been handling wide-reaching emergency legislation in recent weeks, via motions and guillotined debates, shows contempt for the Opposition. No Opposition briefing has been provided in advance of the motion to inform us of the up-to-date epidemiological circumstances in countries on the designated state list, yet we are expected to vote in favour of it, which would again extend the broad powers contained in the Health (Amendment) Act 2021 to people arriving from 61 countries throughout the world. These are significant matters but that is not reflected in this one-line motion and this is not the way to do

business.

The introduction of mandatory hotel quarantine during the height of the crisis here was the correct decision. It has left us in a stronger position to move ahead with the reopening of travel from next week and, as the Minister of State outlined, it played an important role at a time when we were in the early stages of the vaccine roll-out and even before that - with the risk of the Alpha, Beta and Gamma variants - when it contributed significantly to protecting the vaccine roll-out. We support mandatory hotel quarantine going forward and believe there is a place for it in certain circumstances during the ongoing pandemic, as many countries are going to continue to face considerable challenges, whether that is rampant spread or new variants. As I said, however, these powers are very far reaching, and expecting us to rubber-stamp a motion such as this, with little to no debate, is simply not appropriate.

It seems many of the issues with the current system have not yet been addressed. People who have been fully vaccinated with WHO-approved, but not EMA-approved, vaccines are still required to go into mandatory hotel quarantine and this is a source of frustration for people. I ask the Minister of State to continue with efforts to resolve this, presumably by working with European counterparts and colleagues. People who have to travel for medical issues that do not fall under the current exemptions are still not provided for, resulting in numerous problems and confusion in this area. The lack of clarity over how countries are designated or removed from the list remains vague, something on which we have called for increased transparency.

As our office, like others I am sure, has been inundated with complaints about issues with the system, I welcome that a survey on user satisfaction is to be commenced among people who are or have been in mandatory hotel quarantine. It would be appropriate and useful if there were a dedicated point of contact for representatives because many queries arise from time to time. Moreover, the information provided online about the rules and exemptions needs to be improved. That will be an increasingly important feature as we move past 19 July. I accept that the Department of Foreign Affairs web page and *gov.ie* have information, while the Re-open EU app is useful and provides information. It is important that the information be widely available for people because it will be a source of frustration.

As I said, we would have liked the opportunity to contribute more significantly to this as a policy. For the Government to take as a given that we would support every measure at the outset and rubber-stamp them at every opportunity when it brings them to the House is not good enough. We need a proper debate on these issues. We could have had that, with opportunity for input from the Opposition, but we have been curtailed, as we have been this morning. That is a source of frustration for all of us in the Opposition.

Deputy Paul Murphy: I am sharing time with Deputy Barry.

The socialist left is the only political force in Ireland that has consistently told the truth to people about Covid. That was epitomised by the discussion on the reopening of hospitality in November of last year, when the Government bowed to private business lobbying and reopened at the cost of more than 2,000 unnecessary, fully avoidable deaths. The rest of the Opposition went along with that and, in general, the approach in the course of the pandemic was to go along with the basic thrust of whatever the Government was doing, whatever lobbying was taking place, and then perhaps to pick this or that aspect to oppose to pose some form of opposition.

The same is happening right now. It is only we who are saying clearly that it is not safe to

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reopen indoor hospitality. That is not a truth we want to say or a situation we want to be in but it is the truth. Let us look at what is happening throughout the world. The figures from the Netherlands today show a 500% increase in the number of Covid cases in one week as a result of the reopening of indoor hospitality or with that as a key cause. What is very frustrating about that from our point of view is that the policies we advocated, namely, a zero Covid approach based on socialist policies that puts people's interests first, we would not be in these circumstances. We are faced with telling the truth to people about the difficult choices that need to be made, as a result of bad decisions taken again and again that put private profit first, when we could be in very different circumstances.

I want to be concrete about that; it is not some abstract point. Seven weeks ago, we first raised in the Dáil that we had a crisis on her hands with the spread of the Delta variant in Britain and we needed to do something to slow the spread. We said we needed to bring in mandatory hotel quarantine for England, Scotland and Wales. If we had done that five, six or seven weeks ago - even possibly four weeks ago - we would not be in the circumstances we are in today. We would not have to say it is not safe to reopen indoor hospitality. I warned the Taoiseach on 16 June that if the gamble not to introduce mandatory hotel quarantine did not pay off, we would be in a crisis, with negative consequences for people's health and long Covid, and there would be additional unnecessary deaths. Here we are at precisely that point.

We are opposed to the Government's mandatory hotel quarantine because it is ineffective, it is privatised and outsourced and it is not part of the public health system or under the democratic control and oversight of trade unionists, human rights and civil liberty activists and so on. In effect, without effective mandatory hotel quarantine, which would include proper quarantine of England, Scotland and Wales, we are left with a kind of racist theatre that has the pretence of doing something when, in reality, we have plague island next door, with Delta cases coming in freely, and we wonder why we are in the circumstances we are in.

Deputy Mick Barry: Currently, there are 61 countries on the red list. The vast majority are from Africa, Asia and Latin America. The only European countries are Turkey and Russia. As the richer countries get their people vaccinated, the mandatory hotel quarantine system impacts more heavily on those from poorer countries and, while certainly not exclusively, on people of colour. As time goes on this will increasingly be the case. Mandatory hotel quarantine will impact hardest on our migrant communities, again, especially those from Africa, Asia and Latin America and disproportionately on people of colour. It will not really be possible for the vast majority of people to travel for events like weddings and funerals. These are real impositions, especially when alternatives are available. Home quarantining is seen as something of a joke but that need not be the case. There is talk of €22.5 million being spent on extending mandatory hotel quarantine. If the bulk of that money was put into funding HSE quarantine check teams instead of outsourcing work to big private hotel groups, home quarantine could become a realistic option, focusing in particular on people travelling from areas where there are variants on concern.

Deputy Cathal Berry: I thank the Minister of State for bringing this motion to the House and for her opening remarks. I thank everyone involved in the mandatory hotel quarantining system, specifically hotel staff, Department officials, private security firms and members of the Defence Forces. It is important to remember that the mandatory hotel quarantining system was established at the peak of the third wave. Despite all its imperfections, which everyone can appreciate at this stage, it has achieved many limited goals. First, it has assisted in reducing the severity and duration of the third wave earlier this year. I think everyone can appreciate that.

Second, it has detected over 350 active Covid cases. As a result of preventing those cases from infecting further people in the community downstream, it has reduced the number of active Covid cases being imported to this country. Third, and perhaps most importantly, it has delayed the onset of the fourth wave which is commencing now. That delay is important because it has allowed our vaccination programme to scale up and has bought us time.

I fully appreciate there are imperfections with hotel quarantining. First, the common travel area has complicated matters remarkably from a public health perspective, particularly in light of what is happening in England and how it is addressing the issue. That is beyond our control, however. We have been in a common travel area for a long time and I fully appreciate the complexities associated with that. The second big issue is the wide open land Border with Northern Ireland, which gives people the opportunity to circumvent our mandatory hotel quarantining system and complicates the process. I very much agree with Deputy O'Rourke that there are minor peripheral issues that need to be resolved. If the system is extended again, perhaps we can address those in the future.

I look forward to the time when mandatory hotel quarantining will not be required. With the success of our vaccination programme, which is the envy of the world, this country is approaching herd immunity and will achieve it in the next couple of months. Does the Minister of State have in mind a ballpark date for commencing the wind-down of mandatory hotel quarantining, bearing in mind that we are approaching herd immunity in this jurisdiction?

I support the motion. It is prudent and sensible, particularly with the onset of the fourth wave. I hope it will not have to be extended beyond 31 October because at that stage it will have done its job, we will have achieved herd immunity and we can get on with our lives.

An Leas-Cheann Comhairle: Some Deputies will be caught unawares because the debate has moved quickly. I will slowly move on through the next slots. Unfortunately, no one is here. I will ask the Minister of State to reply unless we have another speaker.

Deputy Michael Fitzmaurice: The House is running ahead of schedule. I am grateful to have the opportunity to speak on this motion. Hotel quarantine has been fairly well debated over the last while. There is something I cannot understand. We have been contacted by many people about this issue, for instance, people who were travelling from Abu Dhabi or countries in that region and had parents going into hospital for a serious operation. They had been vaccinated, and were actually fully vaccinated long before many EU citizens, but the vaccine was not recognised by the EU. This put them in a quagmire when it came to quarantine.

We have to look at whether we are closing the country or not. People can travel from abroad into the North and come down across the Border pretty handy with no major problem. We cannot account for everyone in a country but most people are fairly responsible. I heard a discussion on "The Pat Kenny Show" on my way to Dublin. The person being interviewed said she did not know if vaccinated people from the UK with a certificate still needed to quarantine here. Some things are still not clear. We have to start moving on. The Delta variant is here and hopefully we will get on top of it. In my opinion, however, you either do full duck or no dinner and we never did the full duck. The half-hearted quarantine system that we are using is basically a token gesture.

I feel for Irish people abroad, especially those in Abu Dhabi and countries in that region. Some are teaching and some want to come home. This is their country. They are paying large

sums to quarantine. There is an appeals system but I do not know how it works, to be frank, because the answer that emerges from it is generally “No”. People might make an appeal for someone whose mother or father is having an operation. No one knows how things like this will go in a hospital. Thankfully, in some of the cases we were involved in, everything went well but if someone is trying to come home to see their parents before a serious operation, we should accommodate them in a special way and have our arms open to those who are vaccinated.

There should be more research done to find out if the vaccines used in these other countries stand up. The EU, rather than wobbling and twisting about the vaccine, should recognise these vaccines. The statistics from those countries, if they are to be believed, show the different vaccines are as good as the ones that are available in Europe. We have to move on as a country. We have to get up and running and get open. We introduced hotel quarantining too late. The time to stop the Delta variant was a good while ago. It is here now so we would not be stopping something from coming in. Ireland, as a country, now has to move on, open up and bring people in to try to get the tourism sector and all the other sectors up and running.

Deputy Mattie McGrath: This was meant to be a debate of one hour and 45 minutes. It is now down to 45 minutes. As usual, everything is rushed, fumbled and illogical. There is confusion. It is unreal. The Government should be named “the Government of Utter and Total Confusion”.

On mandatory hotel quarantine, I am not going to be a hypocrite. I called for it at the very start when we were locking down our people. We allowed open borders. I will not be a hypocrite. I called for mandatory hotel quarantine and said we should have it. Many people were aghast and could not believe we had open borders when there were so many restrictions, affecting everything from worship and matches to games, work, school and play of any kind. I raised this with the Taoiseach and the Tánaiste, formerly the Taoiseach, on this floor. We were told we were good Europeans and had to do it. I always referred to how Hungary and Poland proceeded. We could not do that. We introduced quarantining late in the day. We tendered it out and got a company to administer it. I have heard nothing but complaints about it. Young Irish teachers out in Dubai who are trying to come home for the summer have to quarantine. Some have children. This is expensive. No thought at all was put into the costs involved, including the human and psychological costs. There is the financial cost also. People cannot afford to stay in hotels. They could quarantine at home just as well. Now we are extending the timeframe in the legislation again until October, I believe. I am not sure of the date. I am totally opposed to the extension because it is too late. Anybody who is a sheep farmer will know that if you let one sheep out the gap, the others will all go after it and make a bigger gap. You would want a good sheepdog to bring them back.

There was confusion this morning again over what is happening with the reopening of hospitality. There is utter confusion. It is not fair to the public. There are plenty of paid civil servants and there are advisers by the dozen. They are not in sync. The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, is saying one thing and the Tánaiste is saying another. It is really a vying for the airwaves. NPHET is also vying for the airwaves. I am opposed to the extension because it is illogical. It is too little too late. If the system had been run properly at first, we might have been in a different place.

Deputy Michael Healy-Rae: My main concern about the continuation of this legislation is based on the experiences I have had over recent weeks and months. I will give an example. I encountered very special circumstances where a family member wanted to come back to be

with a dying parent. It did not happen because of the quarantining. The person could not even come home for the burial because of the quarantining. An exception could have been made in that instance. A case was made but it was not accepted.

Every one of us is for nothing else but putting in place the best public health and safety regulations but there can be exceptions to everything, and they can be handled properly and well. We have had people quarantining in houses. A person in a house getting ready to leave this world could have been allowed a visit by a relative who could have quarantined in that house. There was a total lack of compassion, understanding and communication. We have enough people working for the State and in Departments to deal with circumstances of special concern that are brought to their attention. We have the machinery of State to help those affected. Unfortunately, in the system of mandatory quarantine in hotels, there has been no compassion or understanding. I am very angry about that. How could we be expected to rubber-stamp this measure and allow it to continue for the forthcoming months into the fall of the year? That is why I would not support it. That is why I would oppose it. That is why I would not agree with it.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I thank the Deputies for their contributions and for the challenges voiced. It made for an interesting discussion, which is important. On behalf of the Minister for Health, I thank the guests of the designated hotel facilities who continue to do what the legislation asked them to do. We know it was not easy. We put in a strict and comprehensive set of procedures at the designated facilities. The vast majority of the residents have co-operated with the challenging measures without question.

Deputy Berry asked if I could supply a definite end date. I hope this is the last time this legislation will need to be extended. As the Minister indicated, any further extensions would be proposed based on a strong public health rationale at the time.

Given the Covid-19 experiences in other countries, Ireland has done relatively well. This is partly due to the measures we have put in place, including mandatory hotel quarantine. Much credit is due to our front-line healthcare workers for their skill and dedication. They have been under enormous pressure for such a long time.

I thank the Departments of Defence, Foreign Affairs, Justice, Transport and Children, Equality, Disability, Integration and Youth for their valuable assistance in the implementation of the mandatory hotel quarantine system. Many thanks are also due to An Garda Síochána, the Border Management Unit, the Garda National Immigration Bureau, the Revenue Commissioners, Customs and Excise, the HSE and the National Ambulance Service. Special thanks go to our Defence Forces for performing the important State liaison officer role.

Several questions were asked. I sought responses while I was here. I believe Deputies Fitzmaurice and Michael Healy-Rae talked about the appeals system. An average of 30 appeals are managed per day. The service operates seven days per week and the statutory turnaround time of 24 hours is being achieved without difficulty. A panel of barristers is in place that is well versed in the processing of appeals. The chief appeals officer role is now filled by an official within the Department of Health. As of 12 July, there were 2,839 appeals, 417 of which were granted and 2,422 of which were refused. This is a grant rate of 14%.

The same Deputies asked why only certain vaccines are being recognised in Ireland. Ire-

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land's procedure for Covid-19 vaccines is based on participation in an EU procurement process and approval by the Commission following a recommendation by the EMA. Covid-19 vaccines can be approved and used only if they comply with all the requirements concerning quality, safety and efficiency set out in the EU pharmaceutical legislation. No vaccine will be used until market authorisation by the EMA is obtained, and any authorised vaccines will be subject to ongoing monitoring in Ireland by the Health Products Regulatory Authority. The delivery of vaccines under the advance purchase agreements that the Commission has negotiated on behalf of member states are predicated on a conditional marketing authorisation being obtained by the Commission. The awarding of the conditional marketing authorisation provides a high level of assurance that vaccines have undergone rigorous testing and meet the requirements of an independent regulatory process as regards demonstration.

I thank the staff of the port authorities, the DAA and our commercial partner, Tifco, which has provided accommodation infrastructure and support services of a high standard that have underpinned mandatory hotel quarantine. These organisations have worked collaboratively with officials in the Department of Health to enable us to establish and manage the operational aspects of the hotel quarantine system to an incredibly high standard, and have helped us to maintain Ireland's strong response to the pandemic.

Question put.

An Leas-Cheann Comhairle: A division has been called. In accordance with Standing Order 80(2), the division is postponed until the weekly division time this evening.

Sitting suspended at 9.51 a.m. and resumed at 10 a.m.

Lifting of Covid-19 Restrictions: Motion [Private Members]

Deputy Carol Nolan: I move:

“That Dáil Éireann:

notes that under *Bunreacht na hÉireann* (Constitution of Ireland):

— Article 40.1 guarantees that all citizens shall, as human persons, be held equal before the law;

— Article 40.3.1^o protects the right to bodily integrity of all citizens;

— Article 40.6.1^o.ii guarantees the right of citizens to assemble peaceably, subject to laws to prevent meetings which are a danger to the general public; and

— Article 44.2.1^o guarantees to every citizen the right to freedom to practice his or her religion, subject to public order and morality;

and calls on the Minister for Health to, in exercise of the powers conferred on him by sections 5 and 31A (inserted by section 10 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020)) of the Health Act 1947 (No. 28 of 1947):

— allow hospitality businesses across the State to carry on their business, regard-

less of whether the said business involves the sale of food or beverages for indoor or outdoor consumption, without requiring the occupier, manager, or any other person for the time being in charge of the premises in which the hospitality business is being carried out, to discriminate between customers on the basis of whether or not they have been vaccinated against Covid-19 or SARS-CoV-2 infection;

— allow attendance at sporting and other events, subject only to such non-discriminatory limitations as are necessary and proportionate in the interests of public safety;

— respect the profession and practice of religion, and allow a minister of religion or priest (or any equivalent thereof in any religion) to lead worship or religious services, subject only to such restrictions as are necessary, proportionate, prescribed in the Constitution of Ireland, and respect the autonomy afforded to religious communities in a democratic society; and

— accept that the pursuit of a *de facto* zero-Covid strategy, aimed at the elimination of all Covid-19 variants, would result in permanent and irreversible damage to the economic and social fabric of the State and the integrity of the democratic process.”

I welcome the opportunity to speak on this very important motion. The issues raised in the motion with regard to vaccine passports and restrictions are of concern to many people in this State. That is the very reason it has been tabled. People are very distressed and feel the restrictions are overpowering, heavy-handed and unwarranted in their degree. I thank Brian Ó Domhnaill, Deputy McNamara and David, a staff member in my office, for their hard work on this motion. The motion deals with the most fundamental constitutional legal principles and the protections they embody. It seeks to restore those principles to the level of political primacy they deserve if they are to be taken seriously in a democratic society worthy of the name.

My colleagues and I are tired of the lip service paid to those principles within this House and by the Government. From the outset of this pandemic, we have argued that the measures taken had to be proportionate and reasonable. A lot of the time, we saw hysterical reactions. Measures had to be reasonable and grounded in the evidence. That is why the motion we are dealing with today is consistent and cautious. It calls on Government not to abandon all restrictions but merely to allow hospitality businesses across the State to carry on their trade and to allow attendance at sporting and religious events, subject only to those non-discriminatory limitations as are necessary and proportionate in the interests of public safety.

By no stretch of the imagination can the system proposed by Government be seen as non-discriminatory or proportionate. It is irredeemably discriminatory in the most negative sense. It is also coercive and controlling. I believe legal challenges will follow should this legislation go ahead. It is not just bad law but a contorted and twisted version of what good law should be. My colleague, Deputy Mattie McGrath, has called it medical apartheid and I agree entirely with that description. What else is apartheid but a system of segregation based on conditions or grounds outside of a person's control? It is a system whereby the overwhelming might of the state is utilised to apply pressure, both direct and indirect, on the population to achieve a specific aim of government. This is certainly true for those with particular health conditions who may not be able to take the vaccine. People also have their own private reasons for not doing so. Some people have a condition outside of their control and yet this Government seeks

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to disregard that factor and penalise them by restricting their access. Even if the Government seeks to create an exemption for such people, this would still require the forcible and non-voluntary disclosure of information to private businesses. Both of those scenarios are entirely unacceptable. The very word “apartheid” literally means separateness or apartness. What else is the proposed system of vaccine passes but a system that embeds apartness into the hearts of families and communities?

We will not allow ourselves to be characterised as reckless or irresponsible and we will vigorously defend ourselves against any person in this House or outside who claims that we are being reckless or irresponsible in bringing forward this motion. It was absolutely shameful and outrageous for the Taoiseach to recently suggest to our leader, Deputy Mattie McGrath, that, if Government had adopted the kind of approach we are advocating, more people would have died. That is not true. This kind of absurd counterfactual rhetoric speaks volumes about the paternalistic approach that this Government has chosen to take. It has taken a forceful approach and put in place heartless and cruel measures. The Taoiseach’s statement was a vicious attempt to shut down the kind of conversation that we urgently need to have around the proportionality of the measures being proposed by the Government.

In the beginning, everyone was terrified and we reluctantly adopted and endorsed draconian legislation. We used that word a lot but it is important to reflect on it and not to allow it to roll off our lips as if it were no longer a matter of great consequence. We cannot and should not become familiar with draconian laws and treat them as if they are now par for the course and politically acceptable. In such a world the abnormal becomes normal and people do not raise questions. That is how the road to oppressive state power is created. That is something my colleagues and I will never agree with. People fought long and hard for freedom in this country. We certainly will not sacrifice or jeopardise that freedom in any way. The measures proposed by Government, including the vaccine passport, overstep the mark and go way too far. In that sense and in this specific instance, the ends most certainly do not justify the means with regard to minimising the spread of Covid. This is why the sunset clauses were necessary but it is also the case that sunset clauses can create a kind of get-out clause allowing us to ease our political conscience.

We need to fundamentally re-examine the nature of the laws that this Government continues to say are necessary. It goes much deeper than mere parliamentary scrutiny. We need to ask why opposing such laws or seeking their amendment is now seen as tantamount to wishing death on the vulnerable. This is a dangerous situation and we must resist the issue being unfairly framed and interpreted in that way to suit a Government agenda. The laws and the vaccine pass system that are being proposed cannot be made benign or harmless within the context of a massive programme of vaccine roll-outs. We are dealing with a Government paralysed by extreme caution and completely devoid of strong leadership. This Government adopts an attitude of deferential subservience to health experts who are now outliers even within the European context.

For those of us who are bringing forward this motion, this debate is an attempt to take a principled stand against the so-called abundance of caution that will have shrivelled up the social, cultural and economic life of this State for almost two years. Those like Declan Ganley who have challenged the restrictions on religious practice through the courts system have been strung along for months with no end in sight and no resolution to the question of whether the laws have infringed basic religious liberties. It is our belief that they have. This is also entirely unacceptable. What does it say about the priority accorded to such issues when our own courts create the perception that they are deflecting the issue and hoping it will simply go away?

I ask colleagues of all parties and none to seriously reflect on the aims of this motion and to give back to the people the rights that are properly theirs, without recourse to discriminatory measures. It is now time to allow our country and our people to thrive again and not to oppress them. People in this country were oppressed for hundreds of years and now our own people in government are trying to replicate that and to oppress and suppress. They do not listen to any other views, take away people's basic rights and freedoms and invade their privacy. That is what is happening. We hear much about data protection laws but rural pubs will now have to ask people about parts of their health histories. That is no one's business but the individual's own. The Government has stepped way too far over the line this time. It has encroached on people's freedom, privacy and rights.

Deputy Michael Collins: I thank our staff for putting together this motion. It is a very thoughtful motion and one that is led by the will of the people in this country. I have yet to receive an email or other form communication from anybody in which there is any kind of agreement on what the Government is trying to do. What it is doing is a shambolic mess and that could be seen yesterday at various press conferences. Members of the Government do not have a clue about what they are putting forward, unfortunately, and that will again be to the detriment of people who will have to implement these unworkable rules or who will be the victims of them. Today, I think especially of our young people who will suffer most because of the legislation the Government is putting through. The purpose of our motion is to try to set about making a fair society.

There is some rumour about the legislation coming through that even vaccinated people who are allowed into a bar will not be allowed go to the counter. If that is the case, why are we allowing people, who may not be vaccinated at all, go to shop counters? Why discriminate against restaurants and pubs by not allowing people to place their orders at the counter and simply go back to their seats? I do not know what side of the bed some of these Ministers get out of in the morning, but it is certainly not the same side as most other people.

The hospitality sector is worth anything up to €5 billion to €7.5 billion to the economy, and some 260,000 jobs are at risk. Many of the restaurant owners and publicans I have spoken to are absolutely flabbergasted as to why they were singled out by this Government as the cause of the spread of coronavirus. That is exactly what happened, even though most of their establishments have been closed for more than 400 days. These people were not the cause of coronavirus spreading. This is an attack on, and violation of, our people's human rights.

Many publicans have spoken to me about this issue. People may call this a conflict of interest, but I have two brothers who own pubs - one in Bandon and one in Bantry - in west Cork. Both pubs have been closed for almost 400 days because they do not have outside facilities. My brothers and other publicans cannot understand how they or their staff can stand at the door to police every man, woman and child that comes into their premises. It is insane, totally unworkable and completely unfair. Members of the Government are rushing through legislation in an absolute panic to get it across the line because they got such a whacking in their constituencies. Their eyes were opened for them but they are now in a situation where they are putting forward very bad legislation.

To return to the owners of businesses, be they restaurants or pubs, they or their staff will have to stand at the door at all times asking people if they have certificates. The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, said yesterday that people will get the certificates from their doctors but those doctors have said there is abso-

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lutely no way this will happen. What the hell is wrong with the Government? It is making it up as it goes along and, as already stated, putting through rushed legislation.

The Rural Independent Group has tabled a very clear motion that will give an ideal opportunity to members of the Opposition, who have spent the past two weeks shouting and roaring, along with Deputies and Senators from the main political parties, Fianna Fáil and Fine Gael, about pubs and restaurants that should have been allowed to open their doors and run their businesses in a very safe manner. Every one of those business owners wanted to open in a very safe manner and had made sure that there was social distancing and sanitation and that masks were used. That individual wanted to run with all of this but, unfortunately, they were not given the opportunity.

Members of this Government failed to speak to the people to whom I refer. They spoke to them after the crisis began, which is typical. They started talking to them when the horse had bolted but they would not speak to them in the past few months when they had plenty of time to talk to them in order to discover what they were going to put in place in their businesses to make sure they could open their doors. Unfortunately, the Government did not do that. We are left in a situation where 2 million people have been vaccinated and 3 million have not. As Deputy Danny Healy-Rae said last week, people will be left outside the door like dogs. Long ago, dogs were left outside the door but now the dogs will be inside and people will be outside.

Our motion is very clear. There is no mincing of words. We will be facing the following situation with the legislation. Somebody will go into a bar for a few drinks at 7 p.m. or 8 p.m. The young person serving behind the counter may want to get vaccinated - we will not say whether he or she does or not - but cannot because there is no vaccine available. He or she will work right up to 11 p.m. If his or her boss gives him or her a half hour off because he or she has worked hard and if he or she is caught inside that same establishment, he or she will be fined and so will the owner. However, that young person can still work all night serving drink to the same people. It is insane. The writers of "Killinaskully" could not come up with an act like that. You would not get away with it.

Deputy Danny Healy-Rae: I am glad to get the opportunity to talk on this very important matter. I thank Deputy Mattie McGrath and his office girls for helping us with this motion. More than anyone else, I look forward to every door being opened in the hospitality sector. Whether the businesses are pubs or small restaurants, they have been closed for far too long. The longer they remain closed, the greater the risk that many of them will never open again. That is a fact. Attitudes are changing and, possibly, people are resigned to buying alcohol and having a few drinks at home because there is no problem with meeting the Garda on the road or whatever if they do so. People are doing things differently now. I worry that things will never again be the same for many businesses.

I have made calls in the House, day after day, that pubs and small restaurants be allowed to open in the very same way as hotels and businesses in other sectors. Nearly every other sector is open. When we look across the Border, businesses are all open up there. I know of stags, hens and all kinds of parties, travelling up to the North. There is no problem about it and people are drinking inside. This is happening to such an extent that when we looked for beds for people we were taking up on the next bus, there was not a bed to be had. In the whole of the North of Ireland, all the beds are full because they are booked up by people from the South. That is the truth of it. Over the past five years, we had no problem getting beds for people going to the North to get their eyes, hips or whatever done, but now we have a serious problem.

The Government is bringing in its legislation in a final attempt to put restrictions in place, because it knows pubs will have to open. What is being done is very unfair and it is dividing the people. Where is data protection? If we ring up about someone's medical card or something, there is such a rigmarole about data protection. Now, however, there is not a bother in the world. One person is supposed to ask a customer coming in, "Have you been vaccinated? Show me your vaccination pass". This is totally and absolutely ridiculous. So many people have rung me, emailed me and written to me asking me not to support this legislation the Government is bringing in because it is creating a divide.

I know of women with blood clotting problems. Last night, another lady said, "Surely Danny, you won't vote for something to keep me outside the door." She has a problem because she takes blood thinners and her doctor has advised her not to get vaccinated. Is she to be kept outside while her husband, son and daughter go into the local pub? Is that what the Government will do to her? I cannot do that. Several other people who got the first vaccine had a reaction to it. They finished up in Cork University Hospital where they had to stay for several nights. They are not taking the second vaccine and will not be able to get this pass. I know of one man, who is more entitled than anyone else to have a couple of pints because he works very hard, for whom it will mean being left outside. Who will police this? It is not policeable. There are many other things the Garda need to do. Gardaí are up to their necks already, so what more resources are being given to the Garda Síochána to do this?

The Government had no plan. It opened nearly everywhere else on 1 June but it did not come up with a plan until the week before 5 July when it stated that the reopening was going to be delayed again. When so much displeasure was expressed about it, the Government said it wanted a plan from the vintners. It met the vintners, in other words, after the fair. Some of the vintners' organisations say they will go with the proposal but they have not contacted their rank and file.

Young people are being forced to look for the vaccine. Chemists and pharmacists are inundated with young people, aged between 18 and 30, looking for the vaccine so they are legally allowed inside a public house or restaurant. This plan is totally unfair. It is creating a divide and I cannot vote for it in its present form. What the Government is trying to do to the people, especially in rural Ireland, is totally unfair.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I thank Deputies for raising these important matters and allowing us time to discuss them today. I would prefer we were not standing on the floor of the Dáil discussing this, the variant had not arrived and we were in a completely different space. It is not perfect but it gives us the opportunity to get the doors open within NPHET recommendations. It is something we can build on. That is what I am hearing from vintners and from Adrian Cummins of the Restaurants Association of Ireland.

The Covid-19 pandemic has had a profound impact on everyone across Ireland and it continues to do so. From the outset, the Government put in place a robust, responsive strategy that has successfully mitigated the impact of Covid-19. Our response is health-led, risk-based and evidence-informed, with the protection of public health being the overarching consideration. This strategy, which has been consistently informed by international guidance from the European Centre for Disease Control and Prevention, ECDC, and WHO, has protected people from illness and saved lives.

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Across the country, there has been a continuous high level of co-operation with, and support for, public health measures. Solidarity has been the cornerstone of our national response to the pandemic. Together we have made significant and sustained progress on suppressing the virus over recent months thanks to the individual and collective efforts that have been made. There has been unprecedented cross-society, cross-sectoral co-operation with the many initiatives to support the national response.

This robust, responsive strategy, together with public action, means we are in a relatively good place. Ireland compares well internationally and is among the countries in the EU with lower number of cases and deaths per 100,000 of the population. Of course, each one of these deaths represents a significant loss and I extend my heartfelt condolences and sympathies to all who have lost loved ones and everyone who has suffered as a result of the pandemic.

We are making progress. Vaccines are proving crucial in our efforts to overcome this pandemic and reopen our society. We are fortunate to have safe vaccines which are proving very effective against severe illness. We did not think it would be possible to have such an effective suite of vaccines available within a year of the declaration of the pandemic. This is a testament to global collaboration and human accomplishment. In Ireland we are reaping the benefits. Our national vaccination programme continues at pace. Over 4.7 million vaccines have been administered. Over 2.6 million people have received a first dose and 1.85 million are now fully vaccinated. More than half of the eligible population is now fully vaccinated and this significant progress has enabled the partial reopening of Irish society. Through April, May and June, the Government has gradually eased public health restrictions in line with the reopening plan set out in Covid-19 Resilience and Recovery: The Path Ahead while remaining responsive to the evolving epidemiological situation.

We know that the evolution of variants is a natural aspect of a pandemic and we have seen a number of variants arise. The Delta variant poses a significant threat to the progress we have made. This variant is significantly more transmissible and poses a real risk, in particular, to those who are not yet fully protected through vaccination. Our case numbers are growing. The national 14-day incidence rate increased from 93 per 100,000 in the week of 24 June to 146 as of 12 July. Community test positivity is increasing and the number of confirmed Covid-19 cases in hospital has increased. This is concerning, especially since our health and social care system, particularly our hospital system, remains in a fragile position with a significant backlog of non-Covid care following the demand for Covid-19 care in the early part of this year. This has been exacerbated by the ransomware attack on the HSE. In addition, evidence of the long-term health consequences of Covid-19 continue to emerge and this may place further demands on our services.

Recent modelling by the Irish epidemiological modelling advisory group, which advises NPHET, shows that we will see a significant number of new cases of Covid-19 by the end of September, which, if not mitigated against, will impact negatively on our healthcare system and result in many more deaths from Covid-19. The Delta variant therefore poses a serious risk. The public health advice from NPHET has been clear that higher risk activities involving significant levels of social mixing in indoor environments should only be permitted for those who are vaccinated or have recovered from Covid-19.

We have made significant progress in reopening our society and economy and we are committed to continuing to reopen and regenerate. However, we must protect the progress we have made and continue to protect those most vulnerable to the severe impacts of Covid-19. Our

core priorities are protecting health and social care, education and childcare services.

On 29 June, the Government announced the next phase of reopening the economy and society. From 5 July, the numbers permitted at outdoor organised events increased to 200 attendees for the majority of venues, with a maximum of 500 people permitted in venues with capacity greater than 5,000. This is welcome and is enabling people to reconnect with their enjoyment of the arts, culture and sport. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media has been engaging with a working group of the FAI, the IRFU, the GAA and Sport Ireland and guidelines have been published outlining how spectators can be safely accommodated at sporting events. Sports and cultural pilot events are taking place in June and July throughout the country. The intention is that we will learn from these pilots and that, subject to the epidemiological profile at the time, they may enable greater attendances at future events. The Government is fully committed to enabling communities around Ireland to once again attend our favourite sports and entertainment events.

Due to the risk posed by the Delta variant, it has not been possible yet to reopen all settings or activities. The Government decided to pause the easing of restrictions on a number of higher risk activities, including indoor restaurant and bar services. Since 29 June, the Government has been working with the hospitality sector to enable the safer reopening of indoor restaurant and bar services and legislation on this will be introduced later today. It is important to note that our aim is not only to open indoor hospitality but to keep it open while keeping the people of the country safe.

While in-person religious services are permitted with protective measures, the Government has advised that organised religious ceremonies, with the exception of weddings and funerals, do not take place at present. We recognise the importance of these occasions to communities and families and the Government continues to work with religious leaders to ensure all religious ceremonies can return as soon as it is safe to do so.

I assure Deputies that the Government is deeply aware of the continuing economic and social impacts of the current public health restrictions. It is committed to the continued gradual easing of public health restrictions in line with the evolving epidemiological situation. Safe reopening is the goal, and is essential for the benefit of our society, communities and economy. As a rural Deputy, I know the impact it has on local pubs and restaurants. I know that having a restaurant open to full capacity for a week in July is the equivalent of a month in November, December or January. That is why we are having a phased reopening and a compromise has been found. That is why the Government is committed to listening and working with industry, including the vintners associations and the Restaurants Association of Ireland. That collaboration has brought us to where we are today. This is not just the Government making a decision-----

Deputy Mattie McGrath: She is spreading the blame.

Deputy Anne Rabbitte: I am sorry, I am speaking through the Chair. This is not just the Government making a decision as to how we reopen but is a collaboration. It is equally not just about young people versus old people. This is to ensure that everybody can get back to normal society.

Deputy Michael Healy-Rae: I will be dividing the time in half between me and Deputy O'Donoghue from Limerick.

At the outset, I thank the people who work in the offices of the Rural Independent Group for

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their excellent work in helping to present this important and timely motion. I also want to thank Deputy Nolan for introducing it and Deputy Mattie McGrath for his work.

Our group in general want to make a point of great importance clear because it has been thrown at me a number of times that we now are saying we do not want the hospitality to open fully. Nothing could be further from the truth. The strongest advocate for the opening of this sector has been the Rural Independent Group. To be clear, our motion calls on the Government to immediately allow for the reopening of all indoor hospitality to everyone, whether vaccinated or not and if approved, all indoor hospitality could be reopened from next Thursday.

My first comment at the outset, and the Minister of State is aware that I am not being personally critical of her in the slightest, is that if one takes what happened yesterday, I wonder what has gone wrong in the Government. It simply cannot start off in the morning to give a clear cohesive message because one Minister is going on one radio station saying one thing, another Minister goes on another radio station saying another thing, completely contradicting each other, and the public is then expected to buy into that to say that this is all right. This is totally confusing. I may not blame the Ministers 100% because perhaps they are confused, busy or have a great deal on their plate. I will ask one thing, however. What are the advisers doing? If advisers cannot get their story right in the morning in order to have the Government giving a message out for the day and imparting information properly, what in the name of God are they being paid for? The Irish people will start asking what are the advisers doing if this is the way they present a Government message because from a PR point of view, yesterday's events were a complete disaster for the Government.

I want our hospitality sector to be allowed to open. It can do so safely. We have highly responsible people. I come from the tourism capital of the world, County Kerry. We do tourism better than anyone else and we are not boasting about it; it is just a simple matter of fact. The rest of the country, the rest of Europe and the rest of the world follow what we do in County Kerry because we are excellent at it. The reason is that the people who own hotels, guest houses, pubs and cafés have been at it for generations, including their parents and grandparents. If one takes the town of Killarney, since the visit of Queen Victoria the expertise has just grown and grown and is oozing out of them. They want to be given the opportunity to open to everyone.

I do not like this system of divisiveness. Later on tonight what will happen will create a divide in society and a disturbance that we have never had before, in that people can be asked about their medical records. It happened yesterday on the Plinth where both Deputy Mattie McGrath and I were asked a question. I do not blame the reporter in the slightest, as it was good that the questions was asked. He asked us personal questions about our own health status, which is something that could never be seen, dreamed of, or thought of as something that would happen previously. At the same time, that journalist thought that it was fine to ask the question. Again, I am not blaming the journalist. It was good that he did so and I thanked him for doing so because it showed that is what we will be facing. When I say "we", I mean we as a society, as this is what we will be facing in the coming days, weeks and months. That is wrong. It is wrong that it would happen to any person - be it an individual or Members - that what I will call the State can ask questions like that.

Deputy Anne Rabbitte: Does the Deputy support Deputy Mattie McGrath's comments?

Deputy Michael Healy-Rae: Let me put it this way. I am not his spokesman and he is sitting there in front of me and is perfectly capable of speaking for himself. Words were attributed

to him yesterday which he did not utter. As I say, I am not talking out of turn here and the man is far more experienced in the political world than I am as he is here longer than me. I know that he was wronged yesterday because words were attributed to him which I certainly did not hear him say, in any event. I hope that this clarifies that matter, because everybody knows that I am responsible for one thing and one thing only, that is, what comes out of my mouth and not what anybody else thinks or says. As the Minister of State asked the question, I wanted to make that point.

Acting Chairman (Deputy Joe Carey): To be fair to Deputy O'Donoghue, the Deputy might conclude.

Deputy Michael Healy-Rae: My apologies.

Deputy Richard O'Donoghue: I spoke to people in the Minister of State's own party yesterday and last week who have family members with health conditions of their own. Some are pregnant and have been advised by their consultants not to take the vaccination. These are people in her own party who have been told not to take the vaccination while pregnant during certain weeks because their safety could not be guaranteed, in that while the vaccine would do nothing to the pregnant women, the consultants could not guarantee it would not do something to the child. This was the medical advice given.

The Minister of State has been talking about medical advice since she come into the House where she states that the Government wants to get the hospitality sector open but it has done nothing but the opposite to this. The Government has actually caused a divide where families are falling out with each other because people have differing views. I already have stated in the Dáil Chamber that I have never once told a person not to take a vaccination but equally, I have never told a person to take one either. If a person wants to take a vaccination, he or she should take the vaccination. If you have concerns about that, you go to your medical person, who will advise on the position. People who have medical conditions are approaching me. Three such people own businesses in the hospitality sector and have been advised by their consultants not to take the vaccine while they are on their current medication. Those same people will not be allowed to serve people in their own bar. Does that mean that they will not be allowed to work in their own premises?

I am sorry to say this to the Minister of State, and it is not personal, but I have never seen her so passionate in jumping up and having a go but she is talking out of both sides of her mouth again. One side of the Government says one thing and another side says something else.

Deputy Anne Rabbitte: Through the Chair, the Deputy should focus on his own opinions. He is talking about me through the Chair but is making personal attacks.

Deputy Richard O'Donoghue: Through the Chair-----

Acting Chairman (Deputy Joe Carey): Deputy O'Donoghue has the floor.

Deputy Richard O'Donoghue: I will tell the Minister of State how disrespectful she is to her own position as a Minister of State. She arrived to my parish in Granagh three weeks ago and she did not have the courtesy as a Government representative for the people of Ireland to contact me in my own parish. That is how she behaved as a PR stunt where she is talking out of both sides of her mouth. I am here to represent Limerick and have been elected by the people of County Limerick to get the best results for Limerick. I am a member of the Rural Indepen-

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dent Group and like all members of our group we are all fighting for our counties and for the hospitality sector to open. All the Government has done is to allow the 18-year-olds in now but we will not allow the 19-year-olds. I have a family of four boys and the Government has segregated my family by doing such stupid things. The reason given by the Minister of State is that she states that she has been talking to the hospitality sector and to the publicans. Through the Chair, the Minister of State did not want to be interrupted-----

Deputy Anne Rabbitte: Through the Chair, I want that reference to me withdrawn. The Deputy called me stupid.

Deputy Richard O'Donoghue: I seek additional time because the Minister of State cannot keep her mouth closed now-----

Acting Chairman (Deputy Joe Carey): Deputy O'Donoghue-----

Deputy Richard O'Donoghue: When everyone else speaks when she is talking, all she does-----

Acting Chairman (Deputy Joe Carey): Deputy, to clarify, you cannot make personal charges in this Chamber.

Deputy Richard O'Donoghue: I am not making a personal charge.

Acting Chairman (Deputy Joe Carey): The Deputy is not allowed to make political charges.

Deputy Richard O'Donoghue: The Acting Chairman is wasting my time and now he is doing the same thing. Is he being part of the Government thing as well?

Acting Chairman (Deputy Joe Carey): Just bringing clarity to matters.

Deputy Richard O'Donoghue: I want extra time on the clock because the Acting Chairman has allowed me to be interrupted two or three times during my contribution. When somebody else made a comment to the Minister of State when she was talking, she just smiled up and said "Through the Chair". Through the Chair, I am saying that I want an extra minute added to my time because I was interrupted.

The Government comes along here and states that it wants to reopen hospitality. We are the ones who have wanted to open up this country and who do not want a divide between people and families in this country and there are regulations there. The Minister made one comment, the video record can be checked for this, where she stated that the Government was working with the hospitality sector. The Government came to the hospitality sector with six points. If those in the sector do not comply with those six points, they will not be allowed to open. The Government forced their hand in terms of the actions it is taking. It forced the hospitality sector into accepting these six bullet points. The Government should not lie about it. The hospitality sector and the vintners associations were able to show us the points presented to them by the Government. That is how disrespectful the Government is to them. The Minister of State, Deputy Rabbitte, said she is a rural Deputy. Well, she had better stand up for the rural county that elected her. The people are watching her in this debate and they can go back through all the videos of Oireachtas proceedings and see how hypocritical she is in the context of her own comments.

I and my colleagues want the hospitality sector open, as does the Government. It should use common sense and stop saying that it is doing one thing but, on the other hand, it is doing something else. That is what is wrong with the party of the Minister of State, Deputy Rabbitte, and the message it is sending. One side of the Government is saying one thing while the other parties in the coalition are saying something else. They cannot get it right.

Deputy David Cullinane: I welcome the opportunity to discuss the public health restrictions. The motion has been tabled at a time when emergency legislation is being rammed through the Dáil today and will be rammed through the Seanad tomorrow. What we have seen in recent weeks is absolutely unacceptable. Two weeks ago, the people of Ireland were expecting a plan from the Taoiseach. The hospitality sector was expecting a plan. The Taoiseach took to a podium and essentially said that he was sorry, but the public health advice had only just come in, the Government did not have a plan and would need a couple of weeks to cobble something together and come back on it. It has now come back and put a plan on the table. From my perspective, the plan is divisive, discriminatory and unfair. That is the context for this discussion.

The public health advice was what it was. I and others attended a briefing by the Chief Medical Officer at which he made it clear that several assumptions were being made about the spread of the variant. I take a very responsible approach to public health and have done so since I took up my role as Opposition health spokesperson. We have to keep people safe and anything we do has to be done with a view to opening sections of society as safely as we can. I have told the Government time and again that is what we need to do. However, what we got from NPHE was modelling that did not factor in changes since made to the vaccine roll-out. I welcomed the changes for which I had been calling for several weeks, such as young people, or at least some young people, at least being offered the vaccine. We are told 300,000 doses of two vaccines will now be administered through pharmacies to young people, which is great. That accounts for approximately 30% of all young people. That will be done by the end of this month. We are now being told that all the over-60s will have had their second dose, which reduces risk quite substantially and needs to be built into revised modelling.

We were told for a long time that antigen testing was not a solution. A bit like mandatory hotel quarantine, the Government came to this late in the day. Now it is a solution and a possibility but the Government is not going to deal with it now; it will kick the can down the road, maybe to autumn, in spite all of the commentary and clear advice from the European Commission regarding antigen testing and its widespread use in other European countries. Antigen testing is not perfect and will not reduce all risk, but it reduces some risk.

We discussed air filtration and air ventilation systems. That is regarded by experts in the area and the sector as a measure that does not reduce all risk but it reduces some risk. It is another ingredient that would make reopening possible. I refer to what was done last summer, with social distancing and limited numbers at tables. When we consider all these factors, we can begin to see what a plan to reopen safely for everybody would look like. That is what should have happened.

The Government was clear throughout the process that it would not engage in consideration of domestic vaccine passports but that is now where we have ended up. The Taoiseach and the Tánaiste were at pains to point out that such a process would be unfair and discriminatory, yet that is what is now being proposed. It is deeply problematic.

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The motion essentially calls for hospitality to be reopened and I support that, but I support it being reopened on a safe, sound and sustainable basis. I do not believe it was beyond us to come up with a plan. The Government will ask, “What about the public health advice?” By the way, the public health advice did not include under-18s being allowed into bars and restaurants. That was not part of the public health advice, yet the Government decided that is what was needed and it nuanced it because that was a way of reopening hospitality. If that was done for the under-18s, then why not for the over-18s? Bizarrely, under-18s cannot have their confirmation or first communion but they can go into a bar or restaurant with family members who are vaccinated. When these types of decisions that do not make sense are being made, people begin to question the whole approach being taken.

As has been said, the Government’s proposals will divide families. They will cause division and real problems. If a family goes on a staycation and some of the children are under 18 but others are over 18, those who are over 18 but not vaccinated will have to stay outside when the family goes to a bar or restaurant. If it is bad weather, tough luck. They will have to stay at home or in their hotel or do something else, but those aged under 18 can go with their family members. How is that fair? It is not fair, of course, and that will be a problem. After their vacation or staycation, many of those very same people aged over 18 will be asked to go back to work in bars and restaurants, pulling pints and serving food, but they cannot avail of any hospitality. It does not make sense. Anything that does not make sense is problematic.

If the Government really believed in its plan and that this is the right thing to do, it would not be rushing it through the Oireachtas in the way it is trying to do. We will have 90 minutes of debate today in which to table amendments to a Bill of such fundamental importance. I am simply saying to the Minister of State, Deputy Rabbitte, who is deputising for the Minister for Health, Deputy Donnelly, on the motion, that it is unacceptable. The Joint Committee on Health was yesterday asked to waive pre-legislative scrutiny of the Bill. There is very limited time for debate on the Bill in the Dáil. In recent weeks, the health committee sought to have an input into the process and to have discussions about antigen testing, ventilation, limiting numbers, infection control and social distancing measures, as well as the impact of the accelerated vaccine roll-out. We were told the Department of Health is not the lead Department in this regard but, rather, it is the Department of Transport. We went to the Department of Transport and were told it is the Department of the Taoiseach. We went to the Department of the Taoiseach and were told it is not that Department either. Lo and behold, a letter arrived from the Minister for Health to say it actually is his Department and, by the way, the committee should waive pre-legislative scrutiny of the Bill. We were told not to worry about that and that Deputies will be given 90 minutes to discuss their amendments which the Government is not going to accept anyway. It does not really matter what Members propose; the Government will ram the Bill through anyway. Members of the Opposition are being asked by members of the media if we are trying to hold up the reopening of hospitality. We are being presented with this *fait accompli* whereby the only option on the table is that put forward by the Government. It is patently untrue that we are trying to hold up the reopening of hospitality. There are members of the media who need to ask themselves questions in that regard. That is not how it is. It is not the case. It is not as simple or black and white as that. There are other and better ways to do this.

I do not believe it was beyond us to open up hospitality in a safe and sustainable way, as the vast majority of European countries have done, by putting in all the mitigating factors to which I have referred and having regard to what we did last summer and what other countries are doing now, which is to ensure that when we reopen, we reopen for everyone. The mantra

at the start of this crisis was that we are all in this together. Let us be honest about this. When it comes to this Government, we were never all in this together. A clear message is now being sent to young people that we most certainly are not all in this together and they can stay outside the door because we have a plan that excludes significant numbers of people and so be it. I do not believe that is right.

Deputy Pauline Tully: I support the motion. The legislation to allow indoor hospitality to resume is indiscriminate in nature and unenforceable. It discriminates in particular against young people aged between 18 and 35 who have not received the vaccine. It discriminates against those who do not wish to receive the vaccine, as is their right. Some people are concerned about reactions they had to vaccines in the past. They may have had a near-death experience, do not wish to go through that again and do not wish to get a vaccine. There are others who are concerned about the vaccines having been rushed through. Whatever the reason, whether someone cannot or does not want to get a vaccine, he or she should not be discriminated against in respect of businesses in this country. The uptake of vaccines has been very high, and that is welcome, but not everybody has had an opportunity to receive one yet.

The restrictions relating to hotels make no sense. Recently I went to a hotel, stayed two nights and ate in the hotel my breakfast and evening meals. I was not asked once whether I was vaccinated or whether I had got Covid. I was served by young waiters who, I presume by their age, probably were not vaccinated. They served my table and other tables. What is the difference between having a meal in a hotel and having a meal in a restaurant? I do not understand and people do not understand why a distinction has been made in that regard. Also, if I drive 20 miles from my home, I can go to a restaurant or pub and have an indoor meal or drink in Fermanagh and, again, I will not be asked whether I have been vaccinated. I am not sure this is enforceable. Who is supposed to enforce this? Is it the staff in the restaurants and the bars? I do not know that the Garda has been consulted about enforcement either.

I have been contacted by many parents who were concerned that the sacraments of holy communion and confirmation were cancelled with only a few days' notice. That is totally unfair. It is unfair to the young people who have made the preparation and were looking forward to receiving their sacraments. It is unfair to the parents who forked out good money on outfits that possibly will not fit their children in six months' time or whenever sacraments are allowed to proceed. I think the reason we were given for the cancellation of the sacraments was the parties afterwards, but many of the parents told me they were planning on having a meal with only their family, maybe including grandparents. They were being very careful and very cognisant of the Delta variant and not spreading it to other family members and were not going for large parties. I have heard of others who went ahead and had the parties anyway without the sacraments. The restrictions made little sense in that regard.

Another thing confusing people is attendance at sporting events. We saw on the television last week large attendances in stadiums at Euro 2020 matches and in Wimbledon at the tennis matches. I was surprised to see that, and I am not proposing we go anywhere near those kinds of crowd numbers, but I am sure increases could be made to the number of those who may attend outdoor matches in large stadiums here in Ireland.

My main points are that there is a lack of clarity; that people are confused about the differences between, for example, hotels and restaurants, and about antigen testing and why it is acceptable in some instances and not in others; that there is a lack of planning around all this; and that everything seems to be a reaction to whatever is happening. It is not that the medical

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advice should not be taken on board, but decisions need to be rounded and need to take in the economic circumstances as well.

Deputy Patricia Ryan: I welcome the opportunity to speak on this motion and I, too, support it. We have been lacking from this Government a proportionate and logical response to the public health crisis we face. Sinn Féin's objective throughout this pandemic has been to keep people safe. We have supported difficult decisions that have curtailed personal freedoms and we have not done so lightly. Yesterday, the Government members of the Joint Committee on Health voted to waive pre-legislative scrutiny of the Health (Amendment) (No. 2) Bill 2021. That is disgraceful. The legislation needs to be scrutinised and all parties must be allowed to voice their concerns and have those concerns addressed insofar as possible. To do otherwise is to be reckless with the freedom of our citizens and sets a dangerous precedent.

It is clear we need to plan to manage variants that are circulating such as Delta and Lambda. The Government has a responsibility to present a clear and logical plan and must share the data and science behind its decisions. Otherwise, we fuel the conspiracy theories and the graduates of the universities of Facebook and Twitter. We must address the questions the man and woman on the street have. One of those questions is why a vaccinated person can spend as long as he or she wants indoors with people unless the indoor setting is a pub or a restaurant, where that person's stay is limited to 105 minutes. While NPHET and NIAC advise the Government, they are just that - advisers. The Government has an obligation to consult industry representatives to ensure a buy-in for the proposals.

More importantly, the Government must listen to representative bodies of vulnerable groups such as Sage Advocacy, ALONE, Care Champions, Jigsaw and Aware. Last year, my colleague, an Teachta Mark Ward, introduced the Mental Health Parity of Esteem Bill 2020 to the House. That Bill is described in the preamble as "An Act to place mental health on parity with physical health". The Bill is long overdue and the Government would do well to remember its aim of achieving parity between mental health and physical health. When considering any restrictions, we must consider mental health. Of course physical health is important but it is no less important than mental health. I am dealing with people who are on hospital waiting lists, falling through the cracks with the carry-on here, so I ask that something be done soon.

Deputy Paul Donnelly: I welcome the motion. The Covid pandemic has provided us with enormous challenges, and I acknowledge that there are no easy answers and that every decision made on this is a very difficult one that has to be made. With those challenges, however, comes a huge responsibility on those making those decisions to consult as many people as possible to get as wide an agreement as possible on the opening up of our country. Unfortunately, the experience over the past 24 hours has shown that the Government has failed miserably on that count. I find it incomprehensible that, even though the challenges of how we open up our country across the Thirty-two Counties is well signposted, the Government has chosen not to consult all the stakeholders. We have heard that over the past 24 hours, with various groups having come out to say they did not know they were to do X, Y or Z.

Yesterday, as my colleague said, in the health committee Sinn Féin and others asked that the committee be allowed to do its job and to scrutinise the emergency legislation that was written hastily over the weekend. This was denied by Fianna Fáil, Fine Gael and the Green Party, which combined to vote to ram the legislation through without anyone getting a chance to analyse its effects on those in our community, both young and old and those in the middle. It is not fair that workers, mostly younger people and those who are on very low pay, will have to

face the wrath of people as they try to explain how a 17-year-old is allowed in to have his or her meal while his or her 19-year-old or 20-year-old brother or sister is not allowed and the myriad other conflicting messages they will have to explain. They will be on the front line - at the door, at the tables, at the bars - trying to explain these conflicting messages.

It is deeply unfair to lock out more than 800,000 young people and it is unfair on all our front-line workers, especially our young front-line workers - our teachers, nurses, gardaí, social care workers, bus drivers and shopworkers. All those people who have worked right through-out the pandemic and who are not able to get vaccines at this time will be locked out of all this. That is fundamentally an unfair thing to do. It is really important we try to keep the social solidarity that has seen us through the worst of times. The industry and people, particularly the workers, have pointed out that this is an unworkable system and leaves those workers in a vulnerable position.

I listened to a radio segment on RTÉ today that revealed that GPs were shocked to hear on the radio that they were to issue certificates or letters to their patients who had contracted Covid since January. One said he nearly crashed the car when he heard the news because he knew their offices would be absolutely inundated today and yesterday with patients ringing them up, and that is what came to pass. People have been ringing up GPs over and over again looking for a Covid letter or certificate. One GP said the practice had to change its phone message to ask people not to call and to say it would not be issuing certificates or letters to patients. GPs made the point that they do not have the capacity to cope with the demand, even if they wanted to or could do what the Government is asking. Approximately 100,000 people have had positive cases of Covid since January 2021. With 1,700 GP practices, this would mean a massive administrative burden on an already overburdened GP and health service that is giving out vaccines at the moment and is under severe pressure in that regard. The service is also trying to catch up on the other people who have been sick and who have reluctantly not gone to their GPs because of Covid.

11 o'clock

Unfortunately, the new legislation will be rammed through today. It is ill-thought-out and will create significant difficulties for social cohesion. I ask the Government to take stock and to work with all the stakeholders, not just one sector of an industry.

Acting Chairman (Deputy Joe Carey): I call Deputy Bacik. I congratulate her and wish her all the best in the time ahead.

Deputy Ivana Bacik: Go raibh maith agat. I was going to say Leas-Chathaoirleach but I think I say Leas-Cheann Comhairle here.

Acting Chairman (Deputy Joe Carey): We will take it.

Deputy Ivana Bacik: I thank the Acting Chair for those warm words and all my colleagues who took the time yesterday, both inside and outside the Chamber, to wish me well. It was a warm welcome and I am grateful. I am told that I am the first ever Deputy to be sworn in while not in Leinster House. The convention centre feels very different. It was also stated yesterday that I am only the 37th woman in this Dáil and only the 131st woman ever to be elected to Dáil Éireann. Those statistics gave me pause for thought yesterday. I am proud and honoured to have been elected to represent Dublin Bay South. I thank and give all my gratitude to those who supported me, to my family and to my campaign team. I have thanked them all and will con-

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tinue to do so. I am conscious that we ran a campaign which was rooted in the Labour values of equality, solidarity and fairness and which reflected a communitarian philosophy. We also tried to put forward a form of constructive and positive politics. It is in that spirit that I come to debate this motion in my first substantive contribution here.

I was struck yesterday, while sitting through Dáil proceedings, that the manner in which debate is conducted in this House is different from what happens in the Seanad. There is a difference in culture. This is partly because of the gender breakdown. In the current Seanad, where I was proud to represent graduates of Dublin University, the membership is 40% female. This contributes to a more collaborative style of politics. Things are somewhat more confrontational in the Dáil because we only have a small number of women, namely, 23% of the overall membership. That is of interest to all who observe and have an interest in the parliamentary processes and democratic engagement. I want to speak in a constructive manner about the motion and to try to bring a reflective approach to it.

I am concerned and dismayed by some of the language that has been used in respect of the critical issue of reopening, how we deal with the immense threat of the Delta variant and how we seek to balance risks as we move forward out of lockdown and try to provide a safe reopening. Yesterday, others raised the issue of extreme language, hyperbole and using terms like “apartheid” and “Nazism”. These are utterly inappropriate terms when we are speaking about balancing risk as we move towards a safe reopening. I should have welcomed the Minister of State when I first began to speak. I know that her language was measured. It is the sort of measured language that we all need to bring to bear on this crucial issue and navigating our way out of lockdown to a safe reopening.

I came of age in the 1980s in Trinity College. Kader Asmal was one of my most inspiring lecturers and he went on to become a minister in a post-apartheid South Africa. The word “apartheid” is one that we should not use lightly in any context. My grandfather was imprisoned by the Nazis in Czechoslovakia during the Second World War. For our family, fascism was a real issue. It is not a word that any of us should use lightly in this country or anywhere else.

I will speak to the motion. For me and for Labour, it is about a safe reopening, balancing risk and moving out of lockdown in a measured way. Our concern is that there should be a range of measures deployed by Government as we move out of lockdown. We are concerned about and have been critical of the mixed messaging and lack of consistency from Government. We have been critical of the real potential for discrimination against young people that may form the base of the Government’s plan to move to reopening. My Trinity colleague, David Kenny, described it this morning as an unfair, intergenerational measure to discriminate against those who have not yet had the option to be vaccinated. We would all be concerned about the impact that Covid and public health restrictions have had on young people in particular. I have called for a catch-up for children scheme for our children who missed out on so much through prolonged school closures and the loss of so much extracurricular activity. Deputy Ó Ríordáin and I have called for a catch-up scheme, which would help to ameliorate and address some of the awful impacts that Covid has had for so many young people.

We also need to ensure that we provide safe spaces to socialise outdoors for young people who are out of school, that we offer other options and that we are not seen to discriminate in this way. Other speakers have talked about social solidarity. We have had really strong social solidarity through Covid. It has been a strength in Ireland. We have seen strong uptake of vaccines

and an impressive roll-out of the vaccination programme. I am so glad to have been vaccinated. I got my digital Covid certificate yesterday.

We should look at good models of practice elsewhere. Denmark rolled out Coronapas. It is not just about proof of vaccination there but also about rapid deployment of antigen testing. Denmark has a population of 5.8 million and the capacity to carry out 500,000 antigen tests daily. A key part of the Coronapas system is the use of rapid testing. The use of such testing means that system is not discriminatory against those who have not yet been offered vaccines, which is crucial. It enables people who have negative antigen tests to participate in indoor activities, matches and so on, as well as in indoor hospitality. That is the sort of model we are calling for and which Deputy Kelly and my party colleagues called for yesterday. We are anxious to ensure that roll-outs of indoor hospitality are done safely. We want to ensure that we do not fall foul of the Delta variant as we have seen in some countries that have had to close again following reopening.

We have to be mindful that where we have seen failures or flaws in our programmes, it has been because people have felt left behind. They have felt that there is a lack of solidarity, for example, among over-60s. In the by-election campaign, over-60s felt left behind because younger cohorts ended up being fully vaccinated before them because of the issues with AstraZeneca. These are real concerns and they will undermine our collective effort as we come through Covid.

For us, this is about balancing risk, coming constructively to this and looking at how we can support a safe reopening. We cannot see any more mixed messages, confusion and certainty. We owe it to everyone, younger people and those working in indoor hospitality, to come up with a clear way through this. That is what Labour is talking about. It is in keeping with our values of equality and solidarity.

Deputy Holly Cairns: I congratulate Deputy Bacik on her election. It is great to have more mná in the 33rd Dáil and to have a female Deputy in the Labour Party. To me, Deputy Bacik always stood out in Irish politics and I am sure she does to many other young Irish women who are thinking of going into politics. I congratulate her.

Deputy Ivana Bacik: I thank Deputy Cairns.

Deputy Holly Cairns: Communities and industries need as much certainty as possible during times of uncertainty. During times of uncertainty, the Government's proposals for indoor dining have been rushed, confusing and, unfortunately, inconsistent. The one thing that the hospitality sector in west Cork was looking for above all and is still looking for is clarity. For almost 18 months, it has appreciated the serious nature of the pandemic and has reasonably sought proper support, the waiving of fees, and sufficient notice on reopening. Unfortunately, that clarity has been seriously lacking.

It has to be acknowledged that the Government has decisions to make. We all know that. For those decisions to be last minute, contradictory and released by journalists on Twitter undermines the message. The ongoing restrictions in maternity hospitals sum up these inconsistencies. This summer, like last summer, as large parts of society and the economy open up, partners and accompanying people cannot support new mothers during labour. Despite assurances from the Taoiseach and the Minister for Health, pregnant women and families are still experiencing uncertainty, with rules varying vastly from hospital to hospital. This cohort is

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still, rightly, feeling left behind and voiceless.

The Government's unwillingness to support the people's vaccine campaign is another sign of this variance. The push since Christmas has been to get as many people vaccinated as possible. However, when it comes to providing vaccines for the global south, this urgency is disgustingly absent. The profits of corporations are being put ahead of the health of millions of people. The pharmaceutical company monopolies could leave countries in the global south waiting until 2023 for widespread vaccination. I am again calling on the Government to champion a waiving of the intellectual property rights, in particular the Trade-Related Aspects of Intellectual Property Rights, TRIPS, waiver, on the vaccine to allow countries in the global south to produce their own supplies. Not only would this save lives in the global south, but it would also prevent the emergence of variants that threaten all the progress made worldwide and would ultimately prevent all our societies reopening.

The lack of oversight throughout the pandemic has also been of concern. Again today, legislation is being pushed through with no regard for proper scrutiny. The Opposition is deeply dissatisfied and uncomfortable with this approach, as are many Government Deputies. This is simply bad lawmaking. The Government has had this plan in place for months. Why is the legislation being rushed through on the penultimate sitting day? We need greater accountability. Last summer, we had the Special Committee on Covid-19 Response at which Department officials as well as representatives of State bodies, industry and NGOs explained the impact and response to the situation. It was an important mechanism to understand the issues involved and assess the State's response. The committee was wound down in the autumn, right in the middle of the pandemic. The committee needs to be reconvened so that we can examine the ongoing implications and our recovery.

The motion includes reference to a number of constitutional rights. I note with interest the acknowledgement of bodily integrity by the Rural Independent Group.

The pandemic has shown up major social issues; it did not create them. These include the homelessness crisis, disgracefully long healthcare waiting lists, underfunded public health services and the lack of independence provided to people with disabilities. These are the substantial issues and major challenges that will still face us in the months to come regardless of restrictions. The scale of these issues came into sharp focus this morning when I read about the audit of domestic, sexual and gender-based violence services. It found distrust, disrespect and blaming among people working in Departments and Government agencies. We knew in advance of the pandemic that domestic violence was going to increase. Now, we find that there are deep flaws in the State's response to this violence and in response to victims who are migrants, those who have been trafficked as well as Travellers, Roma and those who are especially vulnerable. NGOs and advocates have continually asked for a dedicated Minister to provide co-ordination and focus to address what campaigners have rightly called the shadow pandemic. This audit must be a wake-up call. We need such a Minister and leadership now.

A lack of planning has undermined progress in addressing Covid-19. It cannot be allowed to affect the recovery. The people have made incredible sacrifices. They have done everything asked of them. Ultimately, the Government has not responded decisively or consistently.

Deputy Paul Murphy: I will share time with Deputy Gino Kenny if he arrives on time. He is in Leinster House.

I will start by making one positive comment about the Rural Independent Group. It has been consistent on Covid-19. It has been consistently wrong, but consistent nonetheless. At every point of the Covid crisis, it has been in favour of opening up and letting Covid rip and has consistently downplayed the dangers the pandemic presents.

What the Rural Independent Group wanted was implemented in November last year when the Government announced the reopening of indoor hospitality and dining in December. The Government bears responsibility for that. There are plenty of Government backbenchers who continue to hold exactly the same position as the Rural Independent Group. Over 1,000 people died in January as a result of that decision. That is the truth. Over 1,000 people died in February as a result of that decision. That is also the truth. There is no accountability for any of that. We are all supposed to say that we should move on. The fact is that all the Opposition parties, apart from the socialist left, went along with it. We are to move on and forget about it. We will repeat the same mistakes.

In fairness, Deputies in the Rural Independent Group are consistent. They want to open up again now. The motion calls for the reopening of indoor and outdoor hospitality right now. It presents this call as the alternative to the discriminatory measure the Government is proposing. In fact, it is not the alternative. I am against the discrimination the Government is proposing. It is a bad idea. It is especially a bad idea to rush, in the final week of the Dáil, a measure that has such implications for health surveillance, data protection, etc. I am against it. However, the alternative is not to say that we should allow everyone who is vaccinated or unvaccinated inside hospitality premises. It is to recognise the public health facts and the reality that it is not safe to reopen indoor dining and hospitality at this point.

For a couple of months now, the media has been chock-a-block with stories on this and we have been hearing non-stop from the lobbyists on behalf of the pubs and restaurants. We have not heard much in the way of nurses talking about the impact of Covid. We have not heard anything from the workers who will not be vaccinated but who are expected to go in to work in unsafe settings. I have all the sympathy in the world for the owners of pubs and restaurants that have been faced with a horrific situation and have been closed for over a year in many cases. The truth is that it is simply not safe for the workers or the wider public. If we do what the pub and restaurant sector is asking now, the impact would see hundreds, and possibly thousands, more unnecessary deaths. At the moment, we are on one of the two central projections of NPHET. If we were to reopen and let Covid rip, which is what this motion suggests, we would probably have 1,500 or more deaths and we would see more of the dreadful impact of long Covid, etc.

The alternative is to follow the public health advice and put public health rather than private profit first. We should then support properly small businesses that need it. We should not cut the pandemic unemployment payment. We should support workers who cannot be employed now as their industry is shut down because that is necessary for public health reasons to allow us to get vaccination done before we can reopen safely. The alternative that is being pushed - the Government is moving halfway in this direction and it may well lead to the same place - will lead to a fourth wave and another lockdown. That would be devastating for those businesses, workers and wider society.

There was an alternative. We were the only ones calling for it. We argued that we need to introduce mandatory hotel quarantine for travellers from England, Scotland and Wales to slow down the spread of the Delta variant. If the Government had acted when we called for that mea-

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sure seven weeks ago, we would be in a different position. Of course, the Rural Independent Group opposed that proposal at the time.

I make the point about the consistency of the Rural Independent Group in order to make a point about the incredible inconsistency of Sinn Féin. Sinn Féin speakers today have said they will support this motion to reopen indoor and outdoor hospitality right now. They have said they followed public health advice all the way along but they supported the reopening of hospitality at Christmas, which had as a consequence thousands of unnecessary deaths. Now, Sinn Féin is supporting a motion calling for reopening hospitality to unvaccinated people. This will also cause the deaths of significant numbers of people. That is a real shame.

The main responsibility for the situation we are in - the fact that we have had the longest lockdown in Europe and more than 8,000 deaths - lies with the Government. However, if our main Opposition party had taken a consistent principled position on Covid, I believe we could be in a different position. If it had consistently advocated for an alternative zero-Covid policy and had not gone along with every twist and turn of the Government in following the lobbyists, we might have been in a different situation. Before the vote on this motion tonight, I call on Sinn Féin Deputies to read the motion they are signing up to. A number of Sinn Féin speakers have said they will vote for it. The motion calls for the reopening of indoor and outdoor hospitality right now for everyone. While it does away with the discrimination, it does so in a way that will result in significant numbers of deaths. Is that the Sinn Féin position now? I draw attention to the final point on the motion which states “accept that the pursuit of a *de facto* zero-Covid strategy, aimed at the elimination of all Covid-19 variants, would result in permanent and irreversible damage to the economic and social fabric of the State and the integrity of the democratic process”. It is a consistent position by the Rural Independent Group; we cannot criticise its members for that. They have consistently advocated for a Swedish, let-it-rip model even though it has failed. However, that is fine; that is their position. However, only a few months ago Sinn Féin Members were telling us they were in favour of a zero Covid strategy and now they plan to vote in favour of a motion which condemns a zero Covid strategy. Which is it? If they had adopted a consistent position along the line, we could be in a very different position today.

I will make the point in defence of a zero Covid strategy. Obviously, it will not happen now and the route to reopening will happen through vaccination. However, let us consider the difference in death rates between Ireland and New Zealand or Australia. In New Zealand with roughly the same population, fewer than 30 people have died. More than 8,000 people have died in Ireland. We have had the longest lockdown in all of Europe. New Zealand has been open with not much impact on the economy for the vast majority of time. Australia, with a population of 25 million, has had fewer than 1,000 deaths. We have had eight times that amount with a population that is the fraction of Australia's.

There was an alternative that was not followed or implemented because the Government allowed itself to be driven by the interests of private lobbying and short-term thinking at each successive step of the way, as opposed to planning in a way that would have put public health workers' rights first and would have meant the earliest possible reopening for everybody involved.

Deputy Seán Canney: I congratulate the HSE and its staff on the vaccination programme. I thank the public who have taken on board the advice to get vaccinated. I encourage everybody to take the vaccine for the safety of everybody in society.

I want to speak about the Government's proposals for the safe reopening and the legislation to be brought before the House today. This will be my only opportunity to speak on it. The Minister of State, Deputy Rabbitte, is from a rural area and she understands that we have many small pubs and restaurants. I believe the legislation is confusing the public, business owners and their staff. How will the legislation be enforced? Where are the bodies to police or enforce it? It is completely unfair to expect small family-run businesses to enforce the laws that have been imposed upon them. It is particularly unfair on young people. It is very unfair on people who have not yet being vaccinated. It is also unfair on people who are 17 and could go into a restaurant today but by the time they turn 18 in a few weeks' time will not be able to go in. They will not have been vaccinated and will not have a green cert.

It is unfair on our publicans, restaurateurs and their families that we are implementing something that is unenforceable and will leave them with the responsibility to enforce it or face the consequences. It is also unfair on the staff in these premises because they will have to enforce a law they cannot explain. There is a lack of understanding. I want to see the safe opening of our businesses. I want to see our pubs and restaurants opened, especially the smaller ones, in a way that can be done. Someone staying in a hotel may eat in the hotel restaurant indoors without needing a green cert. There are too many contradictions.

There is a lack of common sense. People who go shopping are not checked. They are rubbing shoulders with other customers in the shops and yet we are introducing draconian laws to discriminate. Last year we split the pubs between wet pubs and dry pubs. We created an unnecessary division within the industry. I believe we do not need legislation; we need common sense. We have overanalysed what the problems are and have come up with something that is unworkable.

As we have mentioned many times, we are all in this together. However, introducing legislation that will discriminate and treat our citizens differently, as well as having an impact on their personal health information, is unjust and which will probably be challenged in the courts. We need to reflect and ensure whatever we do is fair to everyone.

Deputy Peadar Tóibín: The Irish Government is a radical outlier. It is adopting an extreme policy different from all other European countries. Workplace closures have been far longer than in any other European country. The health service in this country has seen much longer closures than in any other European country, resulting in many people being denied cancer care, mental health care and heart disease care. Our schools were closed for longer than in any other country, which has meant that children have not had access to education and have been socially deprived.

This country has a housing crisis and yet it is the only country in Europe that closed the building of homes for the first four months of this year, which is an incredible situation. Religious services in the South of Ireland have been closed for longer than in any other European country. Baptisms, first holy communions and confirmations have been happening safely in the North of Ireland since Easter but are banned in this State. Ireland is the only country in Europe where indoor hospitality is banned. It is an amazing situation. Indoor hospitality is functioning in every country in continental Europe but not in this country.

Today, the Government will seek to railroad a vaccination pass through the Dáil. No other country in Europe has looked for a vaccination pass to be included. Even when the travel pass was being discussed at EU level, they were very careful not to make it just a vaccine pass and to

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give people the option of some sort of test to remove the discrimination element that would be at the heart of a vaccine pass. Vaccine passes are discrimination, pure and simple. They highlight that young people do not have the same rights as older people who have been vaccinated. For people who have allergies it is tough; they do not have the same rights as other people. It is also discriminating against the many people who have decided not to take the vaccine yet and to wait for long-term research on the vaccine before they take it.

On antigen testing, the Government has ignored best practice internationally. Ireland is one of only six countries in Europe that is not using antigen testing to control the illness. More than a year ago, Aontú called on the Government to introduce antigen testing. More than seven months ago, the EU gave the go-ahead for antigen testing and now the Government has established a working group to discuss the potential of using antigen testing in society. Before that working group was set up, the Government pulled the rug from underneath it by saying that antigen testing would not be used in hospitality. It is mind-bending to see the way the Government is repeatedly tying itself up in knots and ignoring best international practice. It is incredible to see it trying repeatedly to reinvent the wheel at a cost to so many people.

Hundreds of thousands of people have been pushed into poverty. Many of the owners of the 20,000 pubs and restaurants in the country have been pushed into poverty. Many of them are in debt. There are many zombie businesses which are only alive because of Government supports. Once those supports are taken away, many of those businesses will collapse. Some 200,000 people work the sector. Those workers are getting stuffed economically due to these Government restrictions. Young people can work in a restaurant unvaccinated but cannot drink in it. However, they can go across the road to the hotel and drink and eat to their hearts' content all night long. They cannot attend a confirmation celebration in a back garden along with a dozen people. On 19 July 2021, the Minister and I will be able to fly to Copenhagen where we will be able to get a meal in a restaurant – indoors and unvaccinated - but we cannot walk down the street in our own town to do the same. Why is this happening? It is because we have an insular, inward-looking attitude towards this illness. Second, and I agree with Deputy Paul Murphy on this, it is because Sinn Féin has stuck its fingers in the air to find out which way the wind is blowing. It provided no opposition to this Government. It is time that we follow science. The science does not change when it crosses the Irish Sea. The science is the same in every single country in Europe. Why is Ireland an outlier?

Deputy Catherine Connolly: Deputy Bacik talked about her distaste for the language, and I agree with her. She went on to talk about the contrast between the Seanad and the Dáil. She said there is a more collaborative approach in the Seanad. Perhaps she is ignoring the reality of what has happened here. We are getting an opportunity to discuss this because the Rural Independent Group has used its precious Private Members' time to allow us to have a discussion. Later today, a Bill which will become an Act, will be pushed through the Dáil and will be guillotined. That is the context. It is difficult to have collaboration within that environment. That has happened repeatedly, from day one.

This is a clever motion in the sense that it calls for the end to discrimination. I fully agree with that. It is unacceptable that the Government is going to bring in a divisive, discriminatory policy that puts the responsibility on pub-owners and on restaurants to ask me whether I am vaccinated or not. It is unacceptable. It nakedly exposes the fallacy that we are all in this together.

I come from a city where there is no respite. I know people who are minding their loved

ones 24 hours a day because they have various disabilities. Week after week, polite Ministers have answered my questions but with no solution. We can now open restaurants and we can vaccinate. I am in a group of 60 to 69-year-olds. I have been told to take the AstraZeneca or go to the bottom of the list. A substantial number of 60 to 69-year-olds could not get the second vaccination. They have been told to sit and wait. Although I am no expert, I read and I read. One of the strongest things is that you should mix the AstraZeneca with a different vaccination to give maximum protection against the Delta variant. That has been ignored completely.

I am looking at a most discriminatory approach. The motion does not say that restaurants should open tomorrow. It is saying that when they open, they should be allowed to do their business without this discriminatory practice. If that is it, then I fully agree with it. I have no difficulty with that. The manner in which we have dealt with Covid-19 has been appalling. I fundamentally disagree with the last paragraph of the motion in relation to zero-Covid-19. I, along with a number of others, actively wanted zero-Covid-19. I believe the Government has missed the boat. It prematurely opened up earlier on. Most deaths in nursing homes and of elderly people occurred in the third wave. The statistics are so upsetting that I will not quote them. What really perplexes me, with the mixed messages that are coming from the Government, is that it is accepting this motion. It is neither opposing nor amending it. It is accepting it. This motion states “no discrimination”, but the Government in a few hours’ time will push through legislation that discriminates. None of it makes sense to me.

The young people have been mentioned a lot. I have two young sons, so I am fully aware it from both sides. However, how can the Minister sit there and tell us that the 60 to 69-year-olds must wait to have a cup of coffee in a restaurant? They, including myself, have abided by all of the rules since day one but they are being told they cannot do so.

It is all about the numbers. It is all about what vaccines are available and how they get it out. The Government is being reactive. There is no plan for retail, restaurants, and pubs to open up. The discrimination between wet and dry pubs was utterly absurd and unacceptable. Here we are a year and a half after a pandemic was declared, and we have total chaos from a Government that is not fit to lead. It is three unwise men, as I keep repeating. However, that is democracy and people voted them in. The Government is accepting this motion of non-discrimination but later on it will put through legislation that will discriminate. All the while in Galway there is no respite service for those most vulnerable.

Deputy Michael Fitzmaurice: I welcome this motion and I thank the Rural Independent Group for tabling it. The mantra over the last 15 months has been that we are all in this together. However, this circus continues. When I was a gouger I remember the Pope saying to people in Galway: “Young people of Ireland, I love you”. This Government has sent a clear message by bringing in this legislation that it does not love the young people.

Last night I spoke to a woman who telephoned me about her youngster whose birthday is in two weeks’ time. The mother and father are vaccinated. One week, they will be able to bring the youngster into the pub but the following week, because of a birthday, the youngster will not be eligible. The madness in that is unbelievable. At the moment, a person who is 16, 17, or 18 years of age and who has not had a vaccine could be serving inside a pub, or they could be 20, 22, or 25 years of age for that matter. However, their mates will be blocked from going in.

We are going to cause a ferocious divide in this country. God help people on doors right around this country. I heard it announced the other day that there has been no collaboration with

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the UK or Northern Ireland in terms of being able to check who has been vaccinated and who has not. We will go down a road where we say that they can go in. For that matter, anybody living in a Border county can go into a pub with his or her family any day of the week. We talk about staycations but we are going to ship people off to the UK or Northern Ireland where they can have a good weekend or a good holiday. However, they cannot do so here, because they will not be able to go into restaurants.

I cannot understand that the type of mentality, or who has drawn up these types of rules and regulations. To be quite frank about it, the vaccine either works or it does not. Call it out if it does not work. Tell people straight. We do not seem to have any faith in what is going on at the moment. If someone is vaccinated and the vaccine is supposed to deal with the different variants, then why are we basically saying to people that they cannot mix with other people.

People can meet in a hotel or a restaurant people but we are telling youngsters that we are not worried about them. Youngsters who were looking forward to their communion or confirmation are actually allowed into a pub, which is the funny side of all of this. They can have a meal with their parents any night of the week in a restaurant, but they still cannot have their communion or their confirmation. So-called experts tell us that the part they were concerned about was when they would eat. However, they can eat any day of the week, if they are six, eight, ten or 12 years of age, or whatever age they need to be.

I cannot fathom the mentality of who is making up these rules. We are going down a road of pushing everything over to the experts and saying that this is what they said, that these are charts and that these are things that you look at to see how things might go in a worst case or mid-worse case scenario. It is like a mathematical equation. This Dáil does not seem to have the gumption, the guts, or the cop on to bring in stuff. As Deputy Seán Canney said, legislation is not needed; just common sense and for people to act properly. I am clear on that. We need to pay tribute to people around the country, and especially our youth. The media are great at trying to show them up. However, we should look at how the youth behaved throughout this. They should take a bow for what they have done. Once again we are kicking them in the teeth and telling them they are not wanted.

Acting Chairman (Deputy Joe Carey): I call the Minister of State, Deputy Feighan, who has ten minutes.

Minister of State at the Department of Health (Deputy Frankie Feighan): The Government has been very clear in its determination to ensure that when services reopen, they stay open. In line with Recovery and Resilience: The Path Ahead, we have been able, as planned, to facilitate the reopening of many lower risk activities, including increasing the numbers permitted at outdoor gatherings and removing the limit on the number of people who can visit each other once they are fully protected by vaccination or immunity. Significant and sustained progress in our reopening of society and our economy has been made in recent months thanks to the efforts of individuals and communities across the country. We do not want to be forced backwards at this critical junction.

Unfortunately, as we have heard, the increase in cases of the more transmissible Delta variant now poses a significant and immediate threat to the progress which has been made. Experience elsewhere demonstrates the very real danger the Delta variant poses. For example, Scotland has seen a significant rise in hospitalisations. The European Centre for Disease Control, ECDC, has warned that a relaxation of measures over the summer months could lead to a fast

and significant increase in daily cases in all age groups with an associated increase in hospitalisations and deaths. Recent estimates from the ECDC suggest the Delta variant is estimated to be 55% more transmissible than the Alpha variant, which rapidly became dominant in Ireland at the start of the year.

We are seeing more and more cases of Delta in Ireland. As of 9 July 2021, it was estimated more than 82% of cases in Ireland are thought to be the Delta variant making it the predominant variant. As case numbers will increase due to the increased transmissibility of Delta, a review of current public health measures is being undertaken to ensure the public health response remains fit for purpose and responsive to the current epidemiological situation.

We are constantly strengthening our public health response to this pandemic, including through our testing and contact tracing system, travel policy measures and the roll-out of the national vaccination programme.

The testing and tracing programme is fundamental to identifying the source and containing the spread of the virus. Demand for testing is currently high. From 30 June to 6 July, there were a total of more than 92,000 community referrals for tests. This represents an increase of more than 23% on the previous week. We are maintaining a robust testing and tracing system that is capable of meeting surges in demand. Currently there is standing capacity in the system to carry out 175,000 tests per week and to complete full contact tracing for 1,500 detected cases per day.

Rapid testing also has a role to play as another valuable tool in Ireland's battle against Covid-19. Rapid testing is complementary to our PCR testing programme but will not replace it. Validated antigen testing is already being used in appropriate settings and contexts in the health and agriculture sectors and a number of pilots are under way, including in the education sector. Given the challenges posed by the Delta variant and the likely very significant demands on PCR testing capacity, it is intended that validated antigen testing will be deployed further in the weeks ahead in support of PCR testing.

International travel is also opening up. To support the safer reopening of travel, the regulations supporting the EU digital Covid certificate have come into effect and certificates based on vaccination are currently being issued via email and post across the country. It is intended that new travel measures will be introduced from 19 July, subject to the prevailing public health situation. As these measures are rolled out, we are continuing to strengthen our travel policies in other areas. Mandatory hotel quarantine for passengers arriving from designated states will continue to be an important safeguard. The Covid-19 passenger locator is another important measure. From 12 July 2021 passengers travelling to Ireland from overseas are required to present evidence of a completed Covid-19 passenger locator form as a pre-boarding requirement, which is to be checked by travel carriers.

The successful vaccine roll-out has continued at pace even with the added challenge of the recent cyberattack on the HSE. There are now 43 vaccination centre sites operating nationally. Last week saw pharmacies begin to administer vaccines to those aged 18 to 34. To date 34,500 doses have been delivered in pharmacy settings to both younger adults and the over-50s and the HSE anticipates a further 85,000 doses will be administered to younger age groups in the next two weeks. The HSE online portal for those aged 30 to 34 opened on Wednesday, 7 July, and vaccination appointments for those in this age group aged 30 to 34 have commenced this week.

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The success of the vaccination programme has been built on the very high levels of take-up of the vaccine by Irish citizens, of which we should all be proud. I take this opportunity to thank all the healthcare workers and volunteers who are working tirelessly to make our national vaccination programme such a success. The programme is a source of national pride. I got my second AstraZeneca vaccination in Sligo on Monday. I thank the front-line workers and the volunteers for their courtesy and determination to vaccinate as many people as possible.

To ensure the continued success of our vaccination programme we must continue to exercise caution. We know that social mixing in indoor environments still represents a very high risk to unvaccinated populations. That is why the Government is working tirelessly with the hospitality sector to operationalise the safer reopening of indoor restaurants and bars.

Ireland's plans to use proof of vaccination or recovery to enable the reopening of indoor activities are in line with the approach in a range of countries which have restricted access to a variety of settings to those with a Covid pass, including in Austria, the Czech Republic, Denmark, France, Germany, Italy and the Netherlands. The plans put in place by the Government present the best path available to allow the reopening of indoor hospitality in a safe manner. The legislation being presented to the Dáil today will allow us to do this, as we continue the accelerated roll-out of our vaccine programme.

It has now been more than 500 days since the first case of Covid was reported in Ireland. The Government understands the difficulties caused by the continued necessary restrictions. However, we must not allow the Delta variant to undermine the progress we have made. Right now, our focus must be on maintaining our progress and continuing to protect the most vulnerable as our vaccination programme continues to deliver protection to the population. As we approach our 5 millionth dose of the Covid-19 vaccine, we have great hope for our future.

I thank the contributors to the debate. I thank Deputies Cairns, Paul Murphy, Canney, Tóibín, Connolly, Fitzmaurice and Bacik who have contributed since I arrived at 11 o'clock. I welcome Deputy Bacik to the Dáil. I was in the Seanad with the Senator. She was articulate, passionate, very principled, respected and well liked. We are very fortunate to have her in this Chamber. As she said, we need to balance risk and she has asked the Government to give clear messages and provide a clear way forward.

Acting Chairman (Deputy Joe Carey): I call Deputy Mattie McGrath who I understand is concluding the debate on behalf of the Rural Independents. The Deputy has ten minutes.

Deputy Mattie McGrath: I thank everybody who was involved in dealing with the front-line services and the volunteers, the GAA clubs, the businesses, the Garda Síochána and everybody else who worked very hard and put their shoulder to the wheel. I also thank the tens of thousands of people who signed up to Be on Call for Ireland, but they were not respected. Only a handful of them were called up. Those people wanted to give their services to the country. As this is our second last day in the convention centre, I thank the staff here, including an fear uasal Ó Dubhuir, ó Caiseal Mumhan. Mr. Dwyer is now retired. I was inquiring about him yesterday. He was chairperson when I came here first. The staff made us welcome. We railed against the move but the staff made us welcome. The ushers, gardaí and secretarial staff, from Mr. Peter Finnegan down, have really put their shoulders to the wheel and helped us all. We may not have been the easiest to manage at times. It is important to say that this week because they all helped us, from the front door right to the Chamber. I include the Garda Síochána in that regard.

I am really perplexed and confused by the Government. It is accepting this motion. I thank Mr. Brian Ó Domhnaill, Mr. David Mullins and Deputy McNamara, who is in a different group, the Independent Group, for their valuable input into this motion.

Here we are, with a docile Government again. It is not going to oppose the motion or debate it properly. It is implying it is a great motion and that it agrees with it, yet it will introduce this evening draconian, discriminatory legislation that will have had no pre-legislative scrutiny and that will not have been subject to debate. We had 45 minutes in total for Committee Stage. With the increase, there has been a doubling, and we have 140 minutes. All our groups will have only ten minutes each. On the second last day of this term, why the indecent haste? The Government states it wants to open up hospitality but it is going the wrong way about it.

This motion is an out. We moved it in the hope that it would convince backbenchers who are telling their constituents they want everything opened. They are voting in the opposite way. They got out the gap by not having to vote against this motion. The Government has been doing this very cleverly lately to take the heat off it. Tonight it will force through, under a guillotine, what many have described as horrible legislation.

The Government's move to systematically introduce a vaccine passport authorisation scheme to allow a person to enter a pub, restaurant or other place of hospitality, including a bus, is both unethical and discriminatory. It represents a very severe and intrusive plan to create unviable and unworkable segregation, with unvaccinated people forced to remain outdoors. It is an unconstitutional restriction of a person's right to bodily integrity and personal freedom. That is quite clear.

Covid passports would represent digital identity cards by the back door. It is quite obvious what is happening. We are giving public authorities, such as the Garda, access to biometric and healthcare data. This is the thin end of the wedge, particularly given that the public authorities in Ireland have not always graced themselves with glory concerning records. We saw HSE records dumped in tips and everywhere else, and there have been leaks and selective leaks. It is shocking.

The Government's approach and ongoing overreach have just gone too far. The move requiring us to show our health papers wherever we go is truly extraordinary. The Government says it wants to help us by opening up hospitality but its not voting against this motion is a total cop-out.

The system, if anyone adheres to it, seeks to divide the people of Ireland into two classes. Goodness knows, we have had that for long enough. Those who have received the vaccine and those who have not comprise the two classes. The demands being made are a violation of citizens' civil and constitutional rights under Bunreacht na hÉireann.

I remind the House again of the ceremony that I refused to attend in Dublin Castle last Sunday on behalf of our group. It was to commemorate the 100th anniversary of our freedom. How dearly that was fought for by people up and down the country, including Michael Collins, Seán Ó Treasaigh and "Dinny" Lacey. The first shots of the War of Independence were fired in Tipperary and now we are commemorating the Truce. The Government drafters and the Office of the Attorney General have drafted legislation that is totally taking away our rights and walking on the Constitution. I ask them to reflect calmly, coolly and collectively on where they are and the kind of trance they are in.

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Ireland has experienced the longest and deepest lockdown in the world. At this point, when every other country has reopened indoor hospitality, Irish pubs, restaurants, cafés and other entertainment venues, such as arts centres, all of which have been closed for much of the past 16 months, including since December under the latest lockdown, are being forced to implement a draconian scheme whereby only the vaccinated may enter. Just think about it. All of Europe, including the United Kingdom, and the USA and Canada are allowing all indoor hospitality to return to normal. In fact, many places have been operating as normal for months.

In Ireland, the Government is banning the reopening of premises for indoor dining and has instead come up with a completely unworkable and ridiculous vaccine passport regime. It causes segregation and discrimination. The Minister of State, Deputy Feighan, who replied to us earlier, should note that.

In effect, the proposed arrangement will mean that unvaccinated staff members serving vaccinated customers will have to check paperwork to assess whether potential customers are vaccinated. You just could not make it up. If you asked children in junior infants to do it, they would not do it as badly. It could also mean that, due to the age requirements, gardaí will have to assess whether a potential restaurant customer is vaccinated.

In the proposed legislation, which is being rushed and not debated properly, the Minister for Health is having powers bestowed on him again to introduce any statutory instrument he likes to give any group, be it a private security company or Óglaigh na hÉireann, our Army, powers to enforce the legislation. The Rural Independent Group tabled an amendment in this regard. The powers being given represent the most dangerous part. We will be gone from this convention centre to the hills for the next several weeks and the Minister will be able to introduce anything he likes. We have seen the record of what he has introduced and the dangers. There is no proper sunset clause or scrutiny.

We hear that 300 HSE officials and 70 HSA officials are going to police the arrangements with An Garda Síochána but they can introduce any other cohort of people. I dread the thought that a private security firm might be given a job in this regard. Where is the democracy in that? Where is the Government's logic in that? It is not making it easy for anyone. It is total confusion after confusion. The Government led the hospitality sector up the garden path, stating it would be open last Monday week, but at the eleventh hour it said it would not be opened and that it, the Government, would work with it. Why did the Government not work with the sector over all the months for which it has been closed? Some of the businesses have been closed for 500 days. I am referring to good business people who want to give employment, pay their taxes and serve the public. The Government could not work with them. It just destroyed them.

The same applies to religious services of all faiths. They have been just banished again. People have wanted to make their confirmations but they have been postponed four times. People have wanted to make their first holy communion. These are sacraments that people value. They like to have these. Spiritual nourishment is so important. I salute the parish councils, priests, other clergymen and laypeople who have done such gallant work throughout the whole period on cleansing and making their places safe. Why are they not allowed to open those places? There is inbuilt, inherent discrimination in what is before us today. It is so discriminatory I could not really get words to describe it.

Consider the hospitals, including the maternity hospitals. Countless Deputies, including me, have asked the Taoiseach, Tánaiste and Minister for Health why what is going on is occur-

ring. I had a Topical Issue matter on it this week. Despite the arrangements, little independent groups of hospitals are refusing partners, fathers or siblings the right to be with a prospective mother when they get good news or, worse, when they get very bad news, such as news of a miscarriage or a life-limiting condition. What is going on that the Government cannot even change this? Why is the HSE so out of control? Is NPHEP so much in control, with its hands on the handlebars of power, that the Government cannot challenge it? When I challenged Dr. Holohan at a meeting, I was not answered and was rebutted. He deals with the lockdown on the basis of doing the science later. We have been operating on a wing and prayer and people have perished and are being destroyed. I refer to family businesses and family people.

What about the waiting lists for cancer care, mental services and orthodontic treatment, and what about the misdiagnoses? Deputy Connolly always refers to the absolute lack of respite. Of all times, this is a time when respite is needed. What about all this and the way we deny the nursing homes personal protective equipment? We actually took for the HSE equipment that was going to nursing homes. We should think of all the people who died in those centres.

Mar fhocal scoir, I appeal to the Government. I would prefer if it had the guts today to oppose this motion and not allow it because it is just playing a three-card trick on the people it represents. It is telling the people it agrees with the motion but tonight it is going to introduce the most draconian, anti-constitutional legislation ever introduced in this House. It would not be accepted in wartime. This is a war against the people, the people we are supposed to serve and who put us in this Parliament. I appeal to the Minister of State, in this last minute, to vote against this motion and put his money where his mouth is or else not introduce the Bill tonight. The House could come back on Friday or next week and debate it properly.

Words were attributed to me yesterday by members of the media. There was a story that I uttered certain words.

12 o'clock

One word starts with an "A". I never said those words anywhere in my life. I would not even repeat the words here.

An Ceann Comhairle: The Deputy's time is up.

Deputy Mattie McGrath: It is very wrong of media outlets to put that into the story to try to damage my credibility. Above all-----

An Ceann Comhairle: I thank the Deputy. The time is up.

Deputy Mattie McGrath: I appreciate that but the record should be corrected by the Taoiseach in this House as well, when he used that awful term.

An Ceann Comhairle: I thank the Deputy.

Deputy Mattie McGrath: It is not in my body to speak that word and I would not and did not. I will be writing to you, a Cheann Comhairle, to ask the Taoiseach to withdraw that also.

An Ceann Comhairle: I ask the Deputy to conclude please.

Deputy Mattie McGrath: I thank everybody who contributed. Thank you for your time, a Cheann Comhairle.

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Question put.

An Ceann Comhairle: In accordance with Standing Order 80(2), the division is postponed until the weekly division time this evening.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Mary Lou McDonald: This morning it is being reported that the Cabinet could not agree the summer economic statement yesterday, due to disagreements in government about funding for housing in advance of budget 2022. While this is very alarming news to those of us who want to see a massive increase in the construction of family homes, it is not surprising given the track record of the Government over ten years, including Fianna Fáil's track record in propping up Fine Gael under the so-called confidence-and-supply deal, during which Fianna Fáil claimed it had secured a housing budget year after year. It did not. What it did was acquiesce to Fine Gael housing policy at every turn and it is still at it; continuing with Fine Gael's failed models of housing delivery, including long-term leasing, which represents nothing but bad value for the taxpayer.

In May, it was reported that there was another disagreement at Cabinet. On that occasion, the Fine Gael leader, Deputy Varadkar, pushed back when the Taoiseach suggested the Government should make housing its number one priority. Now, it seems that his Fine Gael colleague, the Minister for Finance, Deputy Donohoe, is not content with signing off on an increase in the funding to be allocated for housing. This is incredible. The level of current funding is woefully inadequate. Anyone with an ounce of wit or any sense of the depths of the housing crisis knows that. The Taoiseach should not just take my word for it. Last month, the Economic and Social Research Institute, ESRI, called on the Government to double capital investment in public housing; to provide €4 billion annually to deliver 18,000 public houses and homes that workers and families can afford on public land. We in Sinn Féin have been telling the Government this for years. That is the scale of what is required to tackle the crisis.

When in opposition, Fianna Fáil signed up to the 2018 Dáil motion from the Raise the Roof campaign. Does the Taoiseach remember that? The motion also called for a doubling of investment in public housing. During the general election in 2020 Fianna Fáil campaigned on a commitment to deliver 20,000 social and affordable homes every year for five years but once it joined Fine Gael in government, it very quickly abandoned those promises and once again fell under the shadow of Fine Gael's failed housing policies.

Budget 2021 saw the same inadequate level of investment in social and affordable housing as all of the budgets before it. This year, things must change. The Government must finally listen to the advice of Sinn Féin, the ESRI and more recently the National Treasury Management Agency, NTMA, and the Society of Chartered Surveyors Ireland. The number of voices calling on the Government to do the right thing in housing grows ever wider and louder. My question is simple. Will the Taoiseach now commit to doubling capital investment in social and affordable homes to deliver at least 20,000 homes that workers and families desperately need and rightly deserve? Could he confirm that this will form part of the summer economic statement or is it a fact that his partners in government are pushing this back and preventing it from happening?

The Taoiseach: The Deputy's alleged facts are again wrong. There is no disagreement on the prioritisation of housing by this Government. In fact, over the past month or so we have

seen a manifestation of the commitment by the Minister for Housing, Local Government and Heritage to radically change the approaches to housing in terms of social housing, affordable housing, cost rental, getting voids back in use much more quickly, and in a whole range of supports for people to enable them to buy their own houses. The key issue will be supply.

The summer economic statement will outline the broad fiscal framework. The national development plan will outline the very significant capital investment the Government is going to undertake. The Housing for All strategy that the Minister will publish will equally outline a step change in terms of the construction of housing, social and affordable and right across the board, in terms of what is required. We all know that we need to build more houses. That is the key point.

The Deputy has asked me to listen to Sinn Féin. With the greatest respect, I have heard her party pontificate about housing on an ongoing basis, but it comes up with very few, if any, solutions. This is a political game for Sinn Féin. Its politics are fraudulent in terms of what it is doing here. It wants to exploit housing for electoral gain and no other reason. It does not ever come forward with substantive, clear solutions but it opposes a lot and it speaks out against a lot of initiatives that are taken. I do not know whether the Deputy wants me to listen to her and her party when they continue to oppose houses up and down the country. Is that the advice she wants me to take? Does she want me to stop the thousands of houses Sinn Féin has opposed and voted against in Dublin, for example? Is that the advice she wants me to take from her party? Is Sinn Féin really sincere about wanting more houses built, when it has stopped social and affordable houses in Tallaght, Clondalkin, Donabate and Swords? Is that the advice she wants me to take from Sinn Féin?

Some 22,000 people benefited from the help-to-buy scheme. Sinn Féin opposed the scheme. The Minister came forward recently with affordable housing initiatives, which Sinn Féin railed against. I noticed that despite railing against them, Sinn Féin quietly voted for them. That is interesting. It illustrates the degree to which this is a political game for Sinn Féin. There is a lack of sincerity at the heart of what Sinn Féin is about when it comes to the housing problem. The party says one thing in here and it does something alternative when it counts on the ground in terms of various projects because it is afraid of losing local electoral support.

The Housing for All strategy will represent the largest investment in social housing in the history of the State over a sustained period. It will also represent significant State intervention to provide affordable homes on State land for people who need to be able to access such houses. It will also outline supports for people who are in the market to buy houses, in particular, younger people. The Minister has already moved to take action on rent. In rent pressure zones, rents will not be allowed to increase beyond inflation in the future.

There has been a 48% reduction in homelessness among families in the past 12 months. That is good progress but it is not enough. We want to do more, and we must do more to deal with homelessness and in giving people access to all types of housing. The cost rental initiative is a very good one. That will make progress and it will expand in the future also. The legislation that has come through the House in the past six weeks in terms of the Land Development Agency and other matters, that Sinn Féin railed against, will make a difference-----

An Ceann Comhairle: I thank the Taoiseach. The time is up.

The Taoiseach: -----to house construction in this country.

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Deputy Mary Lou McDonald: No amount of personalised invective, ducking and diving or failing to answer questions can disguise the fact that this Administration, under the leadership of the Taoiseach, Deputy Micheál Martin, is failing miserably, most especially in terms of housing. The Taoiseach's response and the manner in which he bristles at the notion of being held to account as the Head of Government are nothing short of extraordinary.

Let me repeat my question. Will the summer economic statement contain the resources we require to tackle the issue of affordable and social housing, which people desperately need? The programme for Government commits the Government to examining the issue of defective housing. This was to be done within its first 12 months and was in response to a report by my colleague, Deputy Ó Broin, entitled "Safe as Houses?", through the housing committee. This will require resourcing, as will the commitment to the people of Donegal, Mayo and beyond in respect of the mica scandal and the need for 100% redress. The media suggests-----

An Ceann Comhairle: I thank the Deputy, but time is up.

Deputy Mary Lou McDonald: -----that the working group in respect of defects is behind schedule. It was also suggested that the Department of Housing, Local Government and Heritage was trying to limit redress options. Is that true?

An Ceann Comhairle: Please, the time for questions from the Deputy has elapsed.

Deputy Mary Lou McDonald: Will we have the resources that we desperately need to tackle the housing crisis?

The Taoiseach: The issue in terms of tackling the housing crisis will not be one of resources. It will be one of delivery and getting projects built - getting them built in Tallaght, getting them built in Clondalkin, getting them built in Galway, Cork and around the country. That means that parties such as the Deputy's no longer have the luxury of opposing significant housing projects when it suits them to do so for votes on the ground. She has never responded to the points I have made to her in that regard. I have listed them all out: 975 homes being built in Clondalkin, but Sinn Féin opposed them; and 500 homes in Tallaght, 278 in Swords and 1,200 in Donabate. The Deputy has never explained to me how she thinks opposing those projects advanced the need to increase supply. We do not have enough supply.

Deputy Mary Lou McDonald: A Cheann Comhairle, these are actually questions to the Head of Government.

The Taoiseach: The resources will be there-----

Deputy Mary Lou McDonald: If you want to swap seats with me-----

An Ceann Comhairle: Deputy, please.

The Taoiseach: I am saying this collectively. The Government will-----

Deputy Mary Lou McDonald: -----I am more than happy to do that-----

The Taoiseach: I would say to the Deputy-----

Deputy Mary Lou McDonald: -----but I would prefer that you answer the questions that I have put to you.

An Ceann Comhairle: The Taoiseach without interruption.

The Taoiseach: -----that she should be under no illusion, and I would-----

Deputy Mary Lou McDonald: No, a Cheann Comhairle. We have had-----

An Ceann Comhairle: Deputy, please.

Deputy Mary Lou McDonald: Sorry, a Cheann Comhairle. With respect-----

The Taoiseach: With respect, I have the floor, Deputy.

Deputy Mary Lou McDonald: -----we have had session after session-----

The Taoiseach: A Cheann Comhairle-----

Deputy Mary Lou McDonald: -----in which the Head of Government will not answer questions.

The Taoiseach: -----I lead a Government that will invest more in social housing than any other in history. I lead the Government that will get the State and local authorities building homes again despite Sinn Féin's objections-----

An Ceann Comhairle: Time is up now, please.

The Taoiseach: -----and I lead the Government that will face Sinn Féin down-----

Deputy Mary Lou McDonald: Answer the questions that are put to you.

An Ceann Comhairle: Please, Deputy.

The Taoiseach: -----and everybody else who tries just to object for their own electoral advantage.

Deputy Mary Lou McDonald: Yes, that is right, Micheál. Well done. Good man.

An Ceann Comhairle: Could I ask Members please to stick to the time allowed? I do not make up the rules around this. The House has that responsibility.

Deputy Mary Lou McDonald: I appreciate that and my dispute is not with the Ceann Comhairle or anyone else on the Opposition benches-----

The Taoiseach: This is out of order.

Deputy Mary Lou McDonald: -----but we have a Taoiseach who-----

An Ceann Comhairle: I ask the Deputy to resume-----

The Taoiseach: I am sorry, but what is going on here is out of order.

Deputy Mary Lou McDonald: -----flatly refuses to answer questions-----

An Ceann Comhairle: Resume your seat, Deputy, please.

Deputy Mary Lou McDonald: -----and reacts in that hysterical manner when he is held to account. It is truly shocking.

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An Ceann Comhairle: Please, resume your seat. I call Deputy Catherine Murphy on behalf of the Social Democrats.

Deputy Catherine Murphy: Last week, Deputy Jim O’Callaghan of Fianna Fáil was quite blunt in his assessment of the party’s handling of the housing crisis. He said: “[Fianna Fáil] doesn’t understand the scale of the housing crisis”. I happen to think that the Deputy was being unfair. It is not just Fianna Fáil that does not understand the scale of the housing crisis, it is the entire Government. Given the Government’s shameful U-turn to facilitate tax breaks for cuckoo funds last week, that much is clear.

If the Taoiseach wants to begin to comprehend the scale of the crisis facing renters, might I ask that he read the survey published by the Residential Tenancies Board, RTB, today, which lays bare the hardship being endured by renters all over the country? Nationally, more than 50% spend more than 30% of their take-home pay on rent. That is after they pay tax, PRSI and USC and cover the cost of going to work. In Dublin, 64% of renters spend more than 30% of their take-home pay on rent. On average, tenants in Dublin spend 40% of their disposable income on rent. Matters are even worse for a significant proportion of renters in Dublin, 23% of whom are paying more than 50% of their disposable income on rent. This is unsustainable. In my constituency, it is not unusual to see a three-bedroom house rented for €2,000 per month more. That is someone would pay for the mortgage.

Of the renters surveyed, 36% still expect to be renting in ten years’ time. The RTB’s summary report is quite clear as to why. According to it:

Many tenants in the focus groups see no real path away from renting, believing that they have no financial option now and in the future other than to rent. They may wish to own a home in future, but it is more aspirational than feasible in their current situation. Fundamentally they believe that they are locked out of the purchase market because of high house prices and their inability to qualify for a mortgage.

In recent months, we have seen a belated reversal of some of Fine Gael’s disastrous 2016 policy of capping rent increases at 4%, but this Government has linked increases to inflation just as inflation is beginning to rise. If rents had been linked to inflation back in 2016, as some of us called for, then they would have increased by 2.8%. Since then, they have soared by 40%.

Will the Government freeze rents for a period, perhaps three years, instead of linking them to inflation, which will only drive up prices? When will we see the summer economic statement and what kind of budget will be available in the context of the Housing for All plan? That is the first thing we will all look for because we will want to know what the intent is.

The Taoiseach: My genuine view is that we have to be solution driven in respect of housing. I get the housing crisis, and nothing motivates me more in government as Taoiseach than exploring every available option to get more houses built and houses that are affordable for people to buy, and also to get more social houses built that people can get access to. In addition, we are looking at other options, such as cost-rental, which the Minister is developing and will allow for houses to be rented at 25% below market value. We want to bring voids back into use. In fairness to the Minister, with the July stimulus money we brought back 2,500 last year. We will bring back 3,000 this year. When we say “voids”, we mean local authority housing that is not currently occupied. Those are the types of initiative that are being developed. The Deputy knows that. A range of measures, including the Affordable Housing Bill and the Land Devel-

opment Agency Bill, are coming close to coming through this House and their commencement and they will create pathways to enable us to facilitate people to access housing in a much more affordable way than has been the case. That is the overall agenda of the Government, and housing for all will provide a broad range of measures and will illustrate the prioritisation of this issue at the heart of Government. It is a crisis facing society that has built up over time.

In terms of rent, I think that is a very comprehensive and important report today by the RTB. From our perspective, I think the Minister's initiative to reduce rent increases and link them to inflation is a very important and significant step and change, but also one that the Government entirely supports and is doable.

The Deputy's rent freeze of three years is just not doable constitutionally.

Deputy Alan Kelly: I did it for two years.

The Taoiseach: It is great to call for it, but it is just not doable. We have explored all aspects in relation to rent and rent freezes and we have been very clearly advised that it is not constitutional. That is just the position. It is easy to call for it. We are in the engine room in government and we have to-----

Deputy Catherine Murphy: That is not true.

The Taoiseach: It is true, Deputy. We have to deal with what we can do and so forth. I think the Minister's initiative has been quite significant in terms of reducing the amount that rents can be increased by in line with inflation, which I think is a good step forward and one that was asked for in the House in terms of reducing the 4%. He did that.

Deputy Catherine Murphy: We called for it in 2016.

The Taoiseach: Yes, but the Minister was not in government in 2016.

Deputy Catherine Murphy: Fianna Fáil was as good as.

The Taoiseach: Different circumstances were pertaining. There is a need to increase capacity around house building within the local authority system. I am sure the Deputy knows that as well. That is something that we are very committed to doing.

Deputy Catherine Murphy: I would challenge the Taoiseach regarding the rent freeze. I do not accept it is not constitutional and at the very least, it should be challenged. Linking it to inflation when inflation is going up will not give certainty. The only certainty renters have at present is the date on which their rent will go up. That is completely unacceptable.

Affordability right across the spectrum, whether it is purchase or rent, is the key issue. There is little I can see the Government doing that will deliver affordability. In the case of the Land Development Agency, public land is being handed over and there is a profit motive. We look at the cost rental model with a profit element to it.

The Affordable Housing Bill debated last week was misnamed. We did not vote for it because we see it as the unaffordable housing Bill. Every expert group said some of the initiatives would drive up house prices. That is the last thing we need. I do not get the sense that the scale of this issue is understood by the Government. Will the Taoiseach tell us about the economic statement and what kind of budget will be available in terms of housing?

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The Taoiseach: First, the summer economic statement will be published by the Government. There is no issue there. It is quite obvious the Government will look at frameworks around the summer economic statement looking out over five years. The Ministers for Finance and Public Expenditure and Reform work in harmony on that with the rest of Government. The point I made earlier is that it will reflect significant capital investment in whole areas of the economy, such as enterprise, environment and climate change but particularly in housing. The Housing for All strategy will reveal that.

The issue, as I said earlier, will not be one of resources. It will be one of delivery. That has to happen at local authority level in terms of the building, at approved housing bodies and through the Land Development Agency. It has to be a suite of measures. It cannot just be one particular measure. That is why there is a range of measures on affordable housing. I accept the Deputy voted against it. My understanding is Sinn Féin spoke against it but voted for it. While the Deputy did vote against it, my view is she was wrong in voting against it. It represents opportunities in terms of affordable housing, as does the commitment to build more social housing.

Deputy Richard Boyd Barrett: The Taoiseach is facing an autumn of discontent in this country when it comes to his failure and that of successive Fianna Fáil and Fine Gael Governments to address the housing crisis we face. This morning, the Raise the Roof coalition met to discuss dates for a major demonstration before the budget. The national housing and homelessness coalition has already set a date for a demonstration on the date of the reopening of the Dáil.

As a member of the budget scrutiny committee, I can tell the Taoiseach that my concern and the urgency of building those protests to demand public and affordable housing and protections for renters have been greatly strengthened by this morning's reports about the summer economic statement. We were due to meet the Minister for Finance tomorrow morning to discuss the summer economic statement. We are now not sure if that will happen because it is being reported there is a row in the Government about the amount of money that will be allocated for housing and debates about reducing deficits as against housing expenditure.

I want to be helpful. In fact, we have been very helpful over many years. I thought I would bring in our pre-budget submissions. I flicked through them. People Before Profit's submissions in 2018, 2019, 2020 and 2021 called for €4 billion additional expenditure on housing. The ESRI is now calling for this precise figure. We also had the Raise the Roof demonstration at which time People Before Profit put a motion before this Dáil on behalf of that coalition, which was passed, calling for a doubling of the expenditure on public and affordable housing, in addition to controls on rents and action to be taken on vacant properties in this country.

We have set forward the demands. We have put forward figures year after year as to what should be spent on public and affordable housing and these figures are now being endorsed by the ESRI. The Government still fails to do it and if the reports are true, is still rowing about saying that is too much and we have a deficit problem. We have a much bigger problem. We have a dire housing and homelessness crisis.

There is a simple solution to this. We are spending in excess of €1 billion on housing assistance payments, HAPs, the rental accommodation scheme, RAS, and leasing arrangements. It is €1 billion down the drain and into the pockets of vulture funds, landlords, property investors and so on. That €1 billion is supporting 100,000 tenancies of people who are mostly in insecure HAPs, RAS or other leasing accommodation, which could be pulled from them by these vulture

funds and landlords, at any time.

There is a simple solution. Invest the €4 billion per year we need to deliver 20,000 public and affordable houses every year for the next five years. We would save all that money, own the property at the end of it, people would have secure tenancies and homes and we would generate revenue for the State with the rental revenue coming back to us instead of into the pockets of landlords and vulture funds.

The Taoiseach: First, 86% of landlords own one to two properties. As we lost approximately 3,870 landlords, who went out of the market in 2020, it is a contracting market. Supply is the key. You cannot take €1 billion out of the HAP tomorrow morning. The Deputy knows that. It is not that simple. There are tenancies tied up in HAP for many years now. You cannot simply replace that overnight or pretend you can. I do not think the Deputy should suggest that. Nor can you do that over the next two or three years but I will accept that the more we build, the less reliance on HAP and other forms of current funding in which the State is currently engaged in terms of rent.

I agree with the Deputy that we want to build more social housing. I said earlier the issue will not be resources in the context of the summer economic statement. There is no row. The issue will not be resources. The issue will be delivery across the system in terms of getting more houses built in the public sector, both social housing and on the affordable side, where the State is and will become involved through the Land Development Agency and other avenues, as well as through local authorities in terms of serviced sites funds, for example, in which the State is investing significantly. The Minister has undertaken an initiative in that respect.

The State is now the biggest actor in terms of housing with some €3.3 billion this year alone. The issue will not be resources; it will be delivery on the ground. We need supply. This year, we will be lucky to get to 18,000 units. Obviously, Covid-19 has had an impact. It has taken approximately 5,000 to 6,000 units out of what would have been built and likewise last year. Over the past number of years, we have not been at the level of house construction at which we need to be. Covid-19 has clearly interrupted the momentum around house building but we can get it back.

All energies are now focused on getting more houses built. If we get more houses built, we can ease pressures on the rent market. The Minister's initiative to limit the increases in rent to the rate of inflation is significant and will make a difference over time. Key to this is getting the number of houses built in this country significantly up by the State and the private sector. That needs to happen. We need far more houses built than are currently being built. That means building up capacity, getting skills back into the construction area and using every possible avenue available to us to get more State social houses and affordable houses built. We are up for that as a Government. That is what we want to do.

The issue will be one of delivery. Across local authorities, people will have to swallow hard and vote for projects even if they do not measure up to the purity of a person's particular position on a given project.

Deputy Richard Boyd Barrett: The misguided and ill-fated Rebuilding Ireland programme to solve the housing crisis put forward by Fine Gael and Labour projected 87,000 HAP, RAS and leasing tenancies. It was a disastrous plan which has left us reliant on vulture funds and so on to deliver housing. Of course, they have not delivered. That is not their job. Their job

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is to make money and charge extortionate rents. That target was bad enough but does the Taoiseach know what we are up to now in terms of HAP, RAS and leasing tenancies? The number is 91,000, not including some of the approved housing body, AHB, leasing. It is probably around 100,000. That is even higher than the mad target set under Rebuilding Ireland, completely reliant on vulture funds, corporate landlords and so forth.

Of course, one cannot pull the rug on all of that immediately. We are not suggesting that. We are saying that the Government's targets are not ambitious enough. The Government's target is for 12,000. By the way, last year local authorities and AHBs only built or purchased just over 4,000 - they did not build them all - and the target for next year is 12,000. Even the Economic and Social Research Institute, ESRI, says that is not enough and that the Government needs to double the expenditure to get the figure up to about 19,000. We would say to go a bit further, but it is in the right ballpark. The Government is not committing to it and we hear that there is a row in the Cabinet about the expenditure levels. The problem is that the Government is not putting the resources forward and is not having the targets delivered. In the meantime, it could impose rent controls and stop no-fault or economic evictions which are putting people into homelessness.

The Taoiseach: The Minister has introduced rent controls in given areas and looked after people who were vulnerable in respect of rent. He has introduced new legislation to restrict rent increases. The Deputy knows that. However, he summed it up himself. It is not about resources. Of course, resources matter. The Deputy is going on about a billion here and a billion there, but my point is that it is about delivery. That will be the big challenge. The Deputy refers to another €4 billion or whatever, but it is about getting the capacity into the system to build more houses than we are currently building. What is key is that local authorities will have the capacity to build more social houses because they will have the resources to do so. That funding will be allocated to local authorities. The challenge for local authorities will be to get those houses built to the targets we want. It is the easiest thing in the world for the Deputy to say we should do 20,000 next year.

Deputy Richard Boyd Barrett: It is not just us. The ESRI is saying it now.

The Taoiseach: The capacity does not exist to direct build 20,000 social houses next year.

Deputy Richard Boyd Barrett: Stop building hotels.

The Taoiseach: It does not exist right now. It can happen the more we build, and, yes, we rely on HAP, RAS and so forth.

An Ceann Comhairle: The time is up, Taoiseach. I call Deputy O'Donoghue.

Deputy Richard O'Donoghue: When can the people of Limerick expect to have a proper drinking water supply? This week, Irish Water customers were advised that a new water website has been launched to enable customers to access up-to-date information for their area. I went on the website and the information that was available was negligible. I spoke to a group of people from Fedamore, County Limerick, who have been on a boil water notice for the last 16 months. During that time they have never received a call from Irish Water. One father told me that his household is using up to 50 bottles of drinking water per week, at a cost of €60 per week or €15 a head. Another community in Kiltelly has been waiting for a new water line for the last three years. Irish Water came to plug a hole each time there was a leak instead of replacing the pipe. Now, the cost of the amount of repairs for the last three years outweighs the price

of replacing the pipe. We are paying people to repair pipes instead of replacing them. All our money is now going into repairs.

The quality of water has not improved. It should have improved, considering that €5.5 billion has been spent in Irish Water over five years. Something must be done about it. Everyone in this country is entitled to have good drinking water. We have set up Irish Water and it is a failed entity. It is not delivering, even though €5.5 billion has been spent on water systems. Fedamore in Limerick has been on a boil water notice for 16 months, costing a family €60 per week for water. With regard to anybody in this country who has an inadequate water supply due to the failure of Irish Water and the Government, will the Government subsidise those people for their drinking water, which they should have in their taps? Will the Government subsidise them until Irish Water can fix the problem? They have been 16 months without drinking water. A match in the local GAA club between two counties was cancelled because people were afraid of the water supply. There was the same issue in Croagh last year. Will the Government pay the people who have inadequate drinking water and subsidise them until the problem can be fixed? I am asking for that for the people of County Limerick. The biggest polluter in Limerick is the local authority because it is pumping raw sewage into the Shannon.

The Taoiseach: I thank the Deputy for raising this issue. The Deputy will appreciate that I am not responsible for, and do not have detailed knowledge of, every area in the country in respect of water supply and water quality, but I accept that if a particular district is 16 months without a consistent sustained water supply, that is not acceptable. That issue should have been addressed by now, but I will have to get a report from Irish Water on its perspective on this, what the challenges and problems are and why the issue in Fedamore or Kiltely has not been resolved.

It has to be said that Irish Water has made a great deal of progress across the country. The allocation for 2021 is €1.4 billion. There is continuing investment in Irish Water itself as a utility, to continue to expand treatment plants, replace pipes and improve water supply. In many respects, the fact that €1.4 billion in capital has been allocated this year, and there were similar amounts over previous years, illustrates the scale of the challenge confronting the country in respect of water infrastructure. Given the economic development and expansion in the country and the increase in population, this is a significant challenge which the utility, acting on our behalf, must address. We have to marry that with the housing issue, because the housing issue is inextricably bound up with water supply and the speed with which we can get water infrastructure in place to facilitate housing developments. The constant refrain we hear from people in the housing sector is that they would prefer much faster connections and so forth. Water and housing are inextricably linked.

In addition, the quality of water is very important. There are many pollutants, as the Deputy knows from the EPA study this week. The problems we have were in its urban wastewater report, which was published a few weeks ago. Again, there are issues. With regard to the local authority, that speaks to the need for proper wastewater treatment facilities, which require very significant investment as well. All of us have to be clear about our responsibilities in terms of nutrients going into the waterways and so forth. The Deputy's key point is that Irish Water must deal with the issues in Fedamore and Kiltely. The Government's commitment is to continue to fund Irish Water's capital programme. Last year, the Minister for Public Expenditure and Reform significantly increased expenditure for Irish Water given the challenges it was facing. We will continue to support Irish Water in that regard.

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Deputy Richard O'Donoghue: Legislation to clear the way for the extraction of 350 million litres of water per day from the River Shannon to feed Dublin's needs is seriously defective and was raised by the Oireachtas independent legal advisers. Dublin is looking for 350 million litres of water for its needs. I want a metre put on the water leaving the Shannon and in every county through which it passes. I want Dublin to pay for every drop of water it gets from the Shannon. That should be reinvested in County Limerick and in all the other counties that have inadequate water supplies. That is how to pay for infrastructure in our area.

The Taoiseach spoke about a report on the infrastructure. The Government wants people to live in the towns and villages. Hospital in County Limerick has been told that the existing system will be upgraded, but it will not allow for any capacity. Dromcollogher has been told that the biggest polluter in the River Deel is the local authority. Again, Irish Water said it will upgrade the existing system, but it will not expand it. That means I cannot get anyone to live in our towns and villages, even though the Government is saying on every television programme that it wants people to move into towns and villages. However, there is no capacity and no infrastructure. Dublin wants water. You can pay for every penny of it and put the money into infrastructure in County Limerick and all of the other counties that will be passed through to service Dublin.

The Taoiseach: We need solidarity in the country. I genuinely believe when I say solidarity that we have to find solutions to problems in the country. Dublin is expanding. Many of your people-----

Deputy Richard O'Donoghue: I am from Limerick.

The Taoiseach: People who lived in Limerick are now living in Dublin.

Deputy Richard O'Donoghue: And people who lived in Dublin are now living in Limerick.

The Taoiseach: There you are. That is a good sign for Limerick.

Deputy Richard O'Donoghue: We have no supplies.

Deputy Michael McNamara: It is a Third World capital.

Deputy Richard O'Donoghue: Exactly.

An Ceann Comhairle: Please could we stop the interruptions and allow the Taoiseach to speak?

The Taoiseach: What I also see happening is that any project to help resolve issues just gets objected to. That is becoming the sort of habitual-----

Deputy Richard O'Donoghue: I am not objecting.

The Taoiseach: I want to make my point. It is becoming the habitual trend.

Deputy Richard O'Donoghue: I am not objecting.

The Taoiseach: There is a very serious issue with water supply in the east part of the country. We need to be practical about it. We need engineering solutions. We need to do so in a way that does not damage the environment or local communities. We need to do it practically

and with a bit of common sense. That is all I will say on that one. The idea of having to pay for every drop of water the whole way up is not realistic in terms of how we can apply it.

Deputy Richard O'Donoghue: You have all the services up here. We want them in Limerick.

The Taoiseach: I do not know who "you" is. Does the Deputy not know I come from Cork? There is only so much I will take.

An Ceann Comhairle: The time is up. Sorry to interrupt the conversation.

Deputy Richard O'Donoghue: You are in bed with the Blueshirts, so you might as well put on a blue jersey with the way you are acting.

An Ceann Comhairle: The time is up.

The Taoiseach: I note you are wearing the Limerick mask. I understand the success of the Limerick hurling team. You are fully in your rights to have that self-confidence and that projection forward. I understand that fully.

An Ceann Comhairle: Thank you. We have to draw the conversation to a close.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Mary Lou McDonald: This afternoon, the British Secretary of State for Northern Ireland, Brandon Lewis, will set out plans to introduce an amnesty for British soldiers who went on to the streets and gunned down innocent civilians in Derry, in Ballymurphy and beyond. This is an amnesty for state and non-state actors who acted on behalf of and in collusion with the British state. These are people who always believed they would never be held to account for their actions and that the truth behind Britain's dirty war in Ireland would remain forever hidden by the British state. It turns out they were right. This is an insult to victims and their families. It is an act of absolute bad faith on the part of the British Government. It has left victims, survivors and their families believing this is a *fait accompli* and that this unilateral action from the British Government means the Stormont House Agreement has been binned.

An Ceann Comhairle: The time is up Deputy, thank you.

Deputy Mary Lou McDonald: Will the Taoiseach-----

An Ceann Comhairle: No, the time is up.

Deputy Mary Lou McDonald: -----set out what actions he proposes to take in the face of this gross act of bad faith? Has he lifted the phone-----

An Ceann Comhairle: Please Deputy, the time is up.

Deputy Mary Lou McDonald: -----to Downing Street? If not, when will he?

The Taoiseach: The position of the Irish Government, which is shared by all of the political parties in Northern Ireland across the political spectrum, along with all the victim groups also, is that a unilateral move away from the Stormont House Agreement and the introduction of what amounts to a general amnesty for all security personnel and all paramilitaries for mur-

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ders and other crimes committed up until the Good Friday Agreement is not the right way to go. It is wrong for many reasons. I have stated this consistently. I do not believe in a general amnesty for those who committed murder, whether they were state actors or involved in terrorist or illegal organisations. I just do not believe in that. We have consistently said this. The Deputy knows that at the British-Irish Intergovernmental Conference, there was an agreement to continue engagement with all parties and victims' groups on these issues. As the Deputy also knows, this process has started. The British Government may be setting out its position but our position as an Irish Government, shared with all of the political parties in the North and all of the victims' groups, remains consistent with that of the Stormont House Agreement.

Deputy Alan Kelly: As the Taoiseach knows, I have two young children, Aoibhe and Senan, aged ten and 11. I committed to asking the Taoiseach a question today on their behalf following a conversation I had with them. What is the public health advice that says it is okay for them to go into a pub next week but they cannot attend their indoor summer camps? I would like to know what it is and how scientific it is. Over the summer, the children of people who are staying in hotels where there is a summer camp can attend it but children living outside of there cannot. It is not rational. I am not criticising; I am just asking the Taoiseach to reconsider this very quickly. Legislation will go through the Dáil today. It is complex and, in a way, incoherent legislation but parking that, will the Taoiseach please look at this issue? There has to be a degree of common sense. Not all children are into outside sports.

An Ceann Comhairle: Thank you, Deputy.

Deputy Alan Kelly: There is a range of activities.

An Ceann Comhairle: Please, the time is up.

Deputy Alan Kelly: My constituency colleague, Deputy Cahill, received an answer in June stating they would go ahead.

An Ceann Comhairle: The time is up, Deputy.

Deputy Alan Kelly: Will the Taoiseach please reconsider this?

The Taoiseach: We always keep these issues under review. I appreciate Aoibhe and Senan asking these questions. The public health advice has been that indoor events are problematic. I would say to everybody in the House that the numbers are rising. We will know today that the case numbers are rising, as are hospital numbers. We saw what happened in the Netherlands, where the Government has had to apologise for reopening too quickly. We see what the French Government is now saying on requiring vaccination passes for access to hospitality. This is a fast-moving situation. We have cautiously but assuredly reopened much in our society. I remember saying at the beginning of the summer that it would be an outdoor summer. We have made progress, perhaps faster than we would have anticipated. We have opened large sectors of the economy and society.

An Ceann Comhairle: Thank you, Taoiseach. The time is up.

The Taoiseach: We need to take this step by step but we will keep it under review.

Deputy Cian O'Callaghan: The Government has committed to spending at least €1 billion to lease 2,400 homes from investment funds. It would be much more cost-effective to build new homes. This would also create new supply that would mean the State would not be

competing with first-time buyers and pushing up prices by doing these deals with investment funds. The Institute of Professional Auctioneers and Valuers has said the State should seek 50% discounts off full market rents when agreeing long-term leases of houses. Instead, the State seeks discounts of only 10% and sometimes as little as 5%. We know that in some cases an independent valuation of market rents has not actually taken place. Why is the Government handing over to investment funds almost double the amount recommended by industry sources? When will these sweetheart deals with investment funds be ended?

The Taoiseach: A core part of Government policy is to build houses and not lease them. This will be reflected in the Housing for All strategy. In the interim period, we need to wean off the degree to which leasing has been used. Up to 2,500 houses over the next 18 months can be provided through this mechanism for people on social housing lists. We do need to get people off the social housing lists and we need to get houses for them. We cannot wave magic wands here. Earlier, Deputy Boyd Barrett went on about how many people are on the housing assistance payment. We cannot just take people off the housing assistance payment and provide them with houses tomorrow. We have to look at every available option to provide housing. The bulk of resources will be on social and affordable housing and investment in infrastructure to facilitate affordable housing. The private sector also has to get going. Dublin City Council was one of the leaders in this regard with regard to developing this mechanism.

An Ceann Comhairle: Thank you, Taoiseach, the time is up.

The Taoiseach: We are going to have to work through this. As I said last week, we are in a transitional phase on this.

Deputy Bríd Smith: I asked the Department of the Minister, Deputy Foley, a question. I received the answer this morning and I was alarmed by it. The question was whether the Department of Education would give some guarantee to schools that they will be provided with CO2 monitors before they return in August. Wait until I give the Taoiseach the figures, which are quite startling. I have been told a number of portable monitors will be distributed to schools in August and September. Between two and 20 will be provided at primary level. We have more than 3,200 primary schools. Between 20 and 35 will be provided at post-primary level. We have more than 725 of these schools. This is an appalling reaction to a situation where we do not know where the pandemic is going. We do not, cannot and perhaps should not vaccinate children. We are certainly putting hundreds of teachers who are at high risk at further risk. A friend of mine was forced back to teach in a secondary school by Medmark although she was at high risk. She is now suffering very badly with long Covid. Will the Taoiseach please explain to me the appalling response of the Department-----

An Ceann Comhairle: Thank you, Deputy.

Deputy Bríd Smith: -----to this crucial issue?

An Ceann Comhairle: The time is up Deputy please.

Deputy Bríd Smith: We now know ventilation is key and we are providing this tiny percentage.

An Ceann Comhairle: Please, Deputy.

Deputy Bríd Smith: I would not even begin to try to do the maths on the tiny percentage

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of monitors we are providing.

The Taoiseach: The CO2 monitors are recommended for schools. The working group has recommended them. The Minister has committed to providing CO2 monitors to schools across the length and breadth of the country. I have not seen the reply the Deputy referred to, so I do not know the context in which she is quoting the figures.

Deputy Bríd Smith: They are in the reply to a parliamentary question.

The Taoiseach: I have not seen it. I have spoken to the Minister about this. CO2 monitors are important and the Minister is committed to providing them to schools. That is it.

Deputy Bríd Smith: Between two and 20 monitors going to more than 3,000 primary schools is a joke.

An Ceann Comhairle: I call Deputy Berry.

Deputy Cathal Berry: Community pharmacies are now actively involved in the vaccination programme. It is great to have them on board. The House appreciates that community pharmacies have significant latitude and autonomy in terms of whom they vaccinate first. That is entirely as it should be. Has any consideration been given to asking community pharmacies to prioritise indoor hospitality workers, particularly in the light of what is coming down the tracks in the next week to ten days? We are not looking for a rigid set of rules or anything like that, just some general guidance on how they can exercise their flexibility and discretion appropriately. The matter is worth considering and I would be grateful for the Taoiseach's thoughts on it.

The Taoiseach: I appreciate the motivation and intention of the Deputy in this regard. Generally speaking, the response has been very positive in respect of applications for the Janssen vaccines at community pharmacies. That is the feedback we are receiving. There has always been a difficulty in endeavouring to differentiate between one sector or group and another. The key issue here is that the roll-out of the vaccination programme in community pharmacies is going very well. Within that framework, it should be possible to cover a lot of people working in the sector to which the Deputy referred.

Deputy Mattie McGrath: The Irish Farmers Association, Farm Contractors Ireland and many farming families are outside protesting today because they are not allowed to cut timber. The price of timber for contractors and people building houses has gone through the roof. Will the Taoiseach please ensure that the Minister of State, Senator Hackett, takes her hands off the steering wheel and allows the farmers who committed to put in forestry - and the contractors who have millions of euro worth of machinery to do business - to provide the sawmills with timber and provide people with timber to roof their houses and everything else? We are importing timber, which is nonsensical.

The Minister of State was not elected to government; she was appointed to the Cabinet and she is hell-bent on destroying this sector. The Taoiseach sacked Deputy Cowen, who would have done something for rural Ireland, as Minister. This has gone beyond a joke. A Bill was passed in the House last year and it has been useless, toothless and fruitless. We need action because nobody will plant a tree if they are going to be blackguarded in this way. They are waiting for felling licences but there is a backlog in the Department. This is what I call State terrorism. The State is blackguarding these people who made commitments. The Taoiseach

needs to do something about it.

The Taoiseach: I regret the degree to which the Deputy has personalised this against the Minister of State, Senator Hackett. It is all wrong to refer to her destroying Irish forests. The Deputy should really cop on.

Deputy Mattie McGrath: She is responsible.

The Taoiseach: The Minister of State is doing the opposite. She wants to facilitate, streamline and get things moving in forestry. However, there has been a situation going on for quite a while, as the Deputy knows, because of objections that happened prior to the legislation being passed last year. We are very conscious that we need to move fast to get more houses felled, sorry, trees felled and new tress planted as well.

Deputy Mattie McGrath: You cannot see the wood for the trees.

The Taoiseach: The Deputy knows that a huge number of additional staff have been allocated to the Department in that respect, including ecologists, forestry inspectors and administrative staff.

Deputy Mattie McGrath: They are not coming out.

The Taoiseach: The last three months of 2020 were the highest months for licence output, with approximately 900 new licences issued. Licences for a felling volume of some 2 million tonnes issued in that time, which was 40% of the output for the year. There are improvements happening but they need to happen more quickly.

An Ceann Comhairle: Thank you, Taoiseach. The time is up.

The Taoiseach: A total of 1,700 licences have issued so far this year-----

An Ceann Comhairle: The time is up. I call Deputy McNamara.

The Taoiseach: -----and the output is increasing week by week.

Deputy Michael McNamara: The legislation that is expected to go through today is the fifth major legislative provision on Covid restrictions that the Government has put through the House. This is the fifth time the Government has used its majority not to put forward its legislative agenda, which is legitimate, but to curtail debate and ensure that Opposition amendments will not even be considered. That is not legitimate and it is not democracy. It turns democracy into a tyranny of the majority. Deliberative assembly and deliberative democracy go out the window. At what point does civil disobedience become legitimate? There is obviously a point at which it does. The Taoiseach called for civil disobedience in the form of peaceful protests in Belarus last summer, in the teeth of a pandemic, to be allowed and respected, even though protests were banned by the Government there. At what point is civil disobedience acceptable and legitimate if democracy is not adhered to?

The Taoiseach: Through the Chair, is the Deputy comparing Belarus to Ireland?

Deputy Michael McNamara: No, but I am asking you at what point does it become-----

An Ceann Comhairle: Can we not be-----

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Deputy Michael McNamara: He asked me a question back.

An Ceann Comhairle: Please, Deputy. You have asked the question.

The Taoiseach: I asked the question through the Chair-----

Deputy Michael McNamara: And I answered.

The Taoiseach: -----because there was a reference made to civil disobedience. I accept the Deputy's clarification. It is an important clarification because, obviously, we are not, in any shape or form, comparable to the Lukashenko regime. In terms of the Parliament, we want to achieve a balance here. There are people arguing for more liberation and saying we are closing down too much and have not opened fast enough.

Deputy Michael McNamara: You curtailed debate every time. Five out of five.

An Ceann Comhairle: Deputy, please.

The Taoiseach: On the other hand, we have to work through the public health advice we receive. It is in order to try to implement that public health advice in the context of facilitating the reopening of hospitality, and trying to get a balance in all of that, that the legislation is coming forward. That is what we are endeavouring to do.

Deputy Michael McNamara: Why are you afraid of debate?

Deputy Fergus O'Dowd: There is a huge demand for affordable housing, which is in an increasing crisis with the rising cost of imported materials, such as steel, that cannot be supplied by the EU. Imports coming in from outside the EU are subject to a quota and also a 25% tariff. In this quarter, the quota for the quarter was exceeded on the very first day. A steel importer I am aware of had to be pay Revenue €300,000 on that day. There will be jobs lost, prices will go up and homes will not be built because people cannot get steel at the price at which they should get it. The only people who are benefiting are the mill owners in Europe. Will the Taoiseach please intervene with his EU colleagues to make sure the quota is increased in order that businesses which cannot get steel from the EU because their order book is full can import it without this huge tariff, which increases the price of housing and makes it more difficult for ordinary people to get their own homes?

The Taoiseach: The Deputy has outlined what is a very significant issue. It goes back, as he knows, to the United States applying a 25% tariff on steel originating from third countries back in 2018 and the European Union responding in terms of its market. This has been exacerbated by Brexit, with the UK becoming a third country since 1 January and being subject to EU safeguard measures. The measures that are in place allow for the importation of steel from third countries by way of quotas determined in line with traditional volumes of trade in steel. The current measures will be subject to a full review before 30 June 2023 to determine whether they should be terminated in response to market conditions of trade in steel at that point. That said, it is recognised that importers can face significant burdens, including administrative burdens, when trying to source materials from third countries where there is a limited commercial relationship between the producer and the importer.

An Ceann Comhairle: Thank you, Taoiseach.

The Taoiseach: In that regard, officials in the Tánaiste's Department have routinely raised

the issue with Commission officials-----

An Ceann Comhairle: The time is up.

The Taoiseach: -----and will continue to do so. They will engage with the industry and representative groups on the matter and keep engaging with the EU officials-----

An Ceann Comhairle: The time is up, please.

The Taoiseach: -----regarding the operation of these safeguard measures.

An Ceann Comhairle: The next speaker is Deputy O'Rourke.

Deputy Pádraig Mac Lochlainn: I am substituting for Deputy O'Rourke.

An Ceann Comhairle: We have had no notice of that but go ahead.

Deputy Pádraig Mac Lochlainn: Thank you, a Cheann Comhairle. The Irish people have never recognised or accepted Britain's claim to Rockall. Tonight, without any real debate, the Irish Government, led by a Fianna Fáil Taoiseach, will sign away Irish sovereignty and, with it, our historic fishing rights at Rockall. This is utterly shameful. At a time when the entire industry is fighting for its very survival, the action the Government is taking tonight will put the future of many fishing families on the line. We will not accept the ceding of Irish sovereignty to Britain. I am asking the Taoiseach to stand up for his country and intervene to stop this legislation going before the Oireachtas tonight. Rock on, Rockall, as the song says. It is the Taoiseach's time to do something about it.

The Taoiseach: That kind of sums up the shallowness of the Deputy's presentation. What he is saying is absolute rubbish. We are not ceding anything, particularly in respect of fishing rights. We are ceding nothing. It is just another game, is it not? It is just another slogan and just another approach, and it is consistent with the Deputy's approach on everything. I engaged with the fishermen of Ireland and their representatives. I am serious about it and I am going to do everything I possibly can to help fishers in this country. I am not going to be engaging in the silly, shallow sort of presentations that the Deputy engages in, pretending to be the friend of everybody but with absolutely zilch when it comes to substance on very serious matters that affect livelihoods. For God's sake, I think we need better than that.

1 o'clock

Deputy Aindrias Moynihan: I raise the issue of free travel passes. People, predominantly pensioners, who would not have any reason to believe there may be a change of status as regards free travel are being challenged as they board buses because their passes have expired. These are conscientious people who find themselves in awkward and embarrassing situations because their pass has expired. The Department of Social Protection has the details of the free travel passes issued to people. There is no reason for not extending travel passes or issuing new cards in advance. People have no reason to expect to lose their free travel passes. They typically realise there is a problem when they board a bus. While there is an expiry date on these cards, people do not expect problems. Can replacement cards be issued in advance of the expiry date?

The Taoiseach: I agree with the Deputy regarding what he has said. As he is aware, the Department of Social Protection suspended the issuing of letters to customers whose public service cards, PSCs, were due to expire from 20 March because of the closure of the Department's

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offices under the Covid-19 pandemic restrictions. However, an agreement with the National Transport authority, NTA, and transport providers is in place to ensure acceptance of expired cards in the interim for those availing of free travel. The Department has since introduced a telephone service whereby a person can have the validity period of their PSC extended by three years by calling an office of the Department or 1890 927 999.

In addition, the Department has recently introduced an online PSC renewal service, which is available via www.mywelfare.ie. PSC appointments have resumed in Intreo centres and branch offices since 17 May and an average of 1,000 appointments are being held each day. Additional resources have been assigned to this work to increase capacity. The Department is currently updating relevant communications to take account of new self-service options and intends re-commencing notification of customers when the modifications have been completed. I thank the Deputy for raising the matter and I will liaise with him to pursue it.

Deputy Mairéad Farrell: Chronic underfunding in our health service left us on the back foot when it came to this pandemic. We recently heard that there is no date in sight for when a planning application might be lodged for the new accident and emergency department at University Hospital Galway, UHG. In the past two weeks, UHG has consistently been the most or second most overcrowded hospital in the State. We cannot return to pre-pandemic overcrowding in our hospitals. We know we have an infrastructural deficit in this area. What will be done to urgently combat this problem in Galway?

The Taoiseach: Is the Deputy saying the issue is the planning application?

Deputy Mairéad Farrell: There is no date for the new accident and emergency department for the hospital.

The Taoiseach: The investment will be provided and we are committed to it. I will get the details for the Deputy in that regard. I thought the Deputy said there was an issue with the planning application being submitted. Is that the case?

An Ceann Comhairle: We cannot have a two-way conversation. I call Deputy Richmond.

The Taoiseach: I just did not catch the first part of the Deputy's question.

Deputy Neale Richmond: This Government and the previous Government have rightly said many times that Irish citizens in the North will not be left behind. Unfortunately, when it comes to full access to the EU digital Covid-19 certificate, that is exactly what is happening. A previous suggestion by a Minister that Irish citizens in the North, people living in the South who have been vaccinated in the North and Irish citizens living in Great Britain will not have full access to the EU digital Covid-19 certificate until phase 2 is simply not acceptable. As my colleague, Senator Currie, has said, that does not allow for full parity. When and what efforts will be made to expedite this process to ensure that all Irish citizens will have access to this vitally important EU Covid-19 certificate?

The Taoiseach: There is no issue with fully vaccinated citizens in the North in terms of the validity of the certificates they already have. There is no issue there.

Deputy Pauline Tully: A total of 732 children in the State are currently in receipt of the home tuition grant. In most cases, this comes down to the inadequate number of school places for children with additional needs. Many children with additional needs have also experienced

a reduction in their school timetables. While expulsions are rare in primary schools, with about 30 each year, they are excessively high in special schools or schools with special classes, according to figures compiled by Tusla. Pupils in special settings make up about 4% of the primary school population, but account for about 6% of primary school expulsions.

The mother of a 16-year-old boy with autism spectrum disorder, ASD, who was expelled last year for challenging behaviour has said she has applied without success to 15 other schools since then but no appropriate placement is available. The Education (Admission to Schools) Act 2018 gave the Minister for Education and the Department the power to compel schools to open special classes. A review of the operation of this provision is supposed to take place after three years. That must happen. This power must be used much more robustly to end the problem of admissions for children with additional educational needs.

The Taoiseach: I do not believe any child with ASD should be expelled from schools. Children and young people with autism should be supported and the necessary supports should be provided to facilitate their continued participation in education in an appropriate setting. It may emerge, sometimes, that a setting may not be the most appropriate, depending on where the child is on the autism spectrum. All schools should be open to providing places for children with additional needs. I have engaged with the Minister of State with special responsibility in this area, Deputy Madigan, the Minister for Education, Deputy Foley, and the Department, through the relevant Cabinet sub-committee, regarding special education provision, with a view to increasing places and prioritising the needs and concerns of children with special needs. That remains a key focus of the Ministers responsible and the Government.

Deputy Carol Nolan: As the Taoiseach will be aware, a report on the proposed regulation of veterinary medicines was recently published by the Joint Committee on Agriculture, Food and the Marine. I have a copy with me. It contains clear commitments. These commitments and recommendations were agreed in a unified manner and received cross-party support. Many stakeholders in the industry also support these recommendations. When will these recommendations be fully acted upon and implemented? Time is running out. Thousands of jobs connected to the agri-merchant sector are at risk. I ask the Taoiseach to act upon these recommendations to ensure that responsible persons and pharmacists are allowed to continue to prescribe veterinary medicines. This issue is urgent and I have raised it a number of times. We are running out of time and I appeal to the Taoiseach again to act on these recommendations.

The Taoiseach: The Minister for Agriculture, Food and the Marine, Deputy McConalogue, will give consideration to this report. There was a working group on this issue. Prescribing is a serious matter, so obviously the Minister and the Department will have to give due consideration to the report. It is the intention of the Minister to work on the recommendations. If the Deputy engages with the Minister, he will bring her up to date on the state of play.

Deputy Violet-Anne Wynne: University Hospital Limerick, UHL, consistently has the highest number of people on trolleys. Yesterday, for example, 42 people were accommodated on trolleys in the hospital. That represents dire, abysmal and abject service provision in 21st century Ireland. We also know that this week 17 registrars and special registrars drafted a letter highlighting a series of concerns, including that the acute medical assessment unit is not fit for purpose and the only model for hospitals serving almost 500,000 people. This under-resourcing and overcapacity has been compounded by the facts that Shannondoc services, which were seriously curtailed, have not been reinstated and Ennis hospital is not operating the routine services that it could. One constituent of mine, who has been on a waiting list for a routine test since

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October 2019, was called yesterday and told that a referral will be issued for the Mater hospital in Cork. When will primary healthcare services in the mid-west region-----

An Ceann Comhairle: Please, Deputy. I call the Taoiseach to reply.

The Taoiseach: The Deputy is probably in touch with the HSE in the mid-west. Extensive resources have been provided to the health service this year. They are unprecedented in scale and involve primary care, community-based care, diagnostics and acute care. There have been challenges in the mid-west, particularly in University Hospital Limerick. There is no doubt about that. The HSE is conscious of that and we will do everything we can to support the HSE in respect of alleviating the pressures in the hospital.

Deputy Seán Crowe: Regarding independent living, we are all familiar with the delays in accessing essential housing adaptation grants and works for people with disabilities. A constituent contacted me recently who had applied for a mobility scooter, as it had become increasingly difficult for him to leave his home unaided. He was told there is a waiting time of at least eight months. This man is now worried that he will, in essence, be made a prisoner in his own home without any ability to leave it. He is on oxygen. Will the Taoiseach agree that a wait of eight months is unacceptable? It is a long time to delay someone who is applying for a mobility scooter and trying to lead an independent life. Will the Taoiseach commit to radically reducing this waiting time? I do not know if this is just a local issue or one which extends across the State, but there is clearly a problem in this regard.

The Taoiseach: I accept what the Deputy is saying. There clearly is a problem there. We have provided resources but in these situations, there should be a far faster response in terms of equipment needs, aids and appliances. If the Deputy could send me on the details I will try to ascertain what is wrong. I do not disagree with what he is saying.

Deputy Jackie Cahill: A report on water quality was issued today. It is clear that municipal authorities have a lot of money to spend on their infrastructure. I want to talk about organic waste from agriculture, especially from intensive farms. There is an awful lot of modern technology out there with modern methods to deal with this waste. I would be very critical of various Departments that have not embraced this technology. We need pilot projects across the country to show exactly what can be done as regards energy creation and creating an organic pellet fertiliser to spread on farmland, which will have a beneficial effect on water quality. This needs to be co-financed and driven by various Departments. As of now this has not happened and it must happen as a matter of urgency.

The Taoiseach: I thank the Deputy for raising what is a very important issue. He has a long track record in being innovative in this area and suggesting sensible technology-based alternatives that could help the overall situation with organic waste and so forth. I will follow up on this. There should be more pilot projects and finance and resources should be made available to facilitate projects of the kind the Deputy has advocated, both for intensive farming and agriculture more generally. I will follow up in that regard. I appreciate the points Deputy Cahill has made.

An Ceann Comhairle: Deputy Gino Kenny is not with us so that concludes Questions on Promised Legislation.

Deputy Michael McNamara: I was drawn out of the lottery.

An Ceann Comhairle: You were but you spoke already as leader of your group. You can hardly expect to get in twice.

Deputy Michael McNamara: Those are the rules.

An Ceann Comhairle: They are not, actually.

Deputy Michael McNamara: They are, actually.

An Ceann Comhairle: I have a reasonable familiarity with the rules.

Deputy Michael McNamara: So do I. You should read them again. Just because you do not like the questioner does not mean you should not allow the question.

An Ceann Comhairle: I have no problem with any questioner but I am afraid-----

Deputy Michael McNamara: I was drawn in the lottery-----

An Ceann Comhairle: Yes but you also spoke as leader. There is no provision here, of which I am aware, whereby a person can speak twice on the same issue. I am sorry.

Deputy Michael McNamara: You are the one who brought in this lottery idea.

An Ceann Comhairle: I did not bring in any idea - good, bad or indifferent. Anything that is done here is done on the recommendations of a variety of committees and is done by the House.

Deputy Michael McNamara: Who do you think you are fooling?

An Ceann Comhairle: I do not think I am fooling anyone. The Deputy need not think he is fooling me either.

Arrangements on the Order of Business: Motion

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Martin Heydon): I move:

That—

(a) notwithstanding the Order of the Dáil of 16th December, 2020, the sequence in which Leaders shall be called upon to put questions between 15th September, 2021, and 7th October, 2021, pursuant to Standing Order 36(*ca*) shall be in accordance with the rota contained in the report of the Committee on Standing Orders and Dáil Reform dated 14th July, 2021, entitled '*Rota for Leaders' Questions pursuant to Standing Order 36 for 15 September to 7 October 2021 incl.*'; and

(b) the Resolution of the Dáil of 15th June, 2021, in relation to arrangements on the Order of Business be amended by the substitution of 'up to and including 28th September, 2021' for 'up to and including 13th July, 2021'.

Question put and agreed to.

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Planning and Development Act 2000 (Section 254 – Overground Telecommunication Cables) Regulations 2021: Referral to Joint Committee

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Martin Heydon): I move:

That the proposal that Dáil Éireann approves the following Regulations in draft,

Planning and Development Act 2000 (Section 254 – Overground Telecommunication Cables) Regulations 2021,

a copy of which has been laid in draft form before Dáil Éireann on 9th July, 2021, be referred to the Joint Committee on Housing, Local Government and Heritage, in accordance with Standing Order 95(5), which, not later than 14th July, 2021, shall send a message to the Dáil in the manner prescribed in Standing Order 101, and Standing Order 100(2) shall accordingly apply.

Question put and agreed to.

Ceisteanna - Questions

Cabinet Committees

An Ceann Comhairle: Question No. 1 is from Deputy Mick Barry but is being taken by Deputy Paul Murphy.

1. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee dealing with justice issues will next meet. [36304/21]

2. **Deputy Catherine Murphy** asked the Taoiseach when the Cabinet committee dealing with justice issues will next meet. [37252/21]

3. **Deputy Gary Gannon** asked the Taoiseach when the Cabinet committee dealing with justice issues will next meet. [37467/21]

4. **Deputy Alan Kelly** asked the Taoiseach when the Cabinet committee dealing with justice issues will next meet. [37570/21]

5. **Deputy James Lawless** asked the Taoiseach about the Cabinet committee that oversees justice and policing issues; and when it is due to meet next. [37871/21]

6. **Deputy Brendan Smith** asked the Taoiseach when the Cabinet committee that deals with justice and policing issues will next meet. [38076/21]

The Taoiseach: I propose to take Questions Nos. 1 to 6, inclusive, together.

The Cabinet committee on social affairs and equality and the associated senior officials' group oversees implementation of programme for Government commitments in the areas of

social policy, equality and public services, including matters relating to justice, policing reform and community safety; arts and culture; children; disability; social inclusion; gender equality; direct provision; the Irish language; and sport. The Cabinet committee on social affairs and equality last met on 30 November and will meet again shortly.

In addition to the meetings of the full Cabinet and of Cabinet committees, I meet with Ministers on an individual basis to focus on particular issues. In this regard, I meet regularly with the Minister for Justice to discuss priorities in the areas of policing and justice issues and, in particular, policing reform and the policing response to the Covid-19 pandemic. In addition, meetings are held between my officials and officials from the Department of Justice and other relevant Departments since the establishment of the Cabinet committee in July 2020. Furthermore, the policing reform implementation programme office, based in the Department of the Taoiseach, drives the implementation of A Policing Service for our Future, the Government's plan to implement the report of the Commission on the Future of Policing in Ireland.

Deputy Paul Murphy: Last week, I spoke to a woman who was the victim of a blatant and gross abuse of power. She was in court seeking a protection order and was under immense stress. After the court case the Kerry judge, who is now retired and who I will not name, contacted her. He texted her and called her persistently. He told her she was beautiful and that she should not tell anyone else about the contact he was having with her. He pressured her to meet up with him. When she met up with him out of fear it became very clear that he was not interested in anything to do with the case but in pursuing a sexual relationship. She was afraid. She managed to cut off all contact with him but it was a very clear abuse of power. She pursued all the avenues for justice that were open to her. She wrote letters to senior judges, she went to the Garda, and she went to the Garda Síochána Ombudsman Commission, GSOC, but she got no justice. What is being done to ensure that these sorts of abuses of power cannot happen again? Where is someone who perceives that there has been a significant issue of misconduct by a member of the Judiciary meant to go to get that issue resolved?

Deputy Gary Gannon: On 16 September, the day after we return to the Dáil, we will mark 16 years since the death of Terence Wheelock following injuries sustained while in Garda custody in Store Street Garda station. On that day I will once again join Terence's family and members of the north inner city community outside Store Street and march to the Dáil to call for an independent inquiry into the events that led to his death. I do that for a number of reasons. I do it because Terence was a childhood friend of mine and I want the truth. I do it because I stand with his family every year. I do it because the community I represent in the north inner city still has many questions about Terence's death and it blights their relationship with the Garda in many ways. I understand that there was a GSOC investigation into this matter 11 years ago but so many questions are left outstanding and so much more evidence has emerged in that time that it warrants an independent investigation finally to bring some finality, some truth and some justice to the Wheelock family.

Deputy Alan Kelly: I raise the issue of racism and abuse online and the need for new thinking regarding it. There has been much publicity recently about the abuse three English footballers got after losing on penalties in the European championship. That came just days after a Dublin team, Dynamo Ridgewood FC, was forced to walk off the pitch on Saturday when two of its players were racially abused. Ian Wright was also abused online by a teenager from County Kerry. In February of this year, the UK put pressure on social media platforms to remove racist contributions by threatening them with large fines. It is time we dealt with social media companies that are not taking their responsibilities seriously. This cannot be al-

lowed continue. People anonymously troll people, abuse them, threaten them, racially abuse them and threaten them with various forms of assault. There is use of hate speech, racism and homophobia. As a country, we need to bring in these social media companies and explain to them that we are bringing forward legislation that will mean they have to take responsibility in this jurisdiction for finding and identifying people who behave in such a manner. If people behaved on broadcast media or in print media the way they behave online they would not get away with it. An Garda Síochána would be at their doors. As a jurisdiction, we have to show leadership and deal with this. Will the Taoiseach commit to meeting the social media platform representatives to make progress on this issue? They are all in this country and most of them are in this city. As a party, we are looking at bringing forward legislation on it.

Deputy Brendan Smith: With reference to the ministerial and Government decision-making on policing and justice, I wish to refer to the need to establish a public inquiry into the death of Shane O'Farrell at Carrickmacross. The person responsible for the death of Shane had a litany of convictions, in courts North and South, for serious offences. It was an appalling failure of the justice system that this convicted person was free and driving a car, causing Shane's death in a hit-and-run accident. It is appalling that such a convicted person was not in prison. I listened on a number of occasions to Lucia O'Farrell outline in detail and with great clarity the dysfunctionality of so many elements of the criminal justice system that led to her son's tragic death. The O'Farrell family has campaigned with great dignity and fortitude in seeking justice. Justice needs to be done. The scoping exercise was established by a previous Minister for Justice and Equality a considerable length of time ago. We need this public inquiry process to be advanced without further delay. The O'Farrell family has been failed by this State for far too long.

Deputy Richard Boyd Barrett: The committee the Taoiseach is talking about also deals with social affairs and equality. A week or two ago, I raised the issue of St. Mary's Boys' National School in Booterstown with the Taoiseach. For months it has been seeking to get sign-off from the Government on an attempt to purchase the parish hall, which the parish is willing to sell, for an autism spectrum disorder, ASD, unit. At a large public meeting last night, the school community pointed out that there is a deficiency of 66 ASD places for the entirety of our area. Huge amounts of money are being spent on transporting people out of the community for special needs support because it is not there in the community. The school is asking that the Department would make a decision to provide this ASD unit by purchasing the parish hall. It is also asking that the Department provide assembly facilities for the school, which it lacks.

Another school that is losing most of its sports' facilities, Clonkeen College in Deansgrange, is still campaigning to ask the Government to prevent the Christian Brothers from selling off its playing fields to a property developer. Those playing fields are needed, not least for the ASD unit it has, but they are being sold off by the Christian Brothers in a school funded by public money.

Deputy Louise O'Reilly: I want to raise the delayed scoping exercise into the death of Shane O'Farrell. As the Taoiseach knows well, this is a process that should have taken months and not years. After a decade of campaigning, protracted delays by GSOC, a Dáil vote in favour of a public inquiry and the establishment of a scoping exercise in early 2019 that has yet to be completed, Lucia, Jim and their daughters face another anniversary without Shane and without the answers they are entitled to. In 2017, the Taoiseach told the Dáil that in all honesty and sincerity it was time the Oireachtas responded in the only way possible, which was the establishment of an inquiry. The State has let this family down in the most unimaginable way.

Every delay and hands-off excuse deepens this wrongdoing. The Taoiseach is best placed to establish the public inquiry that he called for when in opposition. If there is no avenue open to the Government to expedite the scoping exercise, will the Taoiseach progress his existing commitment to a public inquiry?

Deputy Peadar Tóibín: Last night, there was an interesting debate about the fact that certain local authorities are being funded on an historic basis that does not represent their populations anymore. That is the case with the number of gardaí who are being assigned to counties. Counties such as my county of Meath, which has seen its population radically increase in the last ten to 20 years, have not seen the number of gardaí there increase at the same level. We have the lowest number of gardaí per capita in the State, which has a material effect on the level of crime and antisocial behaviour that is happening on our streets and in our estates. I call on the Taoiseach to signal that he means business by matching Garda resources to the populations that exist in certain counties.

The Taoiseach: On Deputy Paul Murphy's question, what he has articulated would represent a shocking abuse of power. I do not have the full context or story behind it but he said it went to GSOC and other avenues. The Garda has dedicated units within counties to deal with situations like this. It is clear to me that there are avenues for people to deal with the abuse of power. One of the issues in the country is that the existing authorities and agencies should deal with this robustly and clearly. Again, I do not have the background to this but perhaps the Deputy can share that with me.

On Deputy Gannon's question, I extend my deepest sympathies to the Wheelock family and to the Deputy and others who knew Terence. I realise that his tragic death has caused enormous sadness. These events were the subject of a GSOC inquiry and the report was published back in March 2010. Legal proceedings arose from these matters, which were settled in 2014. As the Deputy will appreciate, GSOC and the courts are fully independent in the exercise of their functions and I cannot intervene in or comment on that or on the inquiry carried out by GSOC. The matters were fully considered by GSOC and have been the subject of legal proceedings. It is not envisaged that there would be a further public inquiry into this at this particular time. That was communicated to the family recently but I take on board the sincerity of the Deputy in raising this.

Deputies Brendan Smith and O'Reilly raised the issue of the death of Shane O'Farrell and the desire of Lucia O'Farrell and her family to get justice in respect of the tragic loss of their son. Deputy Brendan Smith has been a long-term advocate for the family. As the Deputies know, a highly respected retired judge, Judge Gerard Haughton, was appointed to conduct a scoping exercise into the tragic circumstances surrounding Shane's death. The purpose of that exercise was to advise on whether a further investigation or inquiry should be carried out and the manner and form of such an investigation or inquiry and its terms of reference if he was of the view that there should be one, although I acknowledge the Dáil has committed to one. Judge Haughton furnished an interim report in November 2019. He stated at that stage that he would not restrict or limit Shane's family in their submissions to him or the nature and extent of the documentation they wished to furnish through any scoping exercise. The judge is independent in conducting this scoping exercise. I cannot comment on it or on any aspect of the judge's work but I fully understand the desire of Members, including Deputies Brendan Smith, O'Reilly, McGuinness and others who have consistently raised this, to bring the scoping inquiry to a conclusion and move forward.

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I genuinely regret that the process has taken significantly longer than any of us would have liked. I am also aware that a judge is doing all he can to ensure the concerns the family have raised with him during the process are followed through on to the greatest extent possible. I understand that Judge Haughton has been in contact with the O'Farrell family throughout his scoping exercise. Judge Haughton has recently written to the Department of Justice on the week beginning 5 July indicating that there are some minor matters to be addressed on one aspect of the inquiry. Once those matters have been addressed, he intends to seek comments and corrections on that aspect of the draft report from interested parties, including the O'Farrell family. Following receipt of responses from these parties, Judge Haughton will be in a position to finalise his report. The Department of Justice will continue to provide all necessary assistance to Judge Haughton. The Minister for Justice looks forward to receiving his final report and updating the House on the matter.

Deputy Richard Boyd Barrett: Could we give the Taoiseach an extra two minutes to respond and take the time from the third group? There are only a couple of questioners in the third group.

An Ceann Comhairle: Will the Taoiseach respond to Deputy Boyd Barrett?

The Taoiseach: I am okay with that.

Deputy Richard Boyd Barrett: I am hoping to get answers.

The Taoiseach: I appreciate that. It was important to the Deputies who raised those two matters that I deal with them at some length.

Deputy Boyd Barrett raised a question about St. Mary's parish hall in Booterstown. Deputy Devlin has a particular interest in the matter. I cannot get involved in every case in every school in the country but I take the point and think we should be doing everything we possibly can to provide for additional ASD places. We must facilitate capacity expansion to ensure that there are enough ASD places and that schools meet the need for assemblies. I will engage with the Minister for Education again in that respect. Deputy Devlin has told me the matter is being assessed by the Department. I hope that will lead to a positive outcome.

In respect of Clonkeen, I have a general view that amenities and parks should be preserved for sporting activities. I do not know the council's position on the rezoning of such land but it is in short supply in Dublin, as I know from meeting many sporting organisations.

Deputy Richard Boyd Barrett: Will the Taoiseach look into it?

The Taoiseach: The Deputy must appreciate that I cannot sort out every interaction.

An Ceann Comhairle: Will the Taoiseach respond to Deputy Kelly?

The Taoiseach: Deputy Kelly raised a key issue. I agree that we must engage with the social media companies in respect of the appalling racist abuse online because it is unacceptable. I engaged with the companies prior to becoming Taoiseach. I salute the Dublin team the Deputy mentioned for walking off the pitch. That is the kind of initiative we require to deal with this, once and for all. What happened after the final of Euro 2020 was shocking. I do not know what it is with the online world but certain people change their personalities online. The hate and bile is shocking and must stop. I support the Irish soccer team in what they did in their game against Hungary. They were booed for it but I am proud of the Irish soccer team for

taking that initiative. The Oireachtas should work together on a collective basis to make this behaviour intolerable. Threatening people, hate mail and the homophobic material online, to which the Deputy referred, are absolutely unacceptable and simply must stop.

Deputy Tóibín asked about historic funding of local authorities. The Minister has certain mechanisms he can use, including equalisation and so on. There is a new reform programme in respect of policing and it is changing how the Garda is operating.

National Economic and Social Council

7. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the work of the National Economic and Social Council, an independent statutory agency operating under the aegis of his Department. [36335/21]

8. **Deputy Dara Calleary** asked the Taoiseach the status of the work of the National Economic and Social Council in 2021. [37704/21]

9. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the work of the National Economic and Social Council, an independent statutory agency operating under the aegis of his Department. [37715/21]

10. **Deputy Paul Murphy** asked the Taoiseach if he will report on the work of the National Economic and Social Council, an independent statutory agency operating under the aegis of his Department. [37718/21]

11. **Deputy Bríd Smith** asked the Taoiseach if he will report on the work of the National Economic and Social Council, an independent statutory agency operating under the aegis of his Department. [37721/21]

12. **Deputy Barry Cowen** asked the Taoiseach if he will report on the work of the National Economic and Social Council. [38080/21]

The Taoiseach: I propose to take Questions Nos. 7 to 12, inclusive, together.

The National Economic and Social Council, NESC, is an independent statutory agency operating under the aegis of my Department. The role of NESC is to analyse and report on strategic policy matters relevant to Ireland's economic, social, environmental and sustainable development, and to advise Government. I appoint the members of NESC. The membership of the council comprises a chairperson and a deputy chairperson, and three people nominated by each of the business and employers' organisations, the Irish Congress of Trade Unions, agricultural and farming organisations, community and voluntary organisations and environmental organisations. In addition, membership of NESC includes four public servants, including one representing the Minister for Finance, and seven people possessing knowledge, experience and skills relevant to the functions of the council.

The NESC work programme for 2021 includes: Shared Island, a programme of research on possible co-operation across a number of economic, social and environmental areas in Ireland, North and South; climate, biodiversity and just transition, which includes research and advice on a just transition to a low carbon economy and society; and a well-being framework. NESC has provided a valuable vehicle for consultation on the development of a well-being framework

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for Ireland through a subgroup of stakeholders, experts and wider consultation. Alongside the Government's First Report on a Wellbeing Framework, published on 6 July, NESC produced a corresponding report, Ireland's Well-Being Framework: Consultation Report, NESC report No. 155. In addition, the council has so far published three other reports in 2021. Those are Grounding the Recovery in Sustainable Development: A Statement from the Council, NESC report No. 152; Shared Island: Projects, Progress & Policy Scoping Paper, report No. 153; and Digital Inclusion in Ireland: Connectivity, Devices & Skills, report No. 154. As reports are finalised in the relevant areas, they are brought to Government for approval in advance of publication.

Deputy Louise O'Reilly: I will ask the Taoiseach about the work of NESC. I know it does a lot of great work and has been contributing, as the Taoiseach mentioned, to the well-being framework for Ireland, of which the first report was published last week. Among other things, the well-being framework for Ireland will provide a comprehensive set of well-being measures to create a well-rounded, holistic view of how our society is faring as an important complement to existing economic measurement tools. This will be an important assessment of our State beyond just looking at the economics.

I know that NESC also published a secretariat paper on building a new relationship between voluntary organisations and the State in the health and social care sectors which looks in detail at the organisational changes and innovations that have taken place. It is about health that I wish to ask the Taoiseach a quick question. My question relates to the redeployment of child psychologists to vaccination duties in the health service, as has been relayed to me by a reply to a parliamentary question. We have extensive waiting lists for children's mental health services, as the Taoiseach is aware. Some of the longest are in my constituency of Fingal and while I know the vaccination programme is of paramount and fundamental importance, so too is the mental health and well-being of our young people. I ask the Taoiseach to speak to his colleague, the Minister for Health, Deputy Stephen Donnelly, about getting child psychologists back working with children who need these vital mental health supports and that a comprehensive catch-up programme is drawn up in order to cater for the missed care which has arisen as a result of their redeployment to vaccination duties. In the context of the work NESC is doing on the well-being framework for Ireland, I think ensuring the well-being and positive mental health of our young people is incredibly important.

Deputy Brendan Smith: I thank the Taoiseach for his reply. I ask that in his communications and that of his Department with NESC, specific consideration is given by the council to a study on the particular challenges facing the Border region. We are all well aware that Brexit will continue to have adverse impacts, particularly in the Border economy, both North and South, much more so than anywhere else on the island. That has already been demonstrated by studies. Unfortunately, the Covid pandemic will also impact more severely on enterprise and commerce in our smaller towns and villages, which are typical of population and business dispersal in the Border counties.

We need a joined-up approach to tackle these issues at central and local government levels. I believe that worthwhile analysis of the strengths and weaknesses of the economy at local level should inform decision-making. Going forward, such detailed economic analysis should be conducted on a cross-Border and all-Ireland basis. It should run in a complementary manner to the worthwhile work of the shared island unit.

We have many challenges in the Border region but there are also opportunities. We should

have and need to develop new areas for economic and social development. I believe we need national and regional strategies. I often talk in this House about the need for infrastructural development in counties such as Cavan and Monaghan. We also have an enormous resource in social and educational infrastructure. We can cater for a growth in population because we have the voluntary and sporting infrastructure. In most cases, we also have the educational infrastructure. We may need expansion in areas such as roads and broadband but I believe that while we must tackle particular challenges, there are also opportunities that we must seize. We must do it in a regional, well thought-out and focused way.

Deputy Richard Boyd Barrett: NESC has done quite a lot of work on the area of good employment and what that should be. I have raised with the Taoiseach on a number of occasions, as have others and advocates in the areas of arts, film and cultural works, the distinct lack of good work. Film relief under section 481 contains a legal requirement for quality employment but, as NESC points out, that is not defined. I will give the Taoiseach a couple of instances of where he needs to do something about this, because this is public money. I watched a video last night about a film worker who was protesting with other film workers outside the location of the shooting of “Vikings: Valhalla” by one of the biggest recipients of public money. This is somebody who worked in film for 40 years but is not working now on “Vikings: Valhalla”. He had worked on all the previous “Vikings” series but is not working on this. He said he was blacklisted along with other workers because they had pointed out at an Oireachtas joint committee meeting in 2018 that all this public money was not leading to quality employment and training and there were virtually no proper jobs or any sort of job security or pension entitlements for workers in the film industry. These workers are being blacklisted from working.

People who have worked for decades are being blacklisted. Structurally, this is allowed because the producers tell the Government that it is a film-to-film arrangement and they cannot have security of employment. The Department with responsibility for arts and the Government allow this to continue when in fact, EU state aid rules insist that public funding for the arts must be linked to creating a permanent pool of secure employment. Even if it is film to film, there should be security, pension entitlements and recognition of the service of those working in the industry.

Similarly with performers on the “Enchanted” film, I pointed out to the Taoiseach this phenomenon of buy-out contracts whereby producers tell actors and performers that they will only get a job on the film if they agree to sell off their rights to what are called residuals, that is, royalties on future performances of that movie or film. This is something actors and performers used to enjoy and now producers are telling them they do not get to work unless they agree to a buy-out contract. And of course, the actors and performers want the job so they say, “Okay, I better accept that”. It is absolutely wrong. Those buy-out contracts should not be allowed. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media needs to ensure we do not have blacklisting and do not have workers in that vulnerable position. They have a right to recognition of their service in the arts and cultural area. They should have some sort of security of employment so they cannot be made vulnerable to blacklisting or whatever it might be.

An Ceann Comhairle: I thank the Deputy. We are running out of time. I call Deputy Paul Murphy followed by Deputy Tóibín..

Deputy Paul Murphy: I also want to focus on the question of quality employment. I will return to some of the questions I posed to the Taoiseach yesterday, on which I received no answers, regarding the so-called work placement experience programme, which is a new free

labour scheme for employers where workers will get less than the pandemic unemployment payment, PUP, and are expected to live below the poverty line while working. It is JobBridge 2.0. The truth of the scheme is that workers who are on it will get an extra €3.43 per hour for working 30 hours a week without a guaranteed job at the end of it.

I also asked the Taoiseach to confirm that bosses can have up to ten workers in the scheme without paying a penny and whether he agrees it indicates that this can discourage the creation of real jobs, as did JobBridge 1.0. Does he agree that it will act to create a downward pressure on wages? If employers can take someone on for free then why would they agree to increase wages?

Finally, I wish to ask about the role of private contracted companies in handling cases. The scheme sets out that this will be policed by new caseworkers and the Pathways to Work strategy talks about expanding the role of private contractor companies, like we have seen with Seetec, and Turas Nua. What are the plans to outsource the case officers for the new JobBridge 2.0?

Deputy Peadar Tóibín: In many ways, the Border is a man-made barrier to enterprise and economic development. A couple of years ago, I undertook the authoring of a report on the all-Ireland economy on behalf of the enterprise committee. It was the first report of its kind undertaken by the Oireachtas in this State since partition, which is incredible. I interviewed hundreds of people from all different backgrounds. Everybody I spoke to in the North of Ireland agreed that if we plan, fund and deliver services together, they will be better services and we will have a better economy as a result. That, however, takes a Government that is real as regards working towards economic convergence North and South.

I will make the final point that the Government should really be looking at Border innovation and enterprise zone, taking in the counties that straddle the Border in order that they get an advance as regards enterprise development to fight against the disadvantage they have had for years because of the Border.

An Ceann Comhairle: I thank the Deputy. Is it agreed to take three minutes from the remaining questions to allow the Taoiseach to respond? Agreed. That gives us six and a half minutes.

The Taoiseach: Deputy O'Reilly is correct with regard to the well-being framework and the redeployment of child psychologists to the vaccination programme. That should not be the case now. We have an independent work force in respect of vaccination. There may be certain people at senior level who were deployed and who played a management or co-ordinating role in respect of some vaccination centres, particularly in terms of testing. There was a lot of redeployment in the early phase of the pandemic when people were redeployed to do the testing but then the permanent work force was put in place. In terms of vaccination, we had the redeployment of many nursing staff and management. They have done a fantastic job and it has been incredibly efficient up and down the length of the country. I will, however, follow up with the HSE in respect of how many psychologists are involved and the level and scale of this issue.

The well-being framework is something on which I am particularly keen. Developing a well-being framework is in the Government's programme. We appreciate the work NESC has done regarding the subgroup of stakeholders and experts it created to support the development of a well-being framework for Ireland and the consultation in terms of different social partnership pillars, external experts and interested parties. Much good progress was made in this

regard. It will take time to get the criteria right.

NESC surveyed approximately 500 organisations about this and there were 450 responses. Initial research was carried out on Irish and international experiences with well-being initiatives and frameworks. Consultation was carried out, in close co-operation with my Department, with regular feedback into the Department working group.

NESC believes there is a compelling case for developing a well-being framework in Ireland and for the centrality of consultation to this work. A well-being framework can contribute to a more holistic approach to well-being by creating a shared vision, which mobilises action by linking policy action and review to measure the lived experience of citizens. It can help to create greater focus on outcomes within the policy system on cross-cutting approaches in the role of collaboration earlier and more formally in all stages of the policy processes, including oversight and review.

The council, like the Government, believes the development of a well-being format is an opportunity to bring about transformation in a fair and equitable way, addressing complex policy priorities. The late Bobby Kennedy summed it up when he spoke about what GDP measures but more importantly, what it does not measure. The well-being framework is really about capturing that which makes life essential in terms of the quality of life.

Deputy Brendan Smith made a very pertinent point about the Border area. NESC is doing work on the shared island projects in respect of progress and policy scoping to build up our shared knowledge base and understanding about possible ways in which greater co-operation can emerge across economic, social and environmental areas in Ireland, North and South, and between these islands, east and west. Substantive work is now under way by NESC to provide advice to me and the Government on strategic policy issues relating to sustainable economic, social and environmental development.

In addition to that work, I will take up the Deputy's point in respect of a more specific focus on the economy of the Border region. I will approach NESC with a view to perhaps having an addendum to the shared island work or in parallel with it to see if more work can be done in terms of the Border area. As the Deputy suggested, the shared island initiative will obviously deal with a number of issues in respect of the Border. As the Deputy will know, we announced the funding for the Narrow Water Bridge, which I believe will have significant economic impact in that area. The funding will allow the project to get to tender stage and more funding will be provided once that is done. Louth County Council will be the lead agency in that regard.

Deputy Tóibín later made reference to enterprise. The shared island fund, for example, is working on projects that will marry Derry's City Deal initiative on industrial development on the Derry-Strabane side to industrial development on the Donegal side. We are very focused on all aspects of the relationship, North-South interaction and how we can develop enterprise.

Deputy Boyd Barrett referenced good employment and he has been focused on the film industry and the section 481 relief. Based on the issues he raised, perhaps there needs to be a social dialogue framework around this particular industry. It is not one that-----

Deputy Richard Boyd Barrett: The film producers refused to engage with that.

The Taoiseach: I am just making the point. This is an industry which is very mobile. There are clearly challenges in the modern era in respect of it. Individuals would need to be consulted

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as well to ascertain their desired outcomes. However, there should be no blacklisting of individuals who take a stand or who have a particular perspective on issues. That should not happen. I can see the complexity around security of tenure, pensions and so on, although I do not think it is as simple as was articulated. That said, workers need rights even in sectors that are more challenging than traditional, conventional ones. The balance between that and facilitating investment in the film production industry must be weighed up as well. I am open to the best avenue to pursue this.

Deputy Paul Murphy spoke about the work experience programme. I genuinely believe activation works. This is not about suppressing wages at all. From the experience of talking to people who availed of job experience programmes, they have led to permanent employment and career development for many people. The funding for this programme is higher than anything to do with JobBridge and it is voluntary. Many young people, often rightly, say they do not have experience in a given area. These programmes give a person the experience to pursue that career in a particular firm because these are experience programmes of short-term duration and are not open-ended. Therefore, they provide a platform to enable people to get the skills and experience they can use to get more permanent jobs. Work activation works and has been proven to work in the past.

An Ceann Comhairle: What of Deputy Tóibín's question?

The Taoiseach: I dealt with that when I addressed cross-Border issues.

Departmental Functions

13. **Deputy Alan Kelly** asked the Taoiseach if he will report on the work of the economic division of his Department. [37568/21]

14. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the work of the economic policy and Brexit preparedness unit of his Department. [37541/21]

The Taoiseach: I propose to take Questions Nos. 13 and 14 together.

The economic division in my Department supports me and the Government in developing and implementing policy across relevant areas to support sustainable economic development, including job creation, infrastructure, housing and climate action, and social dialogue. This work is particularly focused on ensuring a co-ordinated approach to the delivery of the programme for Government and issues that cut across multiple Departments. The division supports the work of the Cabinet committees on economic recovery and investment, housing, the environment and climate change, as well as the associated senior officials group.

As part of the division's work, the economic policy unit specifically supports the work of the Cabinet committee on economic recovery and investment and provides advice to me on issues such as jobs, productivity, competitiveness, the labour market, enterprise and skills. The unit also maintains an overview of progress in key policy and sectoral areas in line with Government priorities, leads Ireland's participation at the annual European semester process, liaises with the Central Statistics Office, CSO, and provides me with briefing and speech material on economic and related policy issues.

The Brexit preparedness unit jointly leads work on the continuing impact of Brexit and

readiness issues arising, along with the Department of Foreign Affairs and other divisions of my Department.

Deputy Louise O'Reilly: On Brexit preparedness, I have a question which pertains to the shortage of suitably qualified heavy goods vehicle, HGV, drivers. Mr. Aidan Flynn of Freight Transport Association Ireland, FTAI, as well as the Irish Road Haulage Association, IRHA, have raised these concerns directly with the Government. Freight Transport Association Ireland has outlined that Irish hauliers need Government support to recruit new HGV drivers into the logistics industry before the country's supply chain starts to break down. While the freight distribution and logistics sector has kept the nation stocked during the pandemic, not all sectors which use HGV drivers have been operational and many drivers have either returned to work elsewhere in Europe or have switched to jobs in other sectors. The result is significant recruitment problems for the sector as a decreasing pool of workers means gaps could soon start to appear in our supply chain. There are reports from industry that some drivers are having to wait over 50 weeks to complete the tests to revalidate their driver certificate of professional competency, CPC, cards which enable them to drive professionally. Will the Taoiseach ensure the Minister of State, Deputy Naughton, engages with the FTAI and IRHA on this matter in order that solutions can be worked out and the timeframe for testing for the driver CPC card can be reduced to the absolute minimum?

Deputy Richard Boyd Barrett: As we get towards the end of this Dáil session, I appeal to the Taoiseach on an issue I have raised a number of times over the past few weeks. Despite his promises that there would not be a PUP income cliff for those who have lost income or employment as a result of the pandemic and who are still significantly impacted by the pandemic and the lack of recovery in their sectors, such a cliff is being imposed on them. A taxi driver, musician, artist or performer who is on the €203 rate of PUP will, as of 7 September, be told to get off it and to go on jobseeker's allowance. People in this situation are not jobseekers but are instead still waiting for the proper and full recovery of their sector.

There is still no roadmap for musicians, performers and artists and much of the work of taxi drivers depends on precisely those sectors and other areas such as tourism. It is not right to force these people onto jobseeker's allowance. Some taxi drivers are on the €203 rate because they purchased a car in 2019 and, therefore, did not pay as much tax that year as in previous years. They are now on a lower rate of PUP and will now be pulled off the payment, even though they cannot make a proper income, or will be forced to go onto jobseeker's allowance when they are not jobseekers.

There are similar issues for musicians and artists who go on the Government's pilot live performance support scheme. If you take a few gigs on that scheme and your income briefly goes above the threshold, you are cut off the PUP, even though in a few weeks' time, you will have no work at all and you will be forced to go on jobseeker's allowance. I am appealing to the Taoiseach on this. There may be other people in a similar position but these two cohorts should not be pushed over a cliff in September or November when there has not been a full recovery of their sectors.

An Ceann Comhairle: The Deputy is out of time. We just have time for a brief response from the Taoiseach.

The Taoiseach: On Deputy O'Reilly's points, the Government is very focused on skills, reskilling and investing in human capital. That applies to HGV drivers and the road haulage

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sector as well. I have no doubt the Minister of State, Deputy Naughton, the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, and others will engage with the sector if we have to develop modules or fast-track the process to ensure we have sufficient supply of drivers.

On Deputy Boyd Barrett's points, he has acknowledged the Government recently responded with a package for taxi drivers, although he thinks it insufficient. We have continued to support them through a variety of means. There was €3 million provided for the continued waiving of vehicle licence fees in 2022, €2 million for the once-off motor tax refund scheme and €1.5 million for an national car test, NCT, refund scheme. In addition to supports for the small public service vehicle, SPSV, industry, the Government maintained a wide-ranging programme of supports with broad eligibility criteria for individuals and businesses.

We have extended these schemes. We have also kept specific sub-sectors of the economy under constant review. The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, has provided a range of supports to artists and the music and entertainment sector. We know those sectors have suffered the most during the pandemic.

Deputy Richard Boyd Barrett: The Government should not push them over a cliff.

The Taoiseach: We have not pushed them over a cliff. We have extended these schemes through the majority of 2021, right out to 2022.

Deputy Richard Boyd Barrett: Some of them are going over the cliff in September.

The Taoiseach: As I said, we must also invest in the economy and get things moving, which we are doing. We are reallocating resources to support investment opportunities and create new jobs, which will help the sectors the Deputy mentioned.

An Ceann Comhairle: I thank the Taoiseach. That concludes Taoiseach's questions for today and for this term.

Written Answers are published on the Oireachtas website.

2 o'clock

Health (Amendment) (No.2) Bill 2021: Second Stage

Minister for Health (Deputy Stephen Donnelly): I move: "That the Bill be now read a Second Time."

I will be sharing time with the Tánaiste. I am pleased to address the House on the Health (Amendment) (No 2) Bill 2021, which provides for the reopening of indoor hospitality under certain conditions and makes minor amendments to mandatory hotel quarantine. The Bill will give effect to the Government's decision to enable access to relevant indoor premises for fully vaccinated persons and persons who are immune from Covid-19 by virtue of the fact that they have recovered from the disease, as well as certain children and staff.

On 28 June, the National Public Health Emergency Team, NPHET, advised that indoor activities expected to reopen on 5 July "which, by their nature are high-risk activities involving significant levels of social mixing in indoor environments, should only be permitted for those

who have been fully protected by vaccination or who have had Covid-19 infection in the previous nine months.” NPHET advised that easing of these measures should only proceed when supported by a robust, non-reproducible and enforceable system of verification of vaccination or immunity status.

The Delta variant is highly transmissible and we must continue to take a cautious and pragmatic approach to reopening. Every week of late we have seen more than 300,000 additional vaccine doses administered and every week hundreds of thousands of people complete vaccination. By the end of this week, all second doses of the AstraZeneca vaccine should have been provided and three in every five adults are now fully vaccinated. Later this week, we will have administered 5 million doses of vaccine.

The Bill amends sections of the 1947 Act that deal with mandatory hotel quarantine. Provisions include flexibility to specify alternative testing processes for the purposes of mandatory hotel quarantine or as an alternative to entry to a designated hotel for passengers arriving without a test. Provisions would also regulate for the removal of the obligation on some or all travellers to have a pre-travel test and allow for release from quarantine of those recovered from Covid-19.

I will now take the House through the key provisions of the Bill in detail. The Bill is divided into seven sections. Section 1 sets out the Short Title, commencement and operational provisions. Provisions relating to accessing indoor premises are time-limited and they may continue initially until 9 October or beyond that by a single extension, not exceeding three months, by resolution of each House of the Oireachtas. Amending provisions to mandatory hotel quarantine will only commence if public health conditions are suitable and continue no longer than these quarantine arrangements remain in force. Section 2 is a standard definitions section.

Section 3 inserts new sections 31AB to 31AL into the Health Act 1947. Section 31AB provides that it shall be lawful for an indoor operator otherwise not be permitted to open to grant access to a relevant indoor premises under the following conditions. These are that reasonable steps have been taken to ensure that only permitted persons are admitted; that operators do not knowingly allow access to persons who are not permitted persons; that personal data should not be retained; and that the operator must adhere to guidelines by certain bodies prescribed by the Minister. The section also provides that the Minister may make regulations across such areas as: safeguards for different levels of access; operation and enforcement; additional classes of permitted persons; information for proof of immunity; changes to the scope of what constitute relevant indoor premises; further conditions of operating, guidelines that must be adhered to; changes to the scope of persons who may be at a premises in the course of employment, on contract or otherwise in a professional capacity but do not meet the definition of a “permitted person”; persons other than parent or guardian who may accompany a minor; and ancillary matters. This approach will allow adjustment, if necessary, of the arrangements in the light of experience and in response to evolving circumstances.

Section 31AC provides that an operator may request evidence that a person is permitted. Providing a forged or fraudulent document is an offence with a fine of up to €2,500. Sections 31AD to 31AK relate to compliance, inspection, cessation orders and appeals. Powers include the power to seek emergency closure orders. Section 31AL provides that data shall only be processed to verify proof of immunity and retained for no longer than required.

Section 4 provides for various definitions, some of which I will go through. An indoor

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operator is a licence holder; a person involved in the management or governance of a club; and, in respect of other premises, a person in charge of such an establishment. A permitted person is a person in possession of proof of their immunity; a person under 18 years, or such other age under 18 as may be prescribed, accompanied a parent, guardian or a person *in loco parentis*; a person in a professional capacity or in the course of employment, with provision to prescribe persons to whom this provision does not apply; or as prescribed in regulations. Proof of immunity is: an EU digital Covid certificate showing that the person is fully vaccinated or otherwise prescribed; a prescribed document in written or electronic form issued by a body implementing a vaccination programme on behalf of a state, as may be prescribed, confirming that the person has received such vaccination, or combination of vaccinations, as may be prescribed, including those currently approved; or proof of recovery as may be prescribed. A relevant indoor premises is one where food or non-alcoholic beverages may be lawfully sold for consumption there; one where alcohol is lawfully sold or supplied for consumption on the premises; or another premises or class of premises prescribed. This section also provides for offences by a body corporate, jurisdiction of the District and Circuit Courts and service of documents.

Section 5 amends section 38B of the Act of 1947 and introduces a provision for a public health doctor to assess that a person, in quarantine because the person has been in a designated state and received a positive Covid-19 test no longer poses a threat of infection. The person may be permitted to leave quarantine after the standard ten-day period rather than completing the additional 14 days currently required. This covers those who have recovered from Covid-19 but continuing to test positive. The measure exists for travellers from a designated state who are in quarantine because they did not have a negative Covid-19 test upon arrival.

The section provides for a change in definition of the pre-travel testing requirement from a PCR test to a test as defined in regulations. This allows for any changes in pre-testing requirements to be incorporated automatically. It inserts section 38B(3A) which would allow travellers obliged to quarantine as a result of arriving from a non-designated state without a valid pre-travel test to undergo post-arrival testing rather than being automatically obliged to enter quarantine. Regulations can be introduced as a result of the insertion of section 38G(de). The section will ensure that the review process will be available to travellers covered by the new section 38B(3A) as it is to others.

Section 6 amends section 38G of the Act of 1947. Section 38G(dd) will permit the Minister to make regulations, as public health advice allows, for tests other than PCR tests for the purposes of hotel quarantine. It will allow the Minister to regulate on the administration of new tests and any fees payable by applicable travellers. Section 38G(de) will permit the Minister, having regard to the advice of the Chief Medical Officer, to regulate for a testing pathway alternative to mandatory hotel quarantine for travellers who arrive without a valid pre-travel test or are otherwise exempt from the requirement to undergo mandatory hotel quarantine.

Section 7 amends section 38K of the 1947 Act with consequential amendments from drafting changes and to correct a drafting error in the Health (Amendment) (No. 1) Act 2021 in section 38G(1)(a).

I am pleased to provide this House with an overview of the main provisions in the Bill, which we will have the opportunity to discuss in greater detail on Committee Stage. I look forward to hearing colleagues' contributions during this Second Stage debate and I commend the Bill to the House.

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Leo Varadkar): I welcome the opportunity to speak to the Health (Amendment) (No. 2) Bill 2021, which enables us to reopen indoor hospitality, pubs, cafés, restaurants and other licensed venues safely, sustainably and in line with public health advice. It is imperfect but it is better than any of the alternatives currently on offer to us.

One alternative is opening to all people, against public health advice, and making the Delta variant wave much worse and more dangerous than it will be. A second alternative is to wait until we achieve population immunity, which might come in September, when all adults are fully vaccinated, but, equally, it may not because teenagers and children will not be fully vaccinated by then. We do not know what will happen when it comes to immunity waning and variants. It is on that basis that I recommend this Bill, which is a middle and safe path, much better than any of the alternatives on offer.

Covid-19 has a tendency to rip up our plans and NPHET's recent advice on indoor hospitality is a case in point. The Government has at all times sought to adapt quickly to the pandemic and strike the right balance between lives and livelihoods. The system we are proposing is not perfect but it is the best way to open indoor hospitality in light of the current public health advice and epidemiological position. In this debate, I ask Members opposing the Bill to outline their alternative policy. As I mentioned, I only see two alternatives, with hospitality either remaining shut indefinitely until we achieve population immunity, whenever that happens, or there is a full reopening with no restrictions, with all the risks that come with that. Those alternatives are inferior to the plan being presented by the Government today.

We cannot just wait for population immunity. Some people say this will be achieved when all adults are vaccinated by September, but in reality we have no idea if that will be the case. Children under 12 cannot yet be vaccinated and we do not know what will happen with future variants or in the context of the immunity afforded by vaccination waning. Waiting for herd immunity is therefore not a plan.

In this Bill, we are taking a similar approach to what Denmark and Germany have been doing for some time and what France, Portugal and Greece have now announced they will also do. We are taking a middle course that can reopen indoor hospitality in a safe and sustainable way. Of course I very much wish that we had longer to engage with the Opposition on the Bill's contents but I hope that Members will appreciate it was not possible under the circumstances. Thousands of jobs and businesses depend on us passing this legislation and we owe it to those business owners and workers to progress it as soon as possible. It means that businesses can reopen, more people can go back to work and people can enjoy the benefits of being vaccinated, to return to socialising indoors and not just in private homes.

Officials from several Departments will seek to keep the Opposition and representatives of the hospitality sector informed of developments. I particularly want to thank all of those involved, the staff and the Deputies in the House, employer representative groups, unions representing the hospitality sector and all of our civil servants for the work they have done to help us put this plan together and in helping this legislation reach the floor of the House today.

The Bill establishes a framework to allow indoor hospitality to reopen in the safest way possible and it will be subject to a sunset clause and review in October. To keep people safe, for a short time we are making a distinction between those who are vaccinated and those who are not. I hope that people will not see this as discrimination. This is a public health measure. It

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will be temporary and hopefully just in place for a few months.

Just as we asked older people to stay at home at the start of the pandemic when they were the most at risk, we are asking those who are most at risk now, namely, those who are unvaccinated of all age groups to avoid congregating indoors at least until they are fully vaccinated. That time for adults is much closer now. This week the online portal is open to all adults, which is everyone aged 18 to 34. The option of receiving a vaccine through a pharmacy has been open for a couple of weeks now. For any adult who is not vaccinated yet it is only a matter of weeks and we anxiously await advice from the national immunisation advisory committee, NIAC, that will allow us to start vaccinating people aged between 12 and 17 as well.

On the enforcement issue, the regulations will enable checks on a proprietor in order that he or she has a process in place to ascertain that people coming into the premises are vaccinated. This will involve the existing practice of keeping a record of contact details and adding an additional check that he or she has verified that the person has a valid certificate. The premises can be closed if they do not have verifiable evidence of this. I must be clear, however, that although enforcement measures will be in place this is not about catching anyone out. We are certainly not going to see compliance officers going table to table checking people's passes. The public health measures are there to protect people and generally it has not been necessary to be heavy-handed in enforcement in Ireland. We have seen people coming together to do what is best for themselves and, most importantly, what is best for each other. This legislation will, however, provide the back-up of legal enforcement measures should they be required.

The guidelines for hospitality already require that the name and number of the customer is retained for the purposes of contact tracing. Cafes, restaurants and pubs will now have to keep an additional record that shows their customers have produced evidence of the vaccine certificate or that they have had Covid in the past six months. The detailed operational arrangements will be a matter for regulation in the first instance and many of the issues and questions arising will be dealt with in the guidelines that are being worked on with the sector.

Those who are fully vaccinated have already started to receive emails and letters on their vaccine status. This will continue over the coming week. Of course, the safety of workers is of paramount importance. Throughout the pandemic we have done our best to protect workers as best we can and the safety of workers and staff was an important consideration in the formulation of the system. The Irish Congress of Trade Unions, ICTU, was involved with discussions with the sector last week and will continue to be involved. All of the health and safety protocols will still apply to indoor hospitality, including physical distancing, mask wearing in designated areas, and hand sanitising. My Department and the Health and Safety Authority, in conjunction with other health experts and the Labour Employer Economic Forum, continue to update the work safety protocol as required. This protocol and Fáilte Ireland's guidelines place a strong emphasis on the importance of implementing effective ventilation in all premises where the public and workers congregate, including increasing airflow, air extraction systems and the use of CO2 monitors. Improving ventilation will be part of the operational guidelines to be published by Fáilte Ireland and will continue to form part of the Government's communications campaign.

As I said earlier, I am aware that this legislation is not ideal but it is our best, and perhaps our only, opportunity this summer to get the hospitality sector open indoors as well as outdoors and to ensure that it continues to stay open throughout the Delta wave, which has now started, and the winter period thereafter.

I ask colleagues to not lose sight of what we are doing here. This legislation is enabling indoor hospitality to reopen for customers for the first time this year. Ireland is one of the last countries in Europe to do so, if not the last. Keeping the sector closed would severely impact on people's livelihoods and the ability to provide for themselves and their families. We have taken on board the views and concerns that we have heard from others. This is why there is a sunset clause that this legislation falls in October if it is not renewed by the Dáil and the Seanad. The legislation does provide for us to allow access to people who have been tested by PCR and antigen test. The enabling provision is in the legislation and therefore that is not a reason to vote against this Bill. We will need to get the system set up and we will need further scientific advice from the rapid testing group before we can proceed with this but that option is in the Bill. Antigen testing or PCR testing as an alternative is definitely not a reason to vote against this legislation. Staff will be exempted. Of course if people who work in one of these environments are not fully vaccinated they will be able to have a drink or a meal before or after their shift as they always had.

The Government's objective over the coming weeks is to ensure that the increase in cases that will happen as a result of the Delta wave does not lead to such a significant increase in hospitalisations and ICU admissions that it puts our health services under undue pressure. We can see from Scotland, Israel and Northern Ireland, where Delta has been dominant for months, that this may be possible but it will not be easy.

This virus has caused a lot of suffering and caused the deaths of more than 5,000 people in the State. Because of the vaccine programme, we are in a very different phase of the pandemic now. If there are 800 cases per day, or even 1,000 or 2,000 cases per day, it does not mean what it did in January. The link between cases, hospitalisations and deaths has been weakened but it is not yet broken. We believe it is possible to get through the Delta wave without reimposing restrictions or going back into lockdown. We will need some restrictions and we will need to put in place measures such as this. If things go well, we may not have to use this system for very long. In the meantime we might be able to use it to reopen other sectors currently closed such as live music, the arts, leisure and entertainment facilities. On this basis, I commend the Bill to the House.

Deputy David Cullinane: I want hospitality opened. I want it opened safely, as quickly as possible and for everybody. There is something rotten at the core of the message we got from the Tánaiste's contribution. There is something very unfair about it given that over the past year, the Opposition in this State and in this House has been very supportive of public health measures. I would say to the Government that they have been the envy of many countries in Europe where by and large, the political system has bought into the need to keep people safe and the need to put in place restrictions where they are necessary to fight a virus that is a common enemy of all of us.

A pattern has emerged during the course of this pandemic. This pattern is the failure of the Government to plan. We then see what happens. The Government fails to plan and it fails to put in place any contingency planning. The Taoiseach took to a podium two weeks ago when people, including the hospitality sector, citizens and the Opposition, were expecting to see a plan. On that day we heard from the Taoiseach that they do not have a plan but to give them a couple of weeks to cobble and scramble something together and they would come back. That is what the Government does. Then it came back with a plan that I genuinely believe is not fair, is impractical, is unworkable and is discriminatory. It is rushed through the Dáil. The health committee has been told there would be no pre-legislative scrutiny even though there was a

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vote on it. That was rammed through by the Government. There was very little time for any amendments. I suspect that not a single amendment posed by the Opposition will be accepted by the Government because it has decided it is just going to push this through. There will certainly be no engagement of any substance with the Opposition at all. Then in the most arrogant way, it is presented by the Tánaiste as if it were the only game in town or the only show in town and better than any of the alternatives. This is without even asking the Opposition what the alternatives are and without being interested in what the alternatives are. That is the pattern we got from this Government; it is our way or no way. There are alternatives. The matter is not as straightforward as the Tánaiste and the Minister presented it.

The Tánaiste set out a challenge by asking what is the alternative. We have been pointing out an alternative for a number of weeks. It is to look at all of the ingredients that would make up a plan to allow for the safe reopening of indoor hospitality for everybody. I remind the Tánaiste, the Taoiseach, who is not here, and the Minister that they stated that they had very real reservations. In fact, the Taoiseach was quite clear that EU certificates or passports would not be used for domestic purposes. He stated that it was not going to happen when the matter was working its way through the European Parliament but here we are with such a plan, which is going to discriminate and leave many people outside the door. Rather than have a plan that includes everybody, we will have a plan that excludes many.

What are the ingredients of a solution? I attended a briefing given by NPHET. I fully support the work it does. I also appreciate that it gives public health advice and it gives it very well. It does its job very diligently. I have never once undermined the work of people who are doing their best. People can have disagreements with various aspects of what they might recommend at times, but they have a job to do. My quarrel is never with the public health experts that give advice. The range of different scenarios NPHET presented was based on information that we still did not have regarding the transmissibility of the virus. We also know that the changes to the vaccine roll-out were not built into the modelling. The 300,000 doses of the two vaccines that will be made available to young people, which I welcome, were not built into the modelling. The fact that all of the over-60s will be fully vaccinated by 19 July, which I welcome, was not built in. That would be a start. It reduces some but not all of the risk.

The Tánaiste talked about air filtration and ventilation systems. We are told that will be part of the solution. That reduces risk. It does not reduce all risk but it reduces some risk. That must be built into the modelling and we need to find out what is the level of reduction of risk. We also know that testing is something that reduces risk. Antigen testing does not reduce risk as much as PCR testing, but testing is not being used and it is not on the table as an option for people who are unvaccinated to be able to avail of the same opportunities as those who are vaccinated, which is exactly what we are doing when it comes to international travel. One can get a PCR test, jump on an aeroplane and go into a restaurant in Spain, Portugal, Italy, England or wherever. That is fine but a young person does not have the same opportunity to do it when it comes to indoor dining. Those are the contradictions.

Another ingredient would be looking at limiting numbers of people at tables and all of the social distancing guidelines that we had in place last summer and that worked very well. It was towards the latter end of the year and at Christmas when the British variant arrived that we had real difficulties. For me, all of those measures in their own right reduce risk and should have formed part of a reopening for everybody. I am deeply uncomfortable. I say this in a sincere way. The Taoiseach or the Tánaiste might think that I and my party are playing politics with this, but I cannot support any plan or legislation that I see as discriminatory and unfair. I simply

cannot do it. It is not in me to do that. For this reason, I cannot support this legislation.

The Tánaiste spoke about public health advice. The public health advice was that people under the age of 18 should not be allowed inside the door. That was never recommended. That was a change made by the Government. I do not say it was the wrong decision, but one cannot, on the one hand, take an *à la carte* approach to the public health advice and then, on the other hand, say to the Opposition that it is not the way to do it. The public health advice was what it was. We are all looking to put in place a plan that would allow for hospitality to reopen for everybody, but the Government made a decision to let the under-18s in, so now we have contradictions. One cannot be confirmed or have one's first holy communion if one is under 18, but one can go into a restaurant or a pub. If one has a family of four, two of whom are under 18 and two over 18 and they are on a staycation, the 19- and 20-year-olds can stay outside. Let us hope it will not be raining when they are outside, or they can stay in the hotel or go wherever they want while the rest of the family can go into a premises and have dinner, a drink, a cup of coffee or whatever might be the case inside. The 19- or 20-year-olds outside the door are most likely the people who, once their staycations are over, will be serving the drinks and food in the hospitality sector. People can see all these contradictions.

The Tánaiste can take to his feet and blame Sinn Féin, which many Deputies are doing. This is not about the Government versus the Opposition. This is not about Sinn Féin. Almost all of the Opposition is against this Bill. I am not sure what the Labour Party's position is, but I assume it will oppose the legislation. The Social Democrats are opposing it. Most of the Independents are opposing it. Aontú is opposing it. They are all opposing it because there is almost universal opposition to this from within the Opposition. This is not about any one political party and it is not about the Government versus the Opposition. This is about what is right and what is wrong. This is about what will work and what will not work.

The Tánaiste says that this will be light touch and we will not have compliance officers going in and checking every table. I am not necessarily looking for that either, but if we are going to bring forward legislation and put in rules but it is not going to be policed, the obvious question is why are we doing it in the first place. This is going to be so light touch as to be ridiculous, ineffective, and impractical and it simply will not work. That is what is going to happen here. That is the madness of all of this.

We need to put in place all of the other ingredients I spoke about that are not in place to reduce the risk, not come up with something that will not work and will discriminate and where a blind eye will be turned to some of it anyway. The Government will not have put in place the ventilation and air filtration systems and antigen testing will not be up and running. We will not be accelerating the vaccine roll-out for young people, and even when we do, we are not going to build it into our modelling assumptions. The Tánaiste must get real. This is a plan that is impractical and unworkable. Regardless of the way he wants to present the matter, it is not a case of it being his way or the highway. There is an alternative, which I have outlined, and he has not chosen to accept it. Instead, he has gone for a two-tier reopening that is deeply problematic.

Deputy Pa Daly: I have four minutes and I propose to share two of them with Deputy Martin Kenny.

Acting Chairman (Deputy Alan Farrell): Is that agreed? Agreed.

Deputy Pa Daly: This legislation puts forward yet another poorly-thought-out system.

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Throughout the pandemic, the Government has overly relied on the criminal law rather than public health guidance. At a meeting of the justice committee, representatives from the Economic and Social Research Institute, ESRI, said it is a sense of solidarity and togetherness that makes people comply with health advice, not fines and imprisonment. There has been no training or guidance for the staff in the hospitality sector that are expected to enforce the use of the pass. A restaurant owner in south Kerry asked who came up with this scheme because neither he nor any of his colleagues were consulted or asked for their opinion. Numerous hospitality businesses have no idea how they will use the pass, and many have no desire to use it. These businesses have spent small fortunes reorganising and reopening. A publican in Listowel told me that like others he had invested in Covid-19 containment measures, and his staff have adapted with patience and a commitment to get through the pandemic together but he too feels that his voice is not being heard.

The new system has been described variously to me as chaotic, apartheid, unworkable, unenforceable and unfair. What consideration was given to keeping supports with a reduced capacity like last summer? We have just a cobbled together plan and the usual tweets and leaks. I appreciate that the Government is comfortable with a two-tier system. The over-60s are waiting for their second vaccination and many people are unable to avail of a vaccine. They struggled through the pandemic. They do not deserve to be excluded from going for a meal. Many worry about what is next in a two-tier Ireland. Will the system be introduced in libraries, museums or shops? Young people will not be able to go to a bar or restaurant with their friends. They sacrificed personal freedoms and their mental health. They feel discriminated against.

What will it be next? Will some businesses be excluded with only an hour's notice? I was contacted by Kerry businesses, Pavilion Amusements in Ballybunion and Bowling Buddies in Tralee. They reopened after significant planning and investment but then were visited by gardaí who said they had to close them down because the regulations and legislation had changed again. Light-touch regulation will only increase the unenforceability of the legislation. We are certainly not all in this together.

Deputy Martin Kenny: We all want to see hospitality reopen safely and sustainably, but the Government is making a proposal that will allow some people in and keep others out. I have a daughter who works in a café. She tells me that people are asking now why they cannot sit down inside instead of going out in the rain. There is already that hassle with people, so a system that allows half of the family to come in but keeps the other half outside will be unworkable.

Everyone, and certainly those in the industry, recognises that this legislation will be very difficult to implement. Understanding the system will be difficult and sanctions will be in place for people who produce invalid papers or whatever there will be. Who will police this? We do not know how this is going to be done.

The legislation has been rushed and is badly done. The Tánaiste spoke about the consultation that happened, but my understanding is that there was very little consultation, except with the vintners and the restaurateurs. Everyone else was left outside the door, including workers' representatives. That was the wrong way to do this.

We need to find a better system, one that works and into which everyone can buy. The system before us does not work and people will not buy into it. The Department needs to go back to the drawing board. Pushing it through the Dáil will be very unfair and put everyone in

a poor position.

Deputy Thomas Gould: This week, it was announced that indoor summer camps for children could not go ahead. LEGO camps, drama camps and many others that children across the State were looking forward to have been cancelled. Following on from last week's announcement, first holy communions, confirmations and christenings were all cancelled. However, this legislation will allow children to go into restaurants and bars if their parents are fully vaccinated. This does not make sense to people and raises serious questions about understanding the impact the pandemic is having on young people in particular.

The Bill is just one in a long list of measures that are discriminatory, unworkable and fly in the face of what the Government's slogan has been all along, that is, that we are all in this together. Yesterday, digital certificates were issued to thousands of people. However, instead of this being a good news story, Ministers caused chaos and confusion. They went on radio giving conflicting advice and no one could tell who was right. This is not a game. These are decisions that need to be well planned, properly thought out and discussed with all of the relevant people. We need to have faith in the Government's ability to handle the pandemic.

I wish to raise a further issue quickly, namely, Cork Airport and its workers. Should any Government funding be provided to Aer Lingus now or in the future, it must be on the condition that the 150 staff at Cork Airport are not laid off for a ten-week period. There are no reasons not to keep them on the employment wage subsidy scheme. Ten weeks amount to five pay packets for these workers. They are worried about the announcement that they will be laid off for ten weeks and are concerned that, when they return to work, they will be asked to sign new contracts with less favourable conditions. I ask that the workers at Cork Airport be protected.

Deputy Pat Buckley: It has been said many times that we cannot support something that segregates our citizens and leaves them behind. We cannot pit family members against family members. My daughter works in a restaurant. What Deputy Martin Kenny said is true - tensions are already rising about who can go in and who cannot. I have spoken to a good number of publicans about this matter since Monday. They are in fear for their lives over what is going to happen. There is a soft touch, obligatory kind of approach, but all the onus is put on the premises' owners.

I have read this Bill twice, but I saw no mention of a person's safety, civil liberties or rights. Frighteningly, it is all about emergency cessation orders, compliance notices, compliance officers, the District Court and the Circuit Court. A tough hand is being brought down. Like Deputy Cullinane, I cannot understand why there has been no future planning if we are all supposed to be in this together. We knew last year that this would happen. Everyone has a PPS number. It is beyond belief. I spoke to people who could not figure it out. I cannot enter a hotel with my family and sit down for a meal and a drink because my two kids are not vaccinated, yet one of them can serve food and drinks to people in a restaurant even though she is not vaccinated. I have often spoken to publicans who say that they are in fear for their lives over how they will police any of this. Some people say they would have to hire extra security. What are the implications of someone asking people at the door whether they are vaccinated?

I will make a personal note about a significant issue. There are not too many things in this life that you own - your name, possibly your phone number and your medical records. I see where the Government is coming from, but the fear factor has to go. The Government has to work with everyone. There is still not a great deal of clarity about indoor operators. What is

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an indoor operator? Does it cover fun fairs and indoor amusement arcades? We do not know because there is no clarity on the matter.

The greatest fear is that the Bill is being rushed. The Tánaiste mentioned the sunset clause, but there will be an opportunity to extend the provisions to January. That cannot work. The Government must listen to everyone on this side. We must work together and try to get something that suits everyone. If the Government rushes the Bill through, there will be many more social problems and the anger that is already out there will escalate. Where civil liberties and rights are concerned, pitting people who have against people who have not will lead us down a very dangerous road, regardless of whether there is a pandemic. If everybody cannot be respected and treated equally and fairly, it will not work and we will be in big trouble.

Deputy Alan Kelly: This legislation has changed everything. There has been a great deal of solidarity during Covid and the motto that we have all adopted as a society is that we are all in this together, but that ends tonight. That is my view and the Labour Party's view. When Covid began, there was considerable co-operation with the Opposition. We always worked together. Sometimes that was below the radar and was not anything that we had to come in here and shout about.

I have been knocking around the Oireachtas nearly the same length of time as the Tánaiste, but I have rarely seen a Bill that was so badly handled. The Government has made a hames of this. It is a shambles. I am not sure that Ministers even know what it contains or what they are doing. They are afraid to be asked questions about it now. It is contradictory. I am deeply uncomfortable with it and I believe the Tánaiste is too. I know him well enough to say that. I would be surprised if he was not uncomfortable with this legislation. It is not just a shambles, but it is not based on public health advice either. We can see the holes in it. It is reactionary. Most of all, it is discriminatory, and the Labour Party can never support legislation that is discriminatory. There are serious legal questions over it. They will go to another forum after the Oireachtas. What we are doing here crosses a line that should not be crossed, in that we isolate, treat people differently and say to people that because of the order we have decided they will be vaccinated, we can discriminate against them. It would be one thing to come in here, as flawed as this legislation is, if everyone had been offered a vaccine. As the Tánaiste knows, I am probably the most pro-vaccine person in here because I have spoken about vaccines for years. I attended the world vaccination conference in Brussels a number of years ago.

It is not just that. What is going on is also chaotic, with regard to the way this is being rushed through Government and the Dáil. Speaking off the record, Cabinet and junior Ministers are privately saying it is a shambles. No doubt, Government Deputies are saying it. The organs of the State, officials, are saying this is shambolic. The HSE is saying this is shambolic. It has enough to be doing now without being involved in something like this.

This will take over the Tánaiste's summer. Issues with this legislation, which we have not even thought of, will cause problems over the summer. Insurance will definitely come up over the summer. There will be issues all over the country. There will be contradictions, problems and issues we have not even thought of yet. The Tánaiste's Government will be dealing with them all summer.

We have a situation in which a senior Minister goes on the national airwaves to tell the country that people who have had Covid-19 should go to their GP to get a certificate in order to go into a pub or restaurant, only for a junior Minister to say she was wrong less than two

hours later. He then gets contradicted by other Government sources last night. I knew about this a couple of days ago. GPs had been on to me. I hope I am clued into what is going on, but when I had to go to GPs to ask what they were doing as part of this and were they involved in the roll-out of certificates, I was categorically told “No”. However, Ministers were saying “Yes”. I had to double check and they said “No”. I went round the country and asked a number of people. GPs have enough to be doing. The confusion is incredible and we are still not sure what role GPs will have. I suspect none. I do not think they should have a role because they have enough to be doing.

The entire saga has been a fiasco from the moment NPHET published its letter to suggest to the Government it would only allow vaccinated people into indoor dining for the summer. It was based on data and modelling that was out of date. The Tánaiste took a decision to endorse the plan without possession of the full facts. It is as simple as that. Then, the Tánaiste was either uninformed or misled on what was in front of him and Ministers are saying that privately. It should also be remembered the NPHET letter contained detailed information on case numbers from the UK but, mysteriously, had no data on hospitalisation figures from the UK.

The proposal outlined here will break social solidarity. It will cause havoc. The Tánaiste has, quite rightly, challenged the Opposition with regard to what we would do. I will say it. What the Tánaiste is proposing here is not based on full public health advice. There are many holes in it. The idea the Government has uniformly come up with a system - this mess - which is between the ditches of what public advice would allow, is not credible or true. There are so many holes in it, with regard to young people, the distinction between hotels and other dining areas and vaccinated people and unvaccinated people, and considerable stuff with regard to workers.

What would we do? I understand this industry is in serious trouble. Before I entered politics, I worked in Bord Fáilte and Fáilte Ireland. I understand the industry intensely and yes, we do need a plan to reopen. However, instead of coming up with this completely convoluted system which is unenforceable, devoid of the reality of what needs to be done, counterproductive with regard to public health and which will cause huge anger and, I can guarantee, raise a whole range of legal issues, we should have opened up in a safe way with new modelling based on all the data and new vaccinations, and have a testing regime for those in order that people are not discriminated against.

The Tánaiste knows I was the first Deputy to raise antigen testing. It was so long ago, we were in Leinster House. The fact is the Tánaiste supports antigen testing. He said it on the floor to me in response numerous times. We have the Ferguson report but we cannot use it. Now have to set up a new implementation again, which is fine. However, the fact is it is so late. We are doing all these test events but nothing is coming about from them. In some industries it is fine to use antigen testing, if one is a lorry driver, etc., but we cannot use antigen testing in other areas. It is completely contradictory.

We would do the full modelling, have the European travel certificate, PCR and antigen testing and there would have to be a roll-out of ventilation systems and measurement of ventilation because we all know airborne transmission and the way it is done, is critical. I have written to the Government on this. I did not even receive a reply from the Taoiseach or the Minister for Health. There are so many good technologies out there now. I went to the extent of visiting a location that manufactures or sells them. They would be a huge aide. Put all that together and that is the solution we would put forward. No solution is perfect, I grant the Tánaiste that, but

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it would be a damn better solution than what he is putting forward here which discriminates against so many people.

We also have to ally into the fact that with the volume of people being vaccinated and 7% of the adult population being vaccinated per week, I hope more than 80% of adults will be vaccinated in four weeks' time. That should also be factored into the modelling. I have a real, genuine question. The Tánaiste spoke earlier about PCR and antigen testing. At least he came in and addressed it because there is such confusion out there. The Tánaiste said provisions are made through the Bill, etc., even though they are not directly stated, but I get what he is saying. I appreciate that because, finally, we had some bit of clarity on it.

Can I ask the Tánaiste a question? What is the difference or what variables will change with regard to how successful PCR and antigen testing technologies are, between now and when we could potentially use them in a few months' time? It is not about vaccinations. I am talking about the success and reliability of those technologies and tests. What will have changed? Zero. Nothing. Why can we not use them now? It is a critical question. I do not understand it. It is a complete contradiction. It would be far better than what we are putting forward at present.

The issue of discrimination is profound in this legislation. It is the first time I have seen it as blatant. I spoke about it a number of weeks ago in this Chamber. I said it was bananas. It is. I did not think we would have a Government which would come to this day and do this, especially when it had alternatives and would not stick rigidly to public health advice. I accept the Government has to take on board public health advice but I also accept that, at times, it will have to tweak and vary it. That is why our solution would have been far more credible. This is to discriminate against people, and broadly young people. Dare I say it, a category here has been forgotten, that is, the people between 60 and 70 years old, cohorts 4 and 7, and some healthcare workers who were vaccinated with the AstraZeneca vaccine and are only getting their second vaccine now. They will have to wait a number of weeks to be fully vaccinated. Even though they are in their 60s they will not be able to use or leverage this for a number of weeks. Just to put it on the record, I have major respect for the vaccination teams and work done by the HSE. There are doing an incredible and heroic job.

This legislation is not based solely on public health advice. It is reactionary. It is certainly not based on full scientific advice, given the contradictions in it. I also wish to ask about enforceability. This is "an Irish solution to an Irish problem". That awful phrase that was used for so many years is more apt here. Let us be honest about it. This is going to be case of a nod and a wink. It is not going to be enforced. Many people working in hospitality are young. They will not be able to enforce this on the front line. There is going to be no follow-up on it. What will the HSA be able to do? The HSE certainly will not be doing anything relating to it. First, it does not want to, because it has enough to do. Second, it does not have the resources. As regards An Garda Síochána, if one speaks to gardaí about being dragged into this, they are not going anywhere near it. It will be completely unenforceable. It is not practical either.

I also have questions about some legal issues. How will we ensure data protection and the application of the GDPR across the board? How do we know there will not be a raft of cases relating to this, as regards people's medical histories? What provisions have been made to deal with that? With regard to employment law, no employer has an entitlement to ask an employee whether he or she is vaccinated. If two chefs are working in a restaurant, they will have to be 2 m apart. How is that going to work? How will it be enforced? What happens if an employer

says that they have to work closer together and rams people in? How will all these issues work from a public health and health and safety perspective?

There are also a number of inherent contradictions as regards vaccinated people versus the unvaccinated people who are allowed in some settings, that is, hotels, but not in the restaurant next door. How is that credible? I spoke earlier to the Taoiseach about summer camps. My two children, Aoibhe and Senan, asked why they could not go to summer camps. I would sacrifice going into any pub over the summer if both of them could go to their summer camps. It is not credible that they could be in school a couple of weeks ago, but they cannot go to a summer camp. If I have one small thing to ask, it is that the Tánaiste reconsider this. Please, reconsider it. They only have a few weeks in the summer, and not every young person is interested in sports. I know that. While the Tánaiste says there is some form of concern from a public health perspective, he is allowing children into pubs and restaurants but not into their classes, be they dancing, LEGO or other classes. There is a moral issue there. They can go into a pub, but cannot go into a class. I ask the Tánaiste to please look at this again.

The other issue that worries me is the impact this will have on the HSE as regards resources, and the deep concerns it has about this.

There is also the issue of why the Government could not adopt the travel certificate and the testing regime, along with the ventilation. It could present it to the public, say it is going to have a good enforcement regime and a standard it wants everybody to adopt, rather than go down this road. I have spoken to young people. Many of them have contacted me in the last week since I raised this issue in the Dáil. They are simply going to get on a flight or go to the North. That is a statement to the Government. It is saying: "Our country is discriminating against us, so we are going to do what we want and need to do elsewhere". That is completely contradictory.

The sunset clause is another issue. I believe the sunset clause is in this legislation because it has to be for fear the legislation may not be constitutional. If there was no sunset clause, the risk of it being unconstitutional is higher. The sunset clause means we will be coming back to the Dáil in a few months to discuss the issues regarding vaccinations, how transmissible the disease is and so forth. We know there are going to be variants and other issues. The Minister will just return to the Dáil and we will rehash the debate. Is that what is going to happen? I have an issue with why that sunset clause was included in that manner.

Ultimately, the real issue is that this is discriminatory, unenforceable, unworkable and confusing. It is not balanced or fair. It is riddled with contradictions as regards public health advice. It is unscientific. It is legislatively and constitutionally dubious. It is a really sad day for our country that the motto that we are all in this together has simply gone out the window. I am deeply uncomfortable with the Bill. There is no way we could support it. We have put forward an alternative and, at this stage, I still ask the Tánaiste to consider it.

Deputy Jennifer Murnane O'Connor: In fairness, we all want to see the reopening of indoor dining and hospitality in a safe way, and we all want to take the advice of the national public health authorities. We want to do the right thing. I spoke on this yesterday and, as I said, the devil is in the details. I am very concerned that we are drawing a line between vaccinated and unvaccinated people. We are seeing the rapid spread of the Delta variant and we must protect those who are not vaccinated from getting Covid-19, but I am not sure we are doing this the right way. I am concerned about staff in the hospitality sector. They are largely young and unvaccinated because we did not prioritise them. I am concerned about businesses and the

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information that is not being provided to them.

I have received many calls and emails, and people have called to my office with petitions. There are people who are vaccinated who oppose this and take exception to being asked for private health information in order to eat on an evening out. They say they will not stand for this. There are also people who could not get a vaccine for a variety of reasons. They are concerned too. Businesses in Carlow and across Ireland are afraid to reopen this month until they see how this works, who enforces it and what the public reaction is. Staff are afraid of negative treatment if they ask customers about vaccination. Some customers have vowed not to spend in the hospitality sector because of this.

We are planning to restrict indoor dining to those who are vaccinated and those who have recovered from Covid-19. However, we will allow in children under 18 years old, who do not have the possibility of a vaccination. I do not for a second advise that we ban them, but this makes no sense when we do not allow indoor summer camps for children on public health grounds. That has been a major issue for me. Many families and women who have rang me are very upset about that.

3 o'clock

Are we putting young people at risk of Covid or long Covid with this? We are allowing one sector to have this but we are not allowing it to another sector. We have to be careful. The inconsistencies are massive and people have valid concerns. I have heard from many people in Carlow and I have listened to them. I am caught. I have concerns about how quickly this legislation is coming in but I am also concerned about the businesses that have been closed for more than a year. I have had many meetings with businesses in the hospitality sector that have been closed for so long. I know it is a huge issue for jobs. We have to be very mindful of this. While the legislation provides a framework to enable an assessment of the potential use of PCR testing and antigen testing we are only bringing forward proposals. We do not have enough vaccines to vaccinate the young people in Ireland. Do we even have a plan for those aged under 18? There is too much of a rush but I want to help those businesses that are suffering.

I would insist that the legislation only be for a short period. It will end on 9 October. This is the one commitment we need to give today. We are still in the middle of a global pandemic. Just this morning, we saw an increase in hospitalisations because of the virus. I really am concerned about what we are seeing abroad. Austria, Denmark, Estonia, Bulgaria, Finland, Poland, Spain and Sweden all have these certificates. France and Greece are moving in the same direction. They are doing it to encourage vaccination. In contrast, the UK Government's Covid status certification review report of July 2021 stated that while there would be a public health benefit, it was judged that the burden, particularly on those not yet offered a full course of vaccination, would be disproportionate to the public health benefit at this stage of the pandemic. The UK is not doing what we are doing in this regard. There is so much to lose with these restrictions. We have a huge number of infections. We have to tread carefully and listen to that side of the argument. We need to listen to every side. There are huge concerns.

We said we would not make mandatory vaccination a rule but we are asking Irish people to get vaccinated or they cannot participate fully in the reopening of our society. This is not right. I spoke yesterday about the simple issue of toilets. At present, unvaccinated people sitting outside can use the facilities inside a restaurant. Will they still be allowed to do this when we allow vaccinated diners inside? How does this make sense. The Delta variant transmits

faster so a few minutes in a public bathroom could be dangerous for an unvaccinated person and could put staff at risk. Are businesses to segregate toilets? Who will police this mixing? If there is an outbreak, what will be the liability for businesses that have done everything right? Businesses have legitimate concerns about how this will work and whether it will backfire on them and their staff. There are too many questions. There is a lot of discomfort.

I would like to see more emphasis on vaccinating those who can and want a vaccine regardless of age. We should open the portal to those aged under 18. I reckon we would see a massive surge in vaccine uptake. People have been so good and I compliment the people of Ireland. The vaccination uptake has been absolutely brilliant. We need to work with the people, as we are doing. Summer is coming and hospitality is very important as are all jobs in all sectors. We have to be very careful.

Are we doing enough? The communication is not right. There is such confusion. I will give an example. This morning, I spoke to someone who cannot be vaccinated because of medical issues. We have been told people can get a letter from a doctor. Will the person I spoke to have to pay for this letter? Must he ring his doctor to look for a medical letter? Will he have to pay for it? It is unacceptable if people must go to their doctor and get a letter and have to pay for it. We have to be very careful how we do this. What way will the HSE work on it? Will it give out letters?

People who do not want to get the vaccine have genuine concerns. We have to be very mindful of them. We cannot have a two-tier society. I ask the Tánaiste to look at this. I ask that we do not rush it. We have to say well done to everyone. We have to compliment everyone because Covid has been so hard with the loss of lives. We have to put people's lives first and that is something the Government can be very proud of. When we move on we have to make sure it is an Ireland for all and that everyone is included. I ask the Tánaiste to do this.

Deputy Martin Browne: The way the Government has introduced the legislation is flawed and as divisive as the legislation itself. It is unworkable and deeply unfair. The hospitality sector in particular has suffered badly during the pandemic and has borne the brunt of the restrictions like no other sector, except those involved in arts and entertainment. Thankfully, with huge public participation in the vaccination programme we are in a position where the hospitality sector can begin to reopen. Because of the importance of this moment we would think the legislation to allow for this would be given careful consideration and that all elected representatives from constituencies such as mine in Tipperary would be given the opportunity to properly scrutinise it and contribute to it in the interests of their constituents. Instead, the Government has played fast and loose with the future of the sector and society in general by publishing the legislation at the last minute and giving the Opposition only a few hours to read it and submit amendments. Why is this? It is to avoid proper scrutiny because the Bill is discriminatory and unworkable. It discriminates between the people of this country based on whether they have a vaccination. We cannot support a Bill that does this. We cannot support a Bill that leads the country down a road that is in absolute contradiction of the equality we practise and espouse. It also contradicts the Government's claims on protecting public health.

The Bill also works against the proper reopening of indoor dining. People are being asked to police a system that is open to argument. This is unfair on these establishments and will put managers and staff in a very difficult position. So far, the Government is unable to say how many compliance officers there will be and what exactly they will do. The inconsistency of the Government's approach is also evident in how hospitality staff who have not been offered a

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vaccine have no exemption to eat indoors where they work but there is an exemption for them to work there. This is a terrible way to treat workers.

The Government will not even treat Covid-19 as an occupational illness as we are again proposing. Neither has there been co-operation with the North on this. It is not clear how this will operate for residents of the Six Counties and non-EU tourists. What we are pointing out today through our amendments is that we need a plan that builds in all mitigating factors. This includes PCR and antigen testing, a revised vaccine roll-out, ventilation and air filtration solutions as well as social distancing and infection control measures. It is not beyond us to come up with a plan that includes everyone instead of excluding many.

Of course there is chaos surrounding the issuing of certificates and whether GPs will be asked to issue letters of recovery from Covid. This is proof of how the Government's treatment of the public and the Opposition when it comes to the overall plan is deeply cynical. My party colleagues and I want the hospitality sector opened as quickly and safely as possible for everyone. This is why we have submitted a number of sensible amendments, which I have outlined. Sinn Féin cannot support the Bill as the Government has presented it because it provides for a two-tier reopening that will fail the public, fall short of what the hospitality sector needs and will fail to uphold the element of equality that we hold dear.

Deputy Róisín Shortall: Earlier, I listened to the Tánaiste's contribution on the Bill. He made the point it is not perfect and he was not claiming it was perfect. I do not think any of us expect perfection in the context of the difficulties of dealing with Covid. To say it is not perfect is quite an understatement. I do not think for a moment that anybody is saying it is easy to legislate in the current circumstances. It is difficult. It is difficult to make decisions on this because it is all about balancing the risk of an unknown quantity, which is what Covid is, against the risk of people losing jobs and everything that goes with this. It has implications for the economy and for health, and mental health in particular. There is a very strong desire for people to try to get back to some kind of normality. There is no doubt it is a very strong desire. There are many things to be balanced and undoubtedly this makes it difficult.

This is all the more reason I believe it was a serious mistake to try to force through this legislation in the matter of a couple of days and bypass the normal checks and balances of scrutiny.

It is my view that the Minister misjudged the situation, and has been misjudging it for some time, in regard to the political sentiment around all the challenges of Covid. In fairness, in the previous Government, when the Tánaiste was Taoiseach, there was a much greater sense of collaboration with the Opposition. We sometimes had twice-weekly briefings and we were very much kept in the loop and up to date. That has changed a lot under the current Government. We had a briefing in December but none since, until a couple of weeks ago when we had to plead with the Taoiseach to bring the Opposition in and update us on what NPHET was saying.

We have, in the main, been supportive of the Government in dealing with Covid. Most members the Opposition have largely been supportive of the public health advice and the difficult decisions the Government has had to take over the past 18 months or so. The Government has missed that opportunity of working on a cross-party basis. A national effort is needed. We have seen a huge national effort by the public and there is also a national effort at political level. That is why it is so disappointing that the Government would choose to bypass all the normal procedures for introducing legislation. It has made a serious error in that regard.

By any standard, this is significant legislation and its provisions are far-reaching. It provides, for the first time, for discrimination based on a person's health status - in this case, his or her vaccination status. That has implications for solidarity across the generations. It is regrettable given the difficult time young people have had over the past almost two years. They have paid an enormous price. All age groups have paid a price but young people, in particular, have been affected. Many of their dreams, hopes and ambitions have been dashed. There is a very delicate balance between the generations at the moment and this legislation very much works against it. There are legal and ethical implications of moving to a situation where the Government is legislating for discrimination against certain categories of people based on their vaccination status, which amounts, in the main, to discriminating on an age basis.

There is a requirement under this legislation to share health data. Sharing such data with authorities, particularly health authorities, is one thing, but sharing them with random people who happen to be standing at the door of a restaurant or pub is really unacceptable. I have serious concerns about this. There are very important principles involved in what is being done here and it is breaching many fundamental principles. There is no information about data protection. What are the arrangements for keeping a record of the data that are contained on the Covid passport? We were told earlier by the Tánaiste that, in the context of the digital certificate, records would be kept in regard to name, contact details and also that the person passed the test. What kinds of data will be recorded and what are the protections around that? There are so many questions in this regard that it would be remiss and irresponsible of the Opposition to give these proposals the go-ahead. We cannot do so when there are so many outstanding questions. The reason we have pre-legislative scrutiny is to examine the implications of proposed legislation, consider the provisions and take advice, before moving towards a proper debate where those issues are teased out and assurances can be given. That is what scrutiny and proper legislating are about. The Minister is denying people the opportunity to do that by attempting to force through this legislation.

As I said earlier to the Tánaiste, it was a mistake that the Government did not take a collaborative approach and work with the Opposition on this issue. The approach should have been about sharing the modelling and data that are available from NPHET. This is all about relative risk. There is nothing we do during Covid that is without risk, especially when there is the added significant threat from the Delta variant and the numbers of infections are going up, as they will inevitably continue to do if we have learned anything from what is happening elsewhere. It is about assessing the relative risk. We do not know anything about the data underpinning judgments that have been made on the relative risk of different actions. All actions have an element of risk in them but we do not know what the relative risk is. That is why the data and modelling should have been shared, and should always be shared, with the Opposition.

There is obviously a serious risk involved in these provisions for unvaccinated staff working in hospitality and for under-18s. We know this is contrary to the advice of NPHET. What is the level of risk applying to children and teenagers coming into hospitality with their parents or guardians? What are the projections for the vaccination of under-30s? It is a long time since the Minister provided us with any hard detail in regard to the projected delivery and roll-out of vaccines. Other than telling us that they are being rolled out quickly, which I fully accept, what are the projections as to when the different age cohorts, including the younger cohorts, are expected to be fully vaccinated? What are the projections for the likely spread of the Delta variant? At one point, the Minister was talking about the projected number of deaths per 1,000 cases and what NPHET was telling him in that regard. Was that in the context of an unvacci-

nated, partially vaccinated or fully vaccinated population? None of those data are available. It would be really helpful to have that information and the public is entitled to it. Scenarios have been set out by NPHE that are very chilling indeed. What are the underlying assumptions on which the projections are based? All of that information should be shared.

The Minister's request to the health committee to waive pre-legislative scrutiny was unfair and wrong. It was an error in my view and many members of the committee, both Opposition members and members from the parties in government, were of the same view. A number of people from across the party spectrum said they were more confused after the briefing than they were before. That is no reflection on the officials who delivered it, who were simply not in a position to answer the questions. The Minister is, in effect, asking us to buy a pig in a poke. He is saying, "Trust us and leave all the detail to us." Other speakers referred to the devil being in the detail but we do not know any of the detail. We do not know what operating procedures, guidelines or regulations will be introduced. The Minister has not spelled out any of that kind of detail.

When we consider what we have heard so far in regard to these provisions and when we think through how these measures will work in practice, it is hard not to come to the conclusion that the system is not really designed to work. Some Ministers are at pains to tell us there will not be any serious enforcement. If there is not going to be any serious enforcement, then there are implications arising out of that. Why are we doing this, is there an element of charade in it and what are the implications for public safety? The comments by Ministers, including the Tánaiste, have not been reassuring. Is this a system that has been designed not to work? I am certainly of the view, and the Social Democrats have said it from an early stage, that apart from the serious issue of discrimination, which is involved here, it is very hard to see how this is workable or enforceable.

On the question of enforcement, we need to know who is going to enforce this and how they are going to do it. It looks like the enforcement will be based on the EU digital certificate system and that is fine. It seems to be quite a robust system. However, it is a system that was designed to operate as a means of assisting safe travel. When the various details of the certificate are checked, they will be checked by official sources and through official systems at the airports. There is a matching up of the certificate with the traveller's name, passport and ticket. Therefore, that is a fairly watertight system. Showing a digital certificate to someone standing at the door of a pub or restaurant really does not sound like it would stand up to any kind of scrutiny.

What, then, is going to be checked? We know that the record for people who have been vaccinated in vaccination centres will be on these certificates. It will be stated that the people concerned have had their two vaccines and the date of the second vaccine - I got mine last night. It provides the date of the second vaccine. Of course we know that does not give people protection; in most cases, it is necessary to wait for two weeks, if not longer, after the final vaccine. Will that be taken into consideration when deciding to admit someone? We know there has been a shambles in relation to the whole question of records of vaccinations carried out by GPs and in pharmacies. There is still no clarity on that and how that will operate. Conflicting information has been provided by different Ministers yesterday and today.

Another provision is in place for people who have recovered from Covid-19 in the last six months. The understanding is that people have immunity or protection for six months - some say nine months - after recovery from Covid-19. Does that mean that a person standing at the door of a pub or restaurant must check if it has been more than six months since a person had

Covid-19? Is that detail going to be provided? What are the implications of letting people into premises if it has been a year since they have had Covid-19? Many people had Covid-19 in 2020, but the medical advice now seems to be that anybody who had the virus then no longer has immunity. Therefore, are we saying that anyone who had Covid-19 in 2020 will not get a certificate? How does this work? That is yet another question. There is also, as I said, a question regarding dates of vaccination and details in that regard.

What is also not clear is why the Government has decided not to go with testing. If there are concerns regarding antigen testing, why do the provisions not allow for a person who has been tested with a PCR test, for example, in the last 72 hours, if there is a particular occasion? What is the rationale for this? Again, there is no explanation. I am also concerned about the potential for abuse and errors. I was contacted by a man yesterday who had had his first vaccine. He told me that he got a certificate by email yesterday. It did not have his name on it, but that of a woman whom he did not know. The certificate was sent to his email address saying it was his certificate. It stated the vaccination had been completed. The man did not know this person. That is one error which happened on the first day. Are there other errors? What is happening in this regard? What is the quality control? What about data protection in circumstances where errors are made?

I am also concerned about abuse. I printed off my certificate that I received by email last night. For the life of me, I do not know what would stop me, if I were so inclined, from printing it off and handing that certificate to, for example, Deputy Smith, or anybody else. If I did so, the person could go off and obtain admission to a restaurant or pub. Will the Minister tell us if there is anything in place to stop that type of abuse happening? Will any attempt be made to match the person holding and presenting a certificate with the relevant details and establish that the person presenting it is the same as the person named on the certificate? These things are important. We either have a system of enforcement or we do not. If we do not, let us stop bringing rules and regulations and the law into disrepute. This thing should work or not. All these questions need answers.

There is growing advice that we will all need booster doses, a third dose of a vaccine, before the end of this year. I asked the Minister before what he has done to prepare for that. Will the Minister clarify if this certificate will provide for the recording of the booster?

What is not clear at all regarding enforcement is the role of An Garda Síochána. Gardaí should not be put in a situation where they do not know what they should be doing and where people are pointing the finger. That happened last year and it should not happen again. We have also been told that the people responsible for enforcement are the environmental health officers and the Health and Safety Authority, HSA, inspectors. In total, there are about 420 of those. Presumably these people are working a full week and they are busy people with plenty on their plates. What are the arrangements in that regard, therefore? What discussions have taken place with them? Must they set aside all their current important work? Will they be allocated to checking out hospitality premises, or what will happen? What working hours will these people have? The hospitality sector, in the main, operates in the evening. I would like the Minister to tell us about that. This is why we cannot simply say “go ahead”. There are umpteen questions which need answers.

I also mention, briefly, the question of how we can make hospitality premises as safe as possible. That should be the objective. We must ensure, if we are opening the hospitality sector, that we make it as safe as possible. The number one issue in regard to safety is ventilation. I

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do not know if the Minister has done anything about this issue in the meantime, but last week I told him that the current advice on the HSE website is that there is no strong advice to support the contention that Covid-19 is airborne. At this stage, that would be funny if it were not so serious. Has the Minister done anything about changing that? I asked the Minister if he would set out clear guidelines for the hospitality sector, and not guidelines from Bord Fáilte. I refer to expert-led guidelines. The Minister has two reports from two ventilation expert groups. I refer to proper guidelines which set out the risk and what needs to be done. At a minimum, I think the Minister should be seeking to ensure that all premises would have carbon dioxide monitors and that those monitors would be displayed so that the public could see the air quality in those premises. That would give confidence to the public and to the proprietors of those premises and, most of all, it would ensure a higher level of safety. Therefore, there must be clear guidelines regarding ventilation. In addition, clear guidelines should be provided regarding the maximum number of people that should be in premises.

The other point regarding safety is safety for unvaccinated staff working in premises. We all have concerns about this. We are saying unvaccinated people cannot enter premises because the risk is too high and yet we are saying that unvaccinated staff can go into these premises and serve vaccinated people. We need updated guidelines from the HSA regarding workplace safety. I am absolutely shocked in this regard, because I tabled an amendment to this legislation seeking updated guidelines on ventilation and workplace safety for staff. Just this afternoon, I got a letter from the Ceann Comhairle telling me that my amendment had been ruled out of order because it is in conflict with the principles of the Bill. If safety for customers and staff is in conflict with the principles of this Bill, then I do not see how we can support it.

Deputy John Paul Phelan: I apologise for not being in the building for the Minister's introduction to this legislation. I must admit that I find myself badly torn on this legislation because for a long time I have been a strong proponent of trying to get the hospitality sector open. However, I have concerns on some of the issues that have been raised by others, namely, the sharing of medical data with third parties, in this case with businesses, and the demands that will put on those businesses. I am also concerned about the implementation of the provisions of this legislation. My chief concern is with the need to provide an alternative to this vaccine passport.

I note that in the contributions I have heard that people have been temperate in their use of language. I join with other Deputies in expressing my disgust with some Members of the House and with some communications I have received which have used terms like "apartheid" and referred to the Star of David and things like this. It is a despicable false equivalence for the people who endured such terrors under those regimes. What we are being asked to address here today is serious and there are a few questions I want to pose to the Minister directly. The most obvious one, to which I think I know the answer already, is why we are doing this now. Why are we seeking to divide different groups such as younger people from older people who are vaccinated? I have an underlying condition and I have been fully vaccinated for quite some time. I know we are doing this to ensure that the hospitality sector can have a summer of some sort but some tweaks must be made to the methods in this legislation and other measures because they contain a number of obvious contradictions. I will refer to them later if I get a chance.

At the start of the week we were told that 55% of the population had been fully vaccinated. Based on the advice he has received, how many people does the Minister expect to be totally vaccinated by 26 July? When will we get to a position where 80% of the population are fully vaccinated? I also have concerns about the implementation and policing of this legislation.

Will it actually be put into practice on the ground as envisaged by the Government?

I have already referred to the issue of private businesses holding private personal medical information. A few years ago when the Government was talking about bringing in the public services card, many NGOs did not want Government agencies to share information they already held and which people had given freely. However, none of those NGOs seem to have expressed any concern about the obvious potential difficulty of this Bill, which is that third parties will hold private information on people. How is that information to be held? This legislation will place individual restaurant owners or bar owners in a highly invidious position. It is not a position in which they wish to be, to be frank. I also have concerns about the use of a travel document for purposes other than travel, which is what we are enshrining into legislation if this Bill becomes law.

I have grave concerns about the fact that here we are here again in the last week of the Dáil term. This is my 20th summer in Leinster House - or in the convention centre - and it has often been the case that serious legislation is discussed rather quickly in the last week of the House sitting. That is not a good way to do business. I acknowledge that this legislation does allow testing to be used as an alternative to the vaccine passport and I thank the Minister and his officials, the Tánaiste, and others such as the party Whips for ensuring that is the case.

I have two principal requests. I ask the Minister to give some statement of what the target is for the introduction of antigen testing or PCR testing, to which Deputy Shortall referred earlier. Some people might have taken PCR tests for other purposes. What is the aim for when those who undergo tests will be able to use them as an alternative to a vaccine passport to have their lunch or a drink indoors? The Minister might be able to accede to my second request. Once the Dáil returns in September, I firmly believe this legislation should be up for debate as item number one, or certainly on the first day the Dáil comes back. I am aware that the legislation has a timeframe of three months but I do not see any reason why, having had it on the Statute Book for the bones of two months at that point, we cannot debate it then rather than wait until the last minute in October to see whether it should be reviewed, changed or - hopefully not - extended.

I spoke briefly about the obvious contradictions earlier. Currently, if someone goes to a hotel and is a resident he or she can eat in the dining room but if not, he or she cannot. This legislation will allow people who have a vaccine passport to dine indoors in those locations. I am uneasy about the fact that up until now people who have had much less by way of evidence to show they are not carrying the virus have been able to use some of those facilities. I am also concerned by the fact that the legislation exempts people under 18 because people aged 16 to 24 are those who are the most infectious. I am conscious of the fact that as we speak, 783 new cases have been declared for today, which is the highest number since 20 February. Thankfully, the number of hospitalisations and ICU occupations are still low at 72 and 20, respectively, but we need to keep those figures firmly not just in the back but in the front of our mind. The core figures are the numbers of people in hospital and in ICU. Thankfully, those figures still remain low.

I am also conscious that in the Supreme Court judgment of *Brennan v. Attorney General* in 1983, an allowance was made that groups could be treated differently for legitimate legislative purposes once the different treatment is related to the purpose of the legislation and each class is treated fairly. By that test, this Bill probably is constitutional but I still have grave reservations about it. I ask the Minister to indicate to the House when he believes the testing alternative to the vaccine passport will be available. He should make that happen as soon as possible.

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Deputy Ruairí Ó Murchú: Bhí muid uilig ag lorg plean chun an earnáil fáilteachais a oscailt fá choinne gach aon duine go sábháilte, ach ní sin atá i gceist anseo. Níl cothrom na Féinne anseo do dhaoine óga. Bhí muid an-mhall ag déanamh oibre mar gheall ar rolladh amach vacsaíní do dhaoine óga. Níl go leor oibre déanta mar gheall ar thástáil gasta antigen nó PCR. Rinne an Rialtas praiseach den phlean a cur in iúl do dhaoine agus do na meáin chumarsáide. Níl verifier app ann go fóill do na tithe tábhairne agus na bialanna. Plean dochreidte atá i gceist agus ní bheidh muid in ann tacaíocht a thabhairt don phlean amaideach seo. Níl sé chun oibriú agus níl sé seo maith go leor.

I am in agreement with a lot of people in the Chamber today that we just have not done enough. We all wanted a plan for hospitality to open for everybody and we all wanted to do it safely. Talking about antigen testing being introduced at a later stage tells me, and I assume it tells others, that we have failed to do the preparatory work on this plan, whether that is for antigen testing or the rapid PCR test that exists. At times NPHEC gets blamed for these things but Dr. Tony Holohan has said previously to the health committee that it is not his job to carry out pilot projects. He said that from time to time that there was an insufficient amount of evidence. The onus should have been on the Government to carry out those pilot schemes or to communicate with our friends across Europe who have carried out pilot tests in many sectors and in respect of reopening. What we have here is a plan that will leave young people outside. That is just not good enough. We have fallen away from everybody being in this together and we have fallen away from the whole idea of equality. We have a plan that an awful lot of people do not believe is going to work. There are technical difficulties with the digital Covid certificate. The verifier app exists for airlines but the system cannot be used in bars, restaurants, hotels and wherever else. What we have is half a plan that has come very late and it does not look like it will deliver. It will neither provide health protections nor facilitate hospitality properly. We need to go back to the drawing board because this is just not going to cut it.

Deputy Gino Kenny: All of us want to see the hospitality industry reopened. We want to go back to what we had prior to the pandemic when you could go for a drink or a meal. We all want that and to get back to a semblance of normality but we are not living in normal times; we are living in abnormal times. To say there is confusion and ambiguity on this legislation is a complete understatement. The polarisation that has happened because of this is pretty bad. There was a huge sense of solidarity at the start of this pandemic. People are weary of the pandemic and they want to get back to a semblance of normality but having a discriminatory and two-tier system for whether you can dine indoors or not because you are or are not vaccinated is ludicrous. It is open to all sorts of abuses in terms of medical data and so forth. It is discriminatory at its heart for those who have not been vaccinated or for those who work in the hospitality industry and who will be in that congregated setting. Young people who have not been vaccinated cannot enter a pub or restaurant if they walk out across the street from their place of work to another pub or restaurant because they have not been vaccinated. It is incredible that this has been allowed to manifest itself. Those are the facts.

The other fact is the spectre of this Delta variant. You only have to look at what is happening in Britain. Its average seven-day rate is 31,000 cases per day. It is reckoned that by mid-August Britain will have 100,000 cases per day. We all understand that the link between hospitalisations and death has been loosened, if not broken, because of the vaccine roll-out and that is very good. If we open up hospitality by 23 July, there is no doubt but that the rate of infections will increase. It is suggested that by the first week of September, we could have up to 2,500 cases per day. Hopefully that does not happen but if it happens and if things go wrong,

this Government will have very serious questions to answer on the roll-out of this legislation and how it was done.

Considering all the things we have done in the last seven months, all the gains that have been made and all the social cohesion that has happened, it is ludicrous that we have a situation where we are reopening hospitality. My party and I are of the opinion that hospitality has to close until September and until the vast majority of people are vaccinated. This may be an unpopular opinion but we need that critical mass. Why was this legislation put together? It is a sop to the vested interests, including the Licensed Vintners Association. They want to open and I understand that tens of thousands of jobs are at stake. We all understand the dynamics.

I hope I am wrong but by the first week of September, we will have thousands of people affected and we possibly will have to recall the Dáil because the situation could be so serious. Hopefully that will not happen but that is down to this legislation, which is simply unworkable. When you really look at it - and I think even the Minister does not believe it can be done - this is not workable. The certificate is easily forged. You could print out thousands of them and give them out to people. How does a pub scan a quick response, QR, code? Will they scan it? No. It is not workable and I do not think even the Minister believes it will work. I would find it hard to believe that the Minister believes in this legislation.

Deputy Bríd Smith: Tá sé soiléir gur chearrbhachas atá sa Bhille seo. Tar éis na hÍobairtí go léir a rinne muintir na tíre seo, is náire é. Ní cheart dúinn díriú ar leas na ngnóthaí agus athoscailt a dhéanamh roimh go leor daoine le vacsaín iomlán faighte acu. This Bill is a gamble and in particular, we are gambling with the health of young workers. It is only those who are vaccinated who will be able to eat in restaurants and pubs but the young people who serve them and who are unvaccinated will have to wait on them hand and foot in a 21st-century version of “Upstairs, Downstairs”.

Thankfully we will not see the same level of hospitalisation and death but we do not know about or seem to be taking into account the possible effects of long Covid, which could impact on 20% of those who have had the disease and who are not vaccinated. We should not squander the gains that have been made by the population of this country. There is another reason why the Government should keep up the pandemic unemployment payment, PUP. Instead of forcing young people back into jobs that are dangerous to them, it could keep paying them the PUP. Forcing this through without pre-legislative scrutiny is totally irresponsible and it would be irresponsible for us in Opposition to support it without that scrutiny. There are so many unanswered questions that elected representatives cannot answer. How do we expect the vintners, publicans and restaurants to be able to answer them?

As the Minister knows, the Irish Council for Civil Liberties, ICCL, has serious concerns about the right to privacy, data protection and the question of discrimination among our population. It has called this mandatory vaccination by the back door and we are all opposed to mandatory vaccination, just as the WHO is. We need to bring people along with us and convince them that it is the right thing to do but by discriminating against a cohort of the population in this way, we are risking mandatory vaccination by the back door and creating a divisive two-tier society. This is a huge ethical issue.

Another issue we should look at is that we have been encouraging people to stay outdoors, including picnicking and playing outdoors, and yet our public domain is a disgrace. We are increasing the property tax, which is used to cover local authority funding but we do not have

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proper bins, benches or outdoor toilets. We will force people to go indoors unless we create those shelters and facilities that will help to keep them outdoors. As for us having this debate and passing this Bill in the interests of public health; I doubt it. We are doing it in the interests of business. We need to support people, give more vaccinations, lift the intellectual property rights from the vaccines and support the people's vaccine.

I am particularly worried about schools and the inadequate provision of monitors and ventilators. Teachers who are over 35 have not yet been vaccinated and many vulnerable teachers have been forced back into schools, where they have either contracted Covid or been compromised because of underlying health conditions. I also have every sympathy with GPs and the manner in which this issue has been handled. It is shameful. No consultation was done with the Irish Medical Organisation, IMO. Doctors' clinics, which are already overwhelmed with the fallout from the lockdown, have been taking it in the neck.

If the Government pushes this through and divides a society that hung together for so long, it will be a shame on this Government. People are being left in limbo and confusion and as we close up shop for the summer, we are expecting them to swallow this. From listening to the debate, it is not just the Opposition Deputies who have concerns but an awful lot of Government Deputies are also concerned about this Bill. I have listened to several of them. I do not tell other parties what to do but the right thing to do would be for the Government parties to lift the whip on this vote tonight and allow for a free vote. We are hearing a lot of unease across the House about this Bill and it is no wonder why, when it is being thrown at us in this manner and has basically been led and pushed forward by big business rather than by the interests of public health.

Deputy Paul Murphy: There were 783 new cases today. That is the highest daily case number since February. The seven-day average case number has doubled in the course of the past month. In the Netherlands, case numbers have gone up by 500% in the course of one week after reopening hospitality. Look at the graphs of what has been happening in Britain, and then in a delayed fashion in the rest of Europe, when indoor hospitality is reopened. The case numbers in the context of the Delta variant shoot through the roof. What follows inevitably after that, thankfully at a lower and slower rate than previously due to vaccinations, is hospitalisation. In Britain, hospitalisation is now up by 54% according to the Chief Medical Officer at a press event today. Do not believe it when people say we can open up and there will be no consequences in terms of lost lives because that is not true. As night follows day, hospitalisation will increase as a consequence. Deaths and long Covid, in particular for young people, will be the lasting impact.

At the NPHET press event today, Professor Philip Nolan said that if we continue at the current rates and nothing else changes, our case count will double every 15 to 29 days. It will go from 700 to 1,400 to 2,800. We can see the kinds of numbers we will be facing in a month or a month and a half. He said that will be the case if nothing else changes and yet here we are, on the second last day of the Dáil term, with rushed legislation introducing discrimination without any pre-legislative scrutiny whatsoever. There are major implications for the health surveillance of people. The legislation will create unnecessary extra division to society to facilitate the reopening of indoor hospitality. Things are not going to stay as they are, in a situation in which cases double every 15 to 25 days. We are instead going to open the tap and see significantly more increases and hospitality workers will pay the price for that.

At today's press event, Dr. Tony Holohan encourage unvaccinated people to be very careful

when using hospitality venues and going indoors elsewhere. He should tell that to the hospitality workers who are, by and large, young and unvaccinated. They have no choice but to turn up for work where they are at risk. There are dangerous implications for society as a whole. The Government is operating on the basis that we only have a forward gear and we must keep going forward. Deputy Gino Kenny has pointed out that we may be in a crisis situation in a month or a month and a half's time. There is a possibility of the Dáil being recalled. I wonder will we manage to get out of the convention centre in September as we are expected to. At that point, the Government may have no choice but to reverse course and reimpose a lockdown. That is the last thing people want to see. They want to see protection of the gains that have been made in terms of outdoor hospitality and so on but that will be endangered by this legislation.

A Government back bench Deputy made a point about the unvaccinated under-18s. There is no basis in public health advice for what the Government is doing. I asked the Taoiseach about it yesterday and he confirmed that NPHET did not sign off on it or agree to it but the Taoiseach said it will be fine because those under-18s will be in a family bubble. He thinks they will be in a family bubble in a pub where people are not wearing masks when the hospitality workers have not been vaccinated. It is a crazy idea that will accelerate the spread of the virus.

There was an alternative which we advocated for seven weeks ago, that is, mandatory hotel quarantine for travellers from England, Scotland and Wales to slow the spread of the Delta variant. There is also an alternative now. It is presented by some in this House that we are opposed to discrimination, and that is true. They suggest that the way to oppose discrimination is to reopen all indoor hospitality for everybody. There is an alternative without the introduction of discrimination. We should hold off on the reopening of indoor hospitality. We are almost there in terms of vaccination. It will only be six, seven or eight weeks until we have a very high level of vaccination in the population. Let us hold off on the reopening of indoor hospitality. Let us provide proper income supports for small pubs, restaurant owners and workers. The Government should withdraw its threatened cuts to the pandemic unemployment payment, PUP. We should protect the lives and incomes of people and in that way put people's needs before the private lobbying that has been going on.

Deputy Mick Barry: On Monday, the secretariat of the English-language education working group within the Department of Further and Higher Education, Research, Innovation and Science emailed all the English-language schools, giving them the power to reopen next Monday, 19 July. English-language students are, generally speaking, between the ages of 20 and 40. The overwhelming majority are unvaccinated. Many English-language teachers are also unvaccinated. There are 28 teachers in one school that I am aware of and only two of them have been fully vaccinated to date.

Bad and all as that situation is, it is even worse for the English-language stamp 2 visa students. Those are the 10,000 English language students from outside the EU. The law states that those students must attend 85% of classes if they are to be allowed to remain in the State. Failure to reach the 85% threshold means that they are liable to expulsion, that is, to deportation from the country. Many of those students are from countries such as Brazil, Mexico, Chile, Turkey and others. A bitter irony is that many of those students work in the hospitality sector that the Government wishes to further reopen next week. They will be forced to give up their jobs or face the possibility of expulsion from the State. Many others work as caregivers and will be forced to give up their caregiving at short notice to return, more or less immediately, to education. Of course, some English language schools may choose not to reopen next Monday. They have been given a choice. Those that open will, however, be at a competitive advantage

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because they will be open for business and able to attract new students. That will place pressure on the unopened colleges to follow the unhealthy example of others and open up.

The English-language student union has contacted the embassies of Mexico, Turkey and Brazil to notify them of the fact that their citizens are being put at risk in this way by the Government. Furthermore, the English-language teachers branch of Unite is calling on all teachers and students to gather at the Spire next Monday at 12.30 p.m. and to march to the Department of Education in Marlborough Street. I am happy to use my voice here in the Dáil to support their call. I call on the Minister to intervene with his colleague to get this dangerous initiative reversed and to ensure that when the English colleges reopen, there is a higher rate of vaccination within society and at least a month's notice is given to the students. Health should always be put before profit. This is a particularly shocking example of the sway held by the opposite principle. The Government needs to reverse its position in this regard

In terms of the broader issues under debate, I will make the following points. Two weeks ago in the Netherlands, 500 Covid cases were recorded in one day. Two weeks later, that has risen to 10,000 cases in one day. That is the result of a premature reopening. That reopening was perhaps a bit more reckless than the one this Government is proposing, but it was a premature reopening. The Dutch Prime Minister went before his nation at the weekend and apologised for what happened. There should be real caution on this side of herd immunity. Health should be put before profit.

This legislation is also discriminatory. Until now, we have had, in a formal sense at least, equality before the law. We are now to have discrimination on the basis of health status. Pregnant women will be locked out simply because they are pregnant. People with health conditions who cannot take a vaccine will be locked out for that very reason. The majority of young people will be locked out because they have not received a vaccine. The young workers will, of course, be allowed into hospitality venues when they are unvaccinated to serve the vaccinated. The comparison between young workers in retail and young workers in hospitality is not entirely accurate. It is far easier to socially distance in retail than it is when one is working in a kitchen or a hospitality venue.

At least in name, the Government entered this pandemic under the banner of social solidarity. The practice did not always match the ideal but at least in words, the Government put forward that philosophy. It is now tearing that up and throwing it the wind. It is saying it will pursue a policy of discrimination on the basis of health status. That is wrong and it is a key reason why I, and I hope many other Deputies, will vote against this Bill.

4 o'clock

Deputy Michael Creed: I will take up the point Deputy Barry concluded with about social solidarity and us being in this together, which has been the hallmark of the national endeavour to date. We are skating on thin ice with regard to our capacity to maintain that social cohesion in the context of this legislation, about which I and a number of colleagues are particularly uncomfortable. I take some solace in the fact that the legislation is timelined. I echo the comments of previous speakers and ask the Minister to bring forward the date upon which this legislation will be reviewed to the date when the Dáil resumes after the recess. I make that point because the Minister might recall that when we decided to defer the reopening, Dr. Tony Holohan said it was his view that there would be no reopening of hospitality until mid-September. It is, therefore, reasonable to assume on that date, which is similar to the date on which the Dáil returns,

that we would have achieved something akin to herd immunity. Given the acceleration in vaccination, the involvement of pharmacies and the possibility of an additional 1 million vaccines being procured within the European Union, it would be appropriate, given the significance of this legislation, that we review its operation at the earliest possible date.

I will also ask a specific question. We were led to believe, by comments previously made by the Taoiseach, that there were constitutional issues upon which we would not trespass in the context of the direction in which we are now travelling. I would like reassurances from the Minister that those constitutional issues do not exist and that we are not taking a punt on the constitutionality of this legislation. Vaccination is voluntary but pitting the vaccinated against the unvaccinated is regrettable. On the basis that this is a short-term measure that will be reviewed at the earliest possible date, however, it is something I am prepared to support. I would like to be reassured that it will be reviewed at the earliest possible date. There is no specific use of the word “antigen” in the legislation but I would also like reassurance that we are looking seriously at antigen testing and PCR testing as an alternative to this approach. That would be important.

I have the utmost sympathy for businesses. Big and small businesses have all suffered. I am aware of the contribution that they and their employees make to local economies. They are desperate to reopen. This is about a measure that allows reopening. It is not about closing down, which everybody railed against. There is some great luxury for those in opposition who have the benefit of all the briefings but at the same time stand up in here day in, day out. I do not want to tar everybody with the same brush but I refer, in particular, to the flat-earthers who reject science and argue for reopening or whatever is popular on a given day. We are facing particular challenges with the Delta variant. Hopefully, we will not see the same correlation, as we did previously, between the level of hospitalisation and ICU admissions with this strain as we did with others. Vaccination is the key.

We are taking a significant step in a questionable direction. On that basis, I would like the Minister to give reassurances that this will be re-evaluated at the earliest possible date. It strikes me as patently obvious, given Dr. Holohan’s previous commentary, that the early resumption of the Dáil in mid-September is the appropriate time to do that. By then, we will hopefully have antigen testing and PCR testing as an alternative. We are putting businesses in a difficult situation, particularly small, local community businesses that are perhaps not in the hotspots of tourism but are located in small local communities, which will be asking their local clientele for their vaccine status, so to speak. That is regrettable.

There are many other issues that arise regarding the precedents we are setting in the context of this legislation and the short-term approach relating to it. Who is responsible for policing the legislation? Is it bringing the legislative process into disrepute? As far as I can see from the content of the legislation, there will be no policing of it. It will, in fact, be quite unusual to see any policing of this legislation.

As I said, I am a reluctant supporter of the Bill. I understand why it is necessary. Had we embraced the antigen and PCR infrastructural issues earlier, it is possible that would have been the means to do it. I understand the resistance in certain quarters to antigen testing, but we are outliers in that regard in a European context. I urge the Minister to take on board the points I made, particularly regarding the constitutionality of what is proposed. We were led to believe by the Taoiseach that there were civil liberty issues, constitutional issues and legal impediments in the context of going down this road. I would like to be reassured that we are not being asked

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to trespass into an area in respect of which the courts may ultimately rule against the legislation.

Deputy Rose Conway-Walsh: I, along with my Sinn Féin colleagues and others, will oppose the Government's plans for a two-tier reopening, particularly as it is unenforceable and unfair. The idea that those who are unable to be given or access vaccines will not be allowed inside, other than to work and serve, is totally unacceptable. Many of the small business owners I have spoken to have loyal customers who frequent their establishments 52 weeks of the year. They are going to have to tell many of those customers that they cannot come in while others can. People are concerned because it sets a precedent that they simply are not comfortable with.

Most people were okay with the requirements relating to international travel, at least within the EU. We are all used to having to produce documentation when travelling and, in some cases, even having to have vaccines in advance. Requirements for travel also took account of the unvaccinated by allowing for testing and acknowledging people who have recovered from Covid-19.

This legislation is fundamentally different, however. We will have a situation whereby unvaccinated individuals will be serving the vaccinated and whereby people will have to produce medical documentation to eat and drink. Fianna Fáil and Fine Gael Senators and Teachta Dalaí across the State have come out and rightly criticised the Government's decision. To quote one Fianna Fáil Senator from County Mayo:

I believe the government have made the wrong decision to proceed with a plan to allow only fully vaccinated people back to indoor hospitality. We are splitting the people & leaving younger people behind, the very cohort that have shouldered the greatest burden to protect others.

That was two weeks ago. How can the same representatives now vote in favour of this legislation? These Senators and Teachta Dalaí seems to think they are in opposition in their constituencies and only in Government when they come to Dublin to vote. We want to see the highest possible take-up rate of vaccinations. So far, we have seen a really good response from the public on this. Much of that is because we have a strong sense of social responsibility. The Minister has broken the social contract here. I ask him to re-examine this. We all want businesses open and for them to thrive. We have put forward to the Minister the way in which we can have a safe reopening. To say that the Opposition is not presenting any solutions in terms of suggestions for infection control, ventilation, testing, social distancing and all those things is wrong. The Minister has lost the dressing room. It is time for him to rethink this and listen to the Opposition and to people who have real concerns. We cannot segregate society. People cannot be segregated across this island.

An Ceann Comhairle: Deputy Tóibín is sharing time with Deputies Canney, Denis Naughten and Shanahan.

Deputy Peadar Tóibín: Tá Aontú go hiomlán in aghaidh an Bhille seo. Má chuirfear an Bille seo i bhfeidhm, beidh cead ag an Stát idirdhealú a dhéanamh, le haghaidh an chéad uair riamh, go dlíthiúil. Beidh an t-idirdhealú sin dírithe ar dhaoine óga, daoine le hailléirgí agus daoine atá faiteach mar gheall ar an vacsaín seo agus atá ag fanacht le níos mó taighde fadtéarmach a bheith ann. Impím ar an Rialtas stop a chur leis an mBille seo.

The Irish Government has taken the most extreme path of any government in the European Union over the past number of months. We have had the longest workplace closures in the

whole of Europe. Some of our schools have been closed for longer than any others in Europe. Sectors of our health service have suffered longer closures than their counterparts in the rest of Europe. Even in the eye of a construction and housing crisis, we have had longer closures of construction than anywhere else in Europe. Religious services have been closed for longer than anywhere else in Europe. Indeed, for a large part of the past year and a half, Ireland, North Korea and Saudi Arabia were of the same sentiment regarding the banning of religious services. Again, when it comes to indoor hospitality, Ireland is the only country in Europe where this is banned right now. North Macedonia was the only other country where indoor hospitality was banned and it opened that two weeks ago.

There are 20,000 pubs in the State and about 200,000 people working in the hospitality sector. Many of these businesses have been closed for 450 days. They are hammered. The workers are hammered. They are being pushed into poverty and debt. Many are zombie business that will fall if the Government supports are pulled away. The hospitality sector is over a barrel. It is desperate to reopen and will naturally do anything to reopen if it can. However, the Government is taking another step no other country in Europe would do and is now introducing a vaccine pass. It is discrimination plain and simple. It is two fingers to the young people of this country. The Government is saying to young people in this country that they can bring customers their pints and chicken wings but that if they want to socialise, they should get out. It is absolutely disgraceful. Will the Minister detail what people are to do if they have an allergy to this particular vaccine? I spoke to people in the Department yesterday. To paraphrase them, and not wishing to disrespect them, their answer was that if people have an allergy then it is tough. That is an incredible situation for a country in 2021. The European Union, when it was looking at its travel certificate, discussed the idea of a vaccine-only travel certificate but countries within the European Union simply would not allow it because of its discriminatory elements as well.

More than a year ago, we in Aontú called on the Government to put antigen testing in place. Seven months the EU ago said it was time for antigen testing to be put in place. Now, the Government is finally putting a working group together to discuss the issue of antigen testing. It is incredible to see this Government tie itself up in knots of confusion and continuously trying to reinvent the wheel at a massive cost to this society. The truth of the matter is this is a Government of chaos and bewilderment. The Government is captured. It simply cannot make a decision. Its default answer has been to follow the science but the laws of science do not change when they cross the Irish Sea. Every other country in Europe is following the science and doing so safely but in a radically different direction to the one the Government is heading in. The one thing NPHET might achieve is bringing down this Government with what is going on. I welcome that today, most of the Opposition has finally woken up. For the past 12 months, most of Sinn Féin and the other parties of the Opposition have practically given the Government a confidence-and-supply deal and allowed it to do whatever it wants.

Aontú is a pragmatic political party and we have sought to be constructive. We want to get hospitality reopened safely. We have submitted many amendments to this particular Bill to try to address the inherent injustice that exists in it but of course the undemocratic nature of the Government means it will never see the light of day. The debate on the amendments will be guillotined, probably before the second amendment is reached. We have circulated a letter to all Members of the Houses, which we are sending to Uachtarán na hÉireann, Michael D Higgins, requesting that this Bill be referred to the Supreme Court. I urge Deputies and Senators from across the political spectrum to co-sign this. It is possible for Government Deputies to do this

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as well. Even at this late stage, we are asking the Government to follow best practice and add pharmacy-based antigen testing to stop the discriminatory nature of this Bill.

Deputy Seán Canney: I welcome the opportunity to speak on this Bill. I have been listening with interest to previous speakers from across the House. Nobody is comfortable with this legislation. Even within the Minister's own party, I hear people speaking about it and about the concerns they have.

The legislation, as it was put before us yesterday, is very confusing. It is confusing for us in the sense that I still cannot get why we must do this. We want to open up the hospitality sector in a safe way but there are many contradictions within this and regarding how it will work on the ground. That is what I am hearing from the small pubs and the restaurants. These family-run business do not know how they are going to police this. They do not know how they are going to stand at the door and ask somebody what age he or she is, whether he or she has a vaccine certificate and can he or she prove it. At the same time a business may have some unvaccinated family members serving the food or drink inside. It is very important to realise that while the spirit of the legislation may be to get the business open, I believe it is unworkable. There are also contradictions. If this legislation is passed, we would have a situation whereby a family may dine indoors with their 17-year-old son or daughter one week but cannot do so a week later when that son or daughter is 18 years of age, and not vaccinated. How is that to be dealt with? How is it fair or logical? At present, if a person stays in a hotel for a staycation, he or she is served food in the restaurant. That person is not asked whether her or she is vaccinated, nor should he or she be. Effectively we are doing certain things that are dividing the whole process and the whole industry. People have talked of the legal issues and the constitutional issues here and the additional responsibilities I see being put on the owners of pubs and restaurants. This legislation will put them in a position whereby they could be brought to court if they do not do it properly and they could find this compromises them for future licence applications. As such, all these things must be looked at. Too much responsibility is being put on the staff and owners of restaurants and pubs. It is unfair on these people that they must take on this law and pay the consequences if they cannot implement it. Last year we had much conversation about the pubs and the way they were divided on the basis that some were wet pubs and others could serve food. Now we are saying people are to be divided into those who are vaccinated and those who are not. As other speakers have asked, what happens to the person who cannot take the vaccine? How is he or she to be treated under this legislation? Why do we divide people when we have always said we are in this together, which we should all be?

Members of the Regional Group of Deputies have been talking of the need to have antigen testing since the pandemic arose. That has never been brought in or accepted by the advisers or the medical experts or whatever it is. For some unknown reason there has been a stumbling block to the introduction of antigen testing or rapid PCR testing. I understand the Minister is now saying that will be looked at. That is not good enough if we are bringing in legislation like this, which is creating so much concern for so many Members of this House right across the board. There are issues of constitutionality, of the measure dividing people and upsetting them and of it being unworkable, contradictory and confusing. It is important we have more in this legislation. The fact this legislation is being discussed only now, with the summer recess coming up this week, is probably an affront to everybody in the House, in that we do not have the proper time to deal with this very important legislation in a proper manner.

Deputy Denis Naughten: The approach to reopening indoor dining should not be confined only to those who are fully vaccinated. Along with my colleagues, I have pressed Government

on the use of rapid antigen testing. It should be the case that antigen testing at the door is equivalent to vaccination. We have been talking about antigen testing for the past 12 months and here we are, still talking about it and thinking about introducing it but with nothing happening on it. The reason I am so concerned with the Bill before us is we are discriminating against people who for one reason or another cannot get a vaccine. On top of that, we are putting pressure on individuals to get vaccinated. I, for one, am thankful I am vaccinated and I actively encourage every citizen in the State who can get vaccinated to get vaccinated.

The Minister might recall that on 15 December last year, I raised this specific matter with the Taoiseach in the House, saying we could not have a position where people were put under duress to get the vaccine. Here we are now, doing that, in effect, with this legislation. If people want to socialise or go into a restaurant or pub, they must get vaccinated. I fundamentally disagree with that principle. I sought assurances from the Taoiseach last December, and he made it crystal clear that there would be no compulsion to vaccination in the State. He reiterated the statement last March when questioned on the subject, saying there would be no mandatory requirement for people to be vaccinated. This legislation puts such a compulsion on people in practical terms.

We have vaccine passports for travelling across Europe but there is an alternative and people can have a PCR test instead. We are not providing the same alternative within Ireland, however. A person can fly from anywhere in Europe to Ireland with a negative PCR test but the very same test is insufficient to allow entry to a pub or restaurant here.

When the Minister responds to the debate I would like him to deal with a number of contradictions in the legislation. I listened intently to Minister after Minister since yesterday morning in the media saying that somebody who is either vaccinated or has recovered from Covid-19 in the past six months and can show proof of that can access indoor hospitality if over 18. The HSE website indicates there is good evidence a person is immune or protected for at least nine months after Covid-19 infection, so there is a discrepancy in the advice. Medical advice is that a person is protected for nine months but Minister after Minister has stated that a person will only be allowed into a public house or restaurant up to six months after infection.

There is also the comparison between indoor dining and the hotel trade but nobody has mentioned cinemas. People are socially distanced in a cinema and take off masks in order to consume food and drink in a cinema, just as people do in a restaurant. A person does not need a vaccine passport or Covid immunity certificate for the cinema, however. We expect that of people going to restaurants, so what is the basis for allowing people into cinemas but not into restaurants without the vaccine passport?

I also raise the question of people within the entertainment business across the country. They will lose their pandemic unemployment payment from September and if they try to get gigs, they will lose it. This legislation, however, is to be in place until October, which is another contradiction.

Deputy Matt Shanahan: The Minister knows I am a former member of the Special Committee on Covid-19 Response, as he is, and although his tenure was shorter than mine, he saw a large number of matters covered dealing with Covid-19 response. I am a current member of the committee dealing with enterprise and in that role I hear the pleas of business and the very great difficulties businesses are having, particularly small businesses and sole traders. They want to see a pathway to get back to being operational as soon as possible. On a number of occasions,

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I have expressed my frustrations, as other Deputies have, with NPHET and the sole authority that it has in guiding our Covid-19 response.

I will not go back over the fallout of all the Covid-19 measures we either did not implement in time or we half-heartedly implemented along the way. They are well-documented and there is a tremendous social, physical and business fallout from Covid-19, as we know. It raises the question of what we want, nationally, and what people are seeking or hoping for. There is no doubt the vaccination drive has begun to offer a window from Covid-19, although the Delta variant is becoming a concern.

It is interesting that the Government is today proposing to open indoor dining and restaurants and we have already heard the different difficulties this brings, not least of which is discrimination. I suspect that for many businesses it will not be viable for them to operate this way. By the time they take on people to police their doors and implement social distancing measures, etc., they could find that many people might not want to move indoors just yet. People must be offered some possibility of this happening and it should be done safely. The question is whether that is what we are doing.

We could also ask questions about what is not opening, including day-care centres for the elderly. There are no increased hours for respite services and an increase in disability services has also been refused to date. Owners of bingo halls and arcades are asking when it will be their turn to be allowed to open to the same degree that hotels are allowed to have people on premises.

The other question to be asked is what is the hospital defence to a surge in Covid-19. Even in the past number of days, we can see a very strong uptick in Covid-19 presentation, with an increase of three patients overnight to intensive care units. What are the age ranges of those patients, if we assume the older and more vulnerable patients are vaccinated? Do we know the impact Covid-19 will now have in younger cohorts and those vulnerable people exposed to the virus?

There is also the question of discrimination arising from vaccination status, as has already been highlighted. I, along with other Deputies, have spoken to a number of people in business who have said it will be impossible for them to stand at the door and seek the vaccine status of everybody in a group of eight people. If two people cannot provide it, do they have to refuse permission to enter the premises? How workable would that be?

This raises the question of whether we are all in this together. I have highlighted how, as public servants, we have suffered no diminishment of our pay and conditions since this started, unlike very many people in the private sector. Those people must be listened to and we must act safely and for the right reasons. If the owners of businesses now claiming Covid restrictions support scheme funding decide to open, I presume they cannot continue to claim that funding. If business is not viable and they must close again, will such businesses be able to return to claiming that funding? What are the Government's plans on extending that scheme, based on this reopening date?

There are questions remaining about what we want and need but Covid-19 is definitely being used as a weapon of political intent. I and other Deputies have been inundated with communication from people on both sides trying to elicit where we stand. I have not made a decision yet because I can foresee significant difficulties for operators here. I can foresee discrimination

as well. On the other hand, I can see the case for businesses that want to be activated. Some of these questions arise because of the Government's actions or, rather, a lack of communication. There should be a direct line of sight between the public and NPHET, other than the team telling us what the advice is to be. On a number of occasions, I have highlighted consultants in the public space who have worked on antigen testing and vitamin D but they have not been able to connect with NPHET. That is a deficit.

Tonight will tell the story of the legislation, which is not a perfect solution. I will consult other Deputies later in order to help decide how to vote.

Deputy Cormac Devlin: I welcome the opportunity to examine the Health (Amendment) (No. 2) Bill 2021, which will enable the reopening of indoor hospitality and amend the mandatory hotel quarantine regulations. I am very uneasy about introducing domestic vaccination certificates on principle and also on logistical grounds. It is not something I would normally ever consider supporting. However, we find ourselves in an incredibly challenging position.

The delay in reopening indoor hospitality was very disappointing. Many of these businesses have been closed for almost 500 days. I ask Deputies, particularly those who spoke before me today, to cast their minds back to when the easing of restrictions was announced. There was utter shock across the nation, particularly in the indoor hospitality sector. In the past week, business owners have contacted me asking for an opportunity to reopen safely as soon as possible. They want a chance to trade, particularly over the busy summer months. We have heard opposition to the proposal from many Deputies in the House, much of it is reasonable, but none has outlined a detailed proposal or alternative that would see hospitality safely reopen during the summer.

I will support this emergency Bill if two important clauses are included, which I believe they are. There must be a sunset clause, which is provided for at three months, and the provisions must end as soon as possible, which we are told will be October. There must also be provision for testing, antigen and PCR, and it must be operationalised as soon as possible. On this basis, I will support the legislation to give hospitality a chance to reopen over the summer.

The rhetoric from some Deputies this afternoon about leaving indoor hospitality closed until September, October or some unknown point is extremely unfair. The sector deserves a chance to reopen. The Deputies in question fail to recognise that we are entering a new phase of the pandemic. Almost 60% of people are now fully vaccinated. We have spoken about this many times in the House in recent weeks. More than 70% of people have received at least one jab. Almost all those aged between 60 and 69 will be fully vaccinated by the end of this week. Those aged between 18 and 29 years will have the option to register for an AstraZeneca vaccination from this week, in addition to access to the Janssen vaccine from their pharmacies.

Attempts to conjure up a "Downton Abbey" type scenario and sow social division are very unfair and worrying. The Government listened and brought forward access to vaccinations for everybody over the past weeks. Young people have embraced this, as is evident in the enormous demand for the Janssen vaccine. I encourage the Minister for Health to go further and consider opening pop-up and walk-in vaccination centres in larger towns and cities to allow everyone who wishes to avail of a vaccination to do so.

I note the Bill also proposes to make a number of changes to the mandatory hotel quarantine regime to streamline the regulations and deal with a number of anomalies. These changes are

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welcome. Many have been called for by Deputies in the House and they should also be supported.

I will support this legislation on the basis that it gives hospitality a chance to reopen. It is on a limited basis that we do so. We have heard some Deputies call for everything to be reopened but this ignores the associated risks. Others propose to leave society and hospitality closed for months by taking a wait-and-see approach. That is unacceptable and it is not what the industry has looked for. We must continue the process of reopening society.

We said from as early as last March that it would be much easier to close down sectors than to reopen them. It is important that we also reflect on that element. We knew we would be in this position and that there would be challenges. I accept this is not a perfect situation but it is one that the hospitality sector have discussed at length with the Government with regard to how we might proceed with reopening. We must continue that process of reopening society.

Is this Bill perfect? No. We accept that and it has been said many times. Are there issues with it? Yes, but the sunset clause means the legislation must come back to the Oireachtas if it is to be extended. I hope that when we get to October, we will be in a different position. I believe everyone in the House is agreed that we will be at a different point in October. Everybody wants that. We are all coming from a good place on this, which is imperative for all of us. If we were not seeking to reopen indoor hospitality with this Bill, the Deputies criticising these proposals would be castigating the Government for not doing enough for the sector. The sector has spoken and has been listened to. Its decision is to reopen as soon as possible using this method. A practical proposal to move the situation forward is before us. On that basis, I support the Bill.

Deputy Imelda Munster: This latest Covid-related legislation has to be the most convoluted, confusing and unworkable yet. That sure is saying something. The Bill was cobbled together in a rush. There was no advance planning whatsoever. That rush is reflected in the contents of the proposal. We have had no pre-legislative scrutiny. The debate on the Bill is restricted to one day. There has been no proper time for reflection, and the Minister needs to reflect. There was no time for amendment or debate. This is not how a Government should create a law.

Let us look at what it is we are putting into law. We still have a situation where everybody can freely eat indoors in hotels. If you are not fully vaccinated, as is the case for most people under the age of 40, you must eat outside of pubs and restaurants. It makes no sense.

I am aware that other Members also gave this example but it is the reality. Consider a family with two children aged 17 and 19 who are both unvaccinated. They can all dine together and eat and drink in a hotel but if they go elsewhere, for example, a pub or restaurant next door to the hotel, the 19-year-old will be excluded from the premises while the younger child will be able to go in. It is a complete and utter farce.

The Minister has said all along that this summer will be better. As with last year, the Government is encouraging people to holiday at home. People listened and did precisely that last year. Now, however, at the eleventh hour, the Government is telling families who have booked hotels, bed and breakfast accommodation, guest houses, caravan parks and camping sites that if they go on holiday, children over the age of 18 will not be allowed to dine indoors with the family while on holiday. The same child could work in the same restaurant and serve and wait on tables all night but cannot eat in it. I do not know if the Minister understands the anger people

feel. They see this legislation as unworkable, impractical, illogical, discriminatory and contradictory. On that basis, we cannot and will not support the Bill. It is utter nonsense.

I put it to Government Deputies and others who support the Government that if they have any idea of the anger and frustration people feel about being put in this position, they should grow a backbone and, for once, stand up for the people who elected them. Do not just talk the talk; walk the walk and vote against the legislation tonight.

An Ceann Comhairle: Danny Healy-Rae is sharing time with his colleagues, Deputies Michael Collins, Mattie McGrath, Michael Healy-Rae and Richard O'Donoghue.

Deputy Mattie McGrath: This legislation has had no pre-legislative scrutiny, proper committee debate or anything else. We had two minutes each to speak. Thankfully, we now have four minutes each to discuss such a huge piece of legislation which will have overwhelming effects. It completely tramples on the Constitution. The Minister, Deputy Donnelly, when he was in Opposition railed against guillotines and everything else. Does he ever look in the mirror and ask how he got to make such a turnaround and turn himself inside out?

Our Constitution is meant to be sacrosanct. Article 40.3.1° protects the right to bodily integrity of all citizens. Article 40.6.1° guarantees the right of citizens to assemble peacefully. Article 44.2.1° guarantees to every citizen the freedom to practise his or her religion. Will the Minister tell us where the Constitution is in this Bill?

I was astounded last Sunday. I was invited to the National Day of Commemoration ceremony at Dublin Castle, as was the Ceann Comhairle. I could not sit through it. My stomach would churn to see senior politicians commemorating the Truce and War of Independence when people fought for the very freedoms the Government is tonight voting away from them. What a turnaround. Collins and all the others are turning in their graves at an enormous speed. It is truly shocking. The worst part of it is that the Minister has lost the public. He lost my trust a long time ago.

The provisions of the Bill will operate until 9 October 2021. Tomorrow night, we will all go off on our merry way, on holiday on full pay, and the Minister can do what he likes. The Bill contains a provision that enables an extension for some additional period, not exceeding three months, if the appropriate resolution is passed by the House tonight. Worse than that, the scary part of this is that the Minister railed against this in opposition. I was with him at meetings in the Taoiseach's office when he railed against it. He has done such a flip-flop. What happens when one gets into power? Whose is the heavy hand above the Minister getting him to sign all this legislation? The worst part is in section 31AE, which provides for inspection and enforcement by the Health Service Executive. I understand 300 HSE staff are to be assigned to the work and the Health and Safety Authority has another 70 staff for the purpose. The sad part about it is that it allows the Minister the power under statutory instrument to appoint bodies as he may see fit by order. The Minister could appoint the Army or a security company. That is the most shocking aspect of this legislation. We are going away from this House at midnight tonight, having voted on the Bill. People are wringing their hands all evening. Fianna Fáil and Fine Gael backbenchers are nearly not going to vote for it, but they are going to vote for it, on reflection. We could not wait until Friday to debate it. We could not wait until next week to debate it properly. We are giving the Minister the power to sign any instrument he likes.

Hospitality businesses have been on their knees and we are introducing a system of medical

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apartheid. That could not be clearer to me anyway. We are going to pit brother against brother, father against son, mother against daughter and families against families. We expect the publicans and the hospitality trade to handle this. Already, they got no money from the insurance companies although they had insurance against the cessation of business due to a pandemic but the Government did not do a thing about it. Not one of them has been paid and they are struggling. There is a threat now that the PUP will be removed.

Deputy Naughten was correct when he mentioned that people can go into cinemas and get popcorn and a Coke and there is no passport. What does the Government, and in particular the Minister, have against the hospitality industry? It is something serious. Musicians want to get back to play and entertain us all and give us a bit of enjoyment, sport and a bit of solace. They are banished completely. They never get to play. The Tánaiste told me they might play a bit of music and we might talk loudly and spread the virus. My goodness - such kindergarten, juvenile, pedantic baloney. I never saw the beat of it. It is shocking. I ask the Minister to withdraw this legislation. He should not have any more smash-and-grabs for more powers. He has got too many powers and he has abused them disgracefully.

Deputy Michael Collins: This Bill is nothing short of farce. It reminds me of a sketch from “Killinaskully”, but it is not funny as it is destroying people’s livelihoods. It is mainly an attack on the young people of Ireland. If it was a sketch from “Killinaskully”, people might laugh, but it is reality. Some 260,000 jobs are being affected. Between €5 billion and €7 billion has been lost to the economy. Most of these businesses have been closed for 400 days. Imagine closing a business for 400 days and trying to survive with the door shut. Now the gun is to their head. The Minister is telling them they can open but they will open the Government’s way. They will stand on the doorstep and say “Yes” to one person and “No” to another. If a poor gentleman or lady comes along and says he or she forgot their certificate but he or she was there last week, he or she probably cannot be allowed in. The business people are being put in an incredible situation. They will not be able to cope with it. It will lead to massive job losses and business closures. I warn the Minister that will be the situation.

It will divide families. We will have situations where a son or daughter cannot go, but a mother and father can go in to have food. It is a terrible division. It is something I could never agree to. The legislation is rushed. That was proven yesterday when the Minister for Tourism, Culture, Arts, Sport, Gaeltacht and Media, Deputy Catherine Martin, said Covid certificates would be available from GPs and we should not worry as everything would be sorted. The GPs came out straight away and said, “what the hell”. They said they had nothing to do with it and they should not be put in the position of trying to resolve the mess. The Tánaiste then came out and said GPs would have nothing to do with it. The Government is all over the place because it is rushing and in such a panic to get the Bill across the line so that it can get a pat on the back from the Opposition.

Deputies from Fianna Fáil and Fine Gael and Senators from both parties have been crying crocodile tears for all the publicans and business people in recent months and now they have a chance tonight to stand by them. They have a chance to stand by every publican and restaurant owner that they promised to stand by. We will watch carefully to see how they vote. Will they vote to destroy the livelihoods of those people further or will they vote against this nonsensical carry-on and start getting this country properly reopened?

A previous speaker said some people here want to open regardless of the dangers and that they do not care what happens. We do. We have a very clear motion tonight. We want to make

sure that the people who go into pubs and restaurants sanitise properly, wear masks where possible and maintain social distancing but at least they should be allowed in. It should be up to the businesses and the customers themselves as to how they behave and not have the Government dictating to them.

A total of 2 million people are vaccinated in this country and 3 million people are not. That is a lot of people who are going to be kicked outside the door in the coming months and God only knows for how long. The Government has now created a two-tier society, the first attempt by any Government to segregate people in this country in a century. I say “Well done” to the Minister. He will never be forgotten for what he has done to people.

I could refer to several farcical situations that will arise. We will have people in the hospitality industry working hard in bars and restaurants who are 18 or 19 years of age and who are not vaccinated, through no fault of their own. They are working all night serving people who are having a few drinks or some food, but if their boss gives them a ten-minute or 15-minute break at 11 p.m., they have to run outside the door. The Minister has not considered such a situation, whereby unvaccinated workers are in the premises all night. I really do not know where we are going with this legislation. All I can do is plead with Government Deputies to wake up and not support the Bill.

Deputy Michael Healy-Rae: I am grateful for the short opportunity that we have to discuss the Bill. It is very short, considering the enormity of the legislation that is being rushed through the House. I was disappointed yesterday evening with the vote that did away with the pre-legislative scrutiny of the Bill. It denied us the right to put forward amendments, discuss and debate them and vote on them. That is what democracy is all about. Unfortunately, the Government is throwing democracy out the window in this whole debate because it is a matter of its way or no way. I do not agree with that.

I am sure the other members of the Rural Independent Group will speak for themselves, but I represent County Kerry, which is the tourism capital of Ireland, Europe and the world. I am desperate to see all of our facilities opened and functioning 100%, be they hotels, restaurants or public houses. I have nothing but the highest respect for our excellent publicans who run good houses. I have continuously stated that since the first day I came in here a number of years ago. These are people who are bred into the industry. They want to open their doors in a safe way. They would not be happy about it if they realised 100% what is contained in the Bill the Government is ramming through tonight. People could say this means that at least some people will be able to go into restaurants and public houses but this measure is dividing society. We gave long enough in Ireland in trying to unite ourselves. We gave long enough in trying to ensure that we would all be living in peace and harmony, which is all people want. There was enough trouble doing that in the northern side of this country, but the Government is inflicting a divide which is unnecessary, just because it has made such a mess of things.

Let us look at what happened yesterday. Ministers went to different media outlets and gave different messages and different factual aspects of the same situation. What was wrong with their advisers? What was wrong with the Ministers that they could not all sing off the same hymn sheet? It is not that complicated for the Cabinet to have a Zoom meeting in the morning and to decide what it is saying and its programme for the day. All it needs to do is go from day to day and try to get its music right for that day. When we have different people singing different songs on different radio and television stations and other outlets and giving a complete mishmash of a message, it is no wonder there is confusion. I am horrified and shocked to see

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that happening. The people on whom I rely are the ones who own these businesses and the way they have been treated and what they have been told to do so far with outdoor dining is totally crazy. People are crammed outside in what is perhaps a small area while there is a fine big space inside that they are not allowed to put anybody into. Has anyone heard of people using their judgment, wisdom and intelligence to run their houses properly and safely and to allow so many people into this section or that, or upstairs if they have an upstairs? They are not being given that opportunity. Now their hands are being tied behind their backs and they will be made like a police state-----

An Ceann Comhairle: I thank the Deputy.

Deputy Michael Healy-Rae: I am sorry. Am I out of time?

An Ceann Comhairle: Yes. I call Deputy O'Donoghue.

Deputy Richard O'Donoghue: Has the Minister ever heard the saying "You could confuse the nation"? I am afraid the Government has passed with honours. Old sayings are coming back to bite it because it still has not learned. We spoke about the European Parliament and legislation that was passed by the EU in January prohibiting political pressure from being used to get people to get a vaccine, but the Government is now doing that in an inverted way even though it is always talking about European laws.

We are discussing the reopening of small to medium-sized businesses, including family-run ones, but the only initiative the Government can come up with is a divide - divide families, divide neighbours, divide friends. I am a father of four ranging from 13 years of age to 23. The Government has caused a divide by its failure to get vaccines for people aged 18 years and upwards. Europe failed. It was second to the post again, crying while looking for vaccines. This was like looking for funding to rebuild our country. Our Government sought €1 billion and only got €915 million whereas countries with the same populations sought €10 billion and have received €6.3 billion. Everything it seems to do is second best, although it got 100% honours in confusing the nation. I commend it on that.

We are discussing family-run pubs and restaurants that only have one or two people running them. They are small businesses. I visited many of them around County Limerick recently. In Hospital, for example, Molly's is serving people outside. It is a two or three-person organisation, but now the Government wants it to have someone standing at the door telling people whether they are allowed inside. I was in Ardpatrick, Kilmallock and Newcastle West. The Government wants these small businesses to get people to stand at their doors and ask people personal questions about whether they are vaccinated. They might not be vaccinated for medical reasons. This is not right. People who come to the door can be asked what age they are and they have to show identification. The Government is stopping brothers and sisters from going into a restaurant or pub, but they can all go into the hotel next door, sit down and have a few drinks at their table as a family. The regulations place limits on table numbers, though, and hotels want to bring other people inside, so if the family moved next door or down the street, only two of them could go inside while the other two would have to stay outside. I imagine that if we asked children in primary school to come up with a better solution, they would have beaten the Government hands down.

The Government has rushed this Bill. There has been no pre-legislative scrutiny or common sense. I am speaking for myself, but the Rural Independent Group, of which I am a member,

has been looking for the hospitality sector to reopen safely. People should follow the regulations that are in place, observe social distancing, wear a mask, be safe and be careful of others for the sake of their safety as well. That is what the Rural Independent Group has asked for. It is common sense, which the Government is lacking.

Deputy Danny Healy-Rae: I welcome this opportunity. I am disappointed with the legislation, which is being rushed through. No less than anyone else, I wanted the hospitality sector to reopen fully and for people to be spread out. Clearly, this Bill is discrimination of the highest order. There was no consultation. Maybe some few words were had with the heads of the vintners' organisation and so on, but there was no discussion with the rank and file. Who will monitor this? Yesterday, the Minister, Deputy Catherine Martin, stated that GPs would give certificates to people who had had the virus, but doctors have denied that.

This is an infringement on civil liberties. We should treat everyone equally, yet we will now discriminate. This is shocking treatment of our young people. Ireland's 18-year-olds are now trying their best to get vaccinated so that they will not be left on the outside. This is compelling them and it is wrong. Backbenchers have been complaining about this legislation in the Chamber all evening, yet they will vote for it later tonight like they do with everything else. Who are they coddling?

Why is antigen testing not being considered? As I have asked previously, is a member of NPHEAT gainfully involved in other test kits? It is surprising that the Government did not get the Department to detail this. What is going on? Why do the Minister, Deputy Stephen Donnelly, and the rest of the Government not trust the hospitality sector, including publicans and restaurateurs? All around Kerry, they are the grandest of people who have provided the best of service down the years and abided by every law. How does the Government believe that this can be monitored? Why is it so rushed? Why did the Government not give people a chance to suss it out? People who are 18 years of age will be denied and kept outside after all that has been done to them for the past year and a half. They have been isolated and their lives have been impinged upon.

I have people ringing me who cannot get the vaccine. They cannot take it on their GPs' advice. One woman told me yesterday that she, her husband and her son and daughter always used to go to their local pub and asked me whether she would now be kept out because, on her doctor's advice, she could not get the vaccine. She has a blood clotting problem. Others told me that, because they were on blood thinners or the like, they could not get the vaccine either. I know a man who finished up in Cork after his first vaccine dose. He was rushed there because he had a clot in his leg. He is not going to get the second dose, but I will tell the House that that man deserves to get a couple of pints more than anyone else because he works terribly hard to keep his business going. To deny him the right to have a pint is very wrong.

The Government does not know what it is at all. For many reasons, I look forward to the day when we will not have the coronavirus. We will not have the Government dictating to us as it has been. It does not trust good, honest, hard-working publicans and restaurant operators. It is asking them to put people outside to eat. It does not understand. People get much better weather up here in Dublin than we do down in Kerry. It is raining down there every day when I leave it, and when I go back down, it is raining again. The sun is shining outside here. It is fine for the people of Dublin.

An Ceann Comhairle: Thank you very much, Deputy. Your time is up.

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Deputy Danny Healy-Rae: We have a different climate altogether. In a couple of more weeks-----

An Ceann Comhairle: Deputy, please. The time is up.

Deputy Danny Healy-Rae: -----people will get pneumonia if they do not get the virus, and they will probably die of it if they are going to be kept outside for much longer.

An Ceann Comhairle: I thank the Deputy for that. I call Deputy O'Reilly. All that talk of pints is making me thirsty.

Deputy Louise O'Reilly: You and me both.

I thank the Ceann Comhairle for the opportunity to say a few words this afternoon. I have listened carefully to what people have said. I must confess that, the more I listen and the more reasons I see to vote against the Bill, the more reasons I see to agree with the old backbenchers of destiny who come in and trot out all of their reasons for saying this is a bad idea even though they will stomp through the lobbies tonight and support it without a bother on them. They say that it is not a good idea, and it is not. It is discriminatory.

On Monday, we listened to a succession of Ministers and Ministers of State contradicting one another as regards the role of GPs. What is clear is that, while they did not have a clue between them, the GPs were very up front in saying that there had been no discussion, much less agreement, with them. After all the Government's fine words and rounds of applause for people on the front line, they were ignored and bypassed.

5 o'clock

As was pointed out by Dr. Mary Favier, one of the GPs listening almost crashed his car because it came as such a shock.

To be clear, I want hospitality to reopen. I want it to reopen fully and I want that to happen as quickly as is possible but it has to be safe. That means safe for business owners, customers and the workers. It has to be safe for everybody. That means using antigen or PCR testing as a means of entry for those who will be left outside because, through no fault of their own, they are not vaccinated.

We have listened for months to the mantra we are all in this together but we are not. This legislation proves that. It puts into law the very opposite of us all being in this together. Hospitality workers are desperate to get back to work but they want to be safe. They will be mixing with vaccinated and unvaccinated people. That is fundamentally unfair. There are so many anomalies contained within this legislation. I hope the Minister will address some of them.

I want to touch briefly on the issue of indoor play camps for kids. This has been described by Ms Jen Hogan as a blatant disregard for children, once again. Let us not kid ourselves. These camps are vital for children who have been looking forward to them for weeks now - of course they are - but they also make a substantial contribution to the childcare needs of working parents. The Minister will not be unaware of this. I am aware of this. We all know this is a fact. They make a contribution to the childcare arrangements.

I agree with Ms Jen Hogan when she says this will fall disproportionately on women. That is not good enough. Once again, just like the communions and confirmations, this was an after-

thought and a cruel one at that. It is ridiculous to suggest that children will be safer in the pub than they will be in indoor camps or that they can be in an indoor camp in a hotel but not in an indoor camp with the kids with whom they have been in school for the past number of months in their own locality. It makes no sense and I hope the Minister will reverse this cruel decision.

An Ceann Comhairle: We move to the Independent Group where Deputy Pringle is leading off and sharing with his colleagues.

Deputy Thomas Pringle: I am glad to have this short time to speak on this legislation, just to put my views on record with regard to it. In short, I would not be starting from here with regard to lifting restrictions. It is a bit disingenuous of the Government to say that it needs the support of all Members of the Dáil for these measures. When the Government is asking for our support, it is a sure sign that there are big problems with it. It has only restarted meetings with the Opposition in the past few weeks because it is getting it hard again and want to make it look like we are all in this together.

The Government has stated it is are doing this with the agreement of NPHEAT or on its recommendation and that is probably because it has lost the argument and is trying to recover some credibility with NPHEAT as well. This has already been done last Christmas and we have seen how that worked out, sadly, for many people and families. Smashing the social solidarity that we had on Covid-19 at this stage is nonsensical. There is no more feeling that we are all in this together anymore.

We would be better served at this stage to reinforce the wearing of masks, washing hands and social distancing and then trusting people to behave properly. We should also be saying to proprietors of different sized properties, pubs and restaurants, that they can accommodate X number of customers safely and that they have to make that work, depending on the size of their property. At least then every premises would be entitled to reopen and enforce the conditions on them.

Instead, we have this system that is totally unworkable. The Government has deliberately designed it so that it will not be enforced but will make it look like it is doing something. It is basically to open up on a free for all. Some premises will not open at all because they do not want to be singling out their customers on a supposed passport and others that will open and try to make the system work, crucifying themselves in the process.

Already in Donegal, a local hotelier and Fianna Fáil councillor has claimed that he will break the rules because they are unworkable. Then there will be the premises that will pretend that they will do it but will ignore all the restrictions and put everyone at risk. The reality, however, is that there will be no checks on them. I heard the nonsensical discussion on the radio that the supposed inspectors will not be working at the time the breaches will take place. If it all happens between nine and five, well and good, then it will be enforced but the agency will not pay overtime for inspections.

In recent days, I have seen the news reports about the Dutch Government locking down again and apologising to the public for opening up too quickly. I am reminded of Christmas, when they closed down on Christmas Eve because cases were going beyond control while at the same time, the Minister was saying we have to have a meaningful Christmas and opening up. We know now how that worked out. For that reason, I am opposing this legislation.

Deputy Michael Fitzmaurice: I welcome the opportunity to speak on this legislation. I

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do not know where we are going, as a country. I will give the Minister an example. I was talking to a woman last night who is vaccinated. Her youngster is under the limit, in that he or she can walk in with his or her parents to a restaurant or pub. The child will be able to do that next week but in two weeks' time that youngster will not be allowed to walk in because of the date on which the youngster's birthday falls. Coming up with something like that is total and utter madness. It has been talked about how, at Christmas, in fairness to the restaurant sector and pubs, they ran a system in which there was a thermometer. Why can we not be like other countries and have the antigen or PCR test?

We will lose the people. The youngsters of this country have obeyed every type of law that has been brought in. It is okay for the likes of us, who have lived a certain amount and enjoyed ourselves. Those youngsters did not have a disco or anywhere to go for the past year and now we are finally telling them we are not really worried about them. We gave them the final kick in the teeth to make sure that once they are over 18 years of age, they will not be getting into these places, even though their mates who have a job will be within waving out at them, when they have a tray in their hand and are bringing around the drink or bit of food. How anyone can square that circle, I am at a loss to know.

Common sense seems to be gone in here but before we lose more of the public and insult the youngsters of this country more and more, I ask that we turn around and the Minister accepts amendments that have proven to work and be helpful in other countries. We have to call this out. Either we have faith in the vaccine or we have not. In the case of those who have got the two vaccinations, we have to say whether we have faith in that or not. We must say which, because if we keep going down this road of dithering, we will lose the public and especially the youngsters. I ask the Minister to have a rethink before we come to amendments.

Deputy Catherine Connolly: Pre-legislative scrutiny is becoming a quaint memory, is it not? Legislation is being rammed through the Dáil with no pre-legislative scrutiny. I am here today and very conscious of the seriousness of Covid-19. It was announced that 783 people have it today, 73 people are in hospital of whom 20 are in ICU. That is an increase on yesterday. I was firmly behind a zero approach and make no apology for it but here we are, putting legislation through. As I said earlier today, we have now exposed the fallacy of us all being in this together. That is gone by the window.

We are bringing in this and "Scrap Saturday", "Callan's Kicks" and many other shows come to mind. They do not need to make it up any more, they just need to take the script straight from the Dáil. We have no Bill's digest. The Bill's digest had to confine itself to giving us extracts from the various papers. The Minister is asking us to pass this today, which will give more extraordinary powers and the Minister will have extraordinary powers, under regulations, to increase the numbers of premises, designate officials and so on.

I am staying out of the minutiae for a minute because I do not have the time. I will stop at 11 minutes. What I want to say is that the Minister has ignored the Irish Council for Civil Liberties and the Irish Human Rights and Equality Commission. The Irish Council for Civil Liberties wrote to the Minister in June. It has drawn up a number of documents. It has pointed out the importance of human rights assessment and assessing each legislative item and how it should be focused, targeted, certain and foreseeable. All of this is gone by the window. This is serious because the Irish Council for Civil Liberties and the policing authorities have repeatedly told us that people were on board. The Policing Authority told us the people of Ireland were on board and did not need enforcement actions. In fact, they were 99% compliant before

any enforcement. It is extraordinary that the more we vaccinate, the more we use enforcement. That is an appalling scenario, with no pathway out. If the Minister is reopening restaurants and pubs, he should reopen them when it is safe to do so and at reduced capacity. Ventilation and many other practical measures should be brought into that. We should have resourced public health in each county and region. We do not hear from any of them.

The Minister is here today and I find it very difficult to have any empathy or understanding. I have lost all trust in the democratic system. All we have in the end is democracy, however weak it is. I am a democratic through and through, but to be asked to put this legislation through in this manner with absolutely no basis to it and no human rights assessment is beyond my language. I have no words to convey the hopelessness, except to say to the people who are sensible that I believe in them. They have the power. As my colleague said, let us comply with public health guidance by washing our hands, masking and keeping a distance. Vaccination is part of that, but it always must be voluntary, never discriminatory and never on the basis the Minister is introducing. He is undermining trust and the democratic process.

Deputy Marian Harkin: We all want society and indoor hospitality to reopen safely and sustainably. As legislators, we face extremely difficult choices. Pandemics put manners on the best of us. As humans, we want to exert control and we want answers and solutions, yet a very tiny virus has stopped us in our tracks. However, we are still trying to exert control over our lives, so I understand the Government trying to take one step at a time. In principle, I support that approach. However, we have to learn to live with Covid-19. We cannot, as responsible human beings, ignore the flashing red warning signs from other countries, which have moved faster than us and now have surging numbers in hospitals and of deaths as well as the threat of long Covid. Equally, we must ask how much longer we can remain in the twilight zone of constant uncertainty and apprehension.

In that context, I understand that we are trying to find a pathway that balances risk and public health, but the legislative choices we are faced with today do not adequately strike that balance. Much of what we are being asked to vote on is not based on public health advice, and there are significant issues with this legislation. I am not an expert, but when I am faced with very difficult legislative choices, not recommendations or guidelines, there are red lines that I cannot cross. Some of those red lines include discrimination based on vaccine status, and not just status but also location. A 19-year-old who checks into a hotel can eat and drink indoors, but cannot do so in the restaurant next door. I have serious questions about data protection regarding the vaccination status of individuals and families.

My time is limited and while I expect the Minister's bona fides in trying to move forward, I must say that this legislation is possibly unconstitutional, very likely and probably unenforceable and definitely discriminatory. I just cannot support it.

Deputy Joan Collins: After the debate today, the Minister should look seriously at this legislation and where he will bring it when we vote on it. Like me, I am sure virtually all Members have received a massive number of emails and social media messages, many from young people, urging a "No" vote on this hastily-drafted legislative measure. Young people quite rightly see these proposals as discrimination on the basis of age. They have not had the opportunity to be vaccinated and will not have the opportunity until the end of the summer, which is most likely the earliest time if the vaccine roll-out proceeds as planned. As the Minister always says, he has to qualify it by saying it will be when we get the vaccines in and we do not know that.

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We have seen remarkable solidarity and compliance with health guidelines in our communities over the last 16 months, but this measure risks undermining that solidarity. That is a key issue in this debate. The European Data Protection Board and the European Data Protection Supervisor strictly warned against using the EU Covid-19 certificate for reasons other than free movement, that is, travel between EU member states, as it could have unintended consequences and risk the fundamental rights of citizens. They went on to say specifically that the digital green card should not be used as part of a legal basis as to whether somebody has been vaccinated or recovered from Covid-19. That is the reality and the truth, yet this Bill is doing the opposite to what they said. The Irish Council for Civil Liberties has expressed serious concerns about the discriminatory nature of the legislation.

If this law is passed, non-vaccinated young people will be serving drinks and food in establishments which they are barred from using themselves. Young workers in the hospitality sector must not be put under pressure to return to work in what they regard as an unsafe environment. These are very important people. They will not have any choice but to return to work. There will be pressure from the Department of Social Protection on them to fill out forms to explain why they are still on the pandemic unemployment payment, and in September it will be reduced by €50. I put it to the Minister that there must be no pressure to return to work or lose the PUP allowance in respect of the reopening of indoor dining.

Legislation of this nature, which poses possible risk to civil liberties, should be subject to strenuous scrutiny on all Stages. Instead, pre-legislative scrutiny in committee has been bypassed and the measure is being railroaded through the Dáil and Seanad. Ventilation and CO2 monitors are guidelines, not mandatory. Who is going to enforce who goes through the doors? It will be the workers, who are unvaccinated. We still do not know how the Delta virus is going to impact on hospitalisations and intensive care units. We have to watch closely what happens in England, the North and other countries in that regard. Undoubtedly, there will be an increase, and the question of reopening then has to be based on the debate in England on how many lives we accept losing to this virus.

Earlier, the Tánaiste said that this Bill is a middle and safe path. The virus does not recognise middle or safe paths. All it wants to do is pass through a human vector and continue to grow. I urge all Deputies to vote against this Bill and to show solidarity with our young people and that we take their views seriously.

Deputy Michael McNamara: I am a little lost for words with regard to where we are now and where we are going. I worry about where we are going, whether there is a bottom line and whether the Minister has a bottom line as to what he is willing to implement. It appears that he and the Government do not. I asked the Taoiseach today if there were circumstances in which civil disobedience was acceptable, given that he clearly accepted that it was acceptable in Belarus. He did not answer.

I do not expect that the Minister will say what his bottom line is, and if he did tell us what it is, I do not expect that he would adhere to it. Last October, he told us very clearly that he was not going to introduce legislation that penalised masses in public. The day he told us he would not, he did. He had signed it that day. He told us a couple of weeks ago, when he was renewing the emergency provisions, that he did not expect to use them, hoped he would not use them and he did not envisage using them. We are here today because they did not go far enough to provide for what the Minister planned to do, which is to discriminate on the basis of vaccine status. The Taoiseach, in response to Deputy Connolly, assured everybody that it would be

non-coercive and would be about informed consent. This is about coercion. This is not about protection. This time last year, when nobody was vaccinated, indoor dining was open. I never bought the argument about a substantial meal for bars but in restaurants, people enter as a group, tend to stay in their own group, are seated at a certain distance apart and stay for a finite period of time because restaurants want to get in another sitting. That did not lead to any great increase in infections last year but this year we need more measures. We need to discriminate against those who are not vaccinated. What will it be next year?

If you had listened to the people on the Internet or social media last year predicting this, you would have called them conspiracy theorists but it has come to pass. Now I wonder what will the Government introduce next. The one thing I know is that human rights will not be a consideration. The Government minions will do whatever they have to do to keep the party whip. There will be no let-up until the next election. That much is clear. I will make a prediction. At the next election we will have Covid. We will have a variant that is coming in from somewhere. It will be a variant that we are very concerned about. By definition, if the next variant is to overtake the previous one it has to be more infectious so it will be more infectious than the Delta variant. We will have a lot more restrictions. We will have a lot more discrimination. We will possibly have discrimination for access to education. We will not have got rid of Covid, however. What we will have done is to have removed all personal choice.

I have probably been in too many bars in my life. I have been in some restaurants. I have never been press-ganged or dragged into any of them against my will. I have left bars because I did not feel comfortable in them for various reasons. That is still a possibility for people. When will the Government allow personal choice? When will people be able to assume the risk that is proportionate to them and their circumstances? We cannot regulate society to death in a vain attempt to prevent death because unfortunately we will not prevent death and nor will we prevent the pandemic spreading, unfortunately.

Minister for Health (Deputy Stephen Donnelly): I thank colleagues for their contributions today. It is clear the matters provided for in the Bill are of great interest to Members across the House. Many issues have been raised during the debate with a range of views and insights shared. There are Members of the House who believe restrictions should be relaxed more quickly and that we should open up more quickly. There are those who believe the provisions here are a safe way forward for reopening the sector. There are those who believe we should keep the entire sector closed for many months to come.

Some views being put forward, led by Sinn Féin, that we can open for everybody but we can do so safely. I put it to the House this is totally disingenuous. It is suggested that we can have our cake and eat it. At least some of those such as Deputy McNamara and others who propose we open up accept that their proposals would lead to an increase in the number of people who would die. At least some of the groups who have said we should keep everything closed accept that the entire hospitality sector should stay closed for several months. The view we can open it up now in an accelerated way for everybody and that it is safe, I have to say, is utterly disingenuous. I really believe that is Sinn Féin speaking out of both sides of its mouth.

Should the Bill be passed, it is my view we will have taken a sensible and balanced approach to the challenges still posed by Covid-19. With regard to the hospitality sector, I believe the Bill achieves the best possible balance between what is a very understandable desire on the part of the sector and public to resume normal activities and the very sound principles of public health and the public health advice that we have.

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As the House is aware, clear and concerning public health advice led the Government to pause the planned easing of measures. We are, of course, keen to see the safe resumption of normal social and economic life. I am very conscious of the sacrifices that have been made by everyone over the past 17 months. At the same time, our society has borne these difficult times with amazing solidarity and togetherness. We have protected the most vulnerable. Our health system has been protected to the greatest possible extent and this will continue to be our shared goal.

It is now more than 16 months since the first case of Covid-19 was confirmed in Ireland. Since then, nobody in the country has not been affected in some way by the consequences of this disease and not a single person has not been asked to make a sacrifice in this unprecedented national effort. The disease has had an impact on morbidity and mortality, on our way of life and on the lost opportunities for marking significant life events. Most positively, as I have mentioned, the vaccine roll-out has continued apace. Over the past week, we have had one of the highest rates of vaccination anywhere in the world. This week, we will hit a fantastic milestone of administering our 5 millionth vaccine dose. The Citywest vaccination centre reached 250,000 vaccine doses earlier this week. I thank all our vaccinators and volunteers throughout the country for everything they have done and they continue to do.

While we cannot afford to become complacent in the face of this virus, we have a clear pathway to gradually move out of the restrictions that it has necessarily imposed. The proposals we are discussing this evening have been brought forward jointly by the Tánaiste and Minister for Enterprise, Trade and Employment and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media in consultation with their sectors and union representatives. I know these Departments are working with the sectoral bodies on producing the necessary guidelines and protocols that will be available shortly and in advance of the date of opening.

In the remaining time available to me, I want to address some of the issues that have been raised by colleagues through the debate this evening. One word that has kept coming up is “solidarity” and that we need to show solidarity. I want to ask the question in a different way. We have an opportunity to get people back to work. These are people who have been out of work for an awfully long time and who have suffered terribly because of this. We have public health advice that says we have an opportunity to get these people back to work. They want to get back to work. We have an opportunity to do it safely. This opportunity means those who are vaccinated or who have recovered can go indoors and so we have a choice. Very shortly we will all have the opportunity to be vaccinated, as it is now open to all groups from the age of 18 up. To me the act of solidarity is us all, whether we are vaccinated or not, deciding that regardless of whether or not we can go indoors just yet, we have to give people the opportunity to go back to work. If we cannot go indoors now we will be able to do so in a few weeks’ time. The alternative is to say that because I cannot avail of it, nobody should be able to avail of it and people should not be able to avail of the opportunity to go back to work. The act of solidarity is saying let us get people back to work regardless of the impact it has on an individual in the short term. I believe that is solidarity.

A question has been raised about discrimination. We already differentiate in public health measures between people who are vaccinated and unvaccinated with regard to international travel measures. The entire EU digital Covid certificate is based on vaccination status. There are additional measures people have to take if they do not have that vaccination or testing status. Many of the Deputies who are saying we cannot differentiate based on health status did not raise any of these issues or concerns when it pertained to international travel. The principle is there.

It is about what is safe. We do not allow smoking in pubs and restaurants but we allow it outside because for the people in the pub or restaurant it is not safe for other people to be smoking in there. We allow people who are aged 18 and over to drink alcohol in pubs or restaurants. We do not allow people who are aged under 18 to drink alcohol in pubs or restaurants because we deem it to be not safe based on public health grounds. This is the same. It is about saying if we follow the current guidelines, it will be safe for the people inside and for the staff. That is what this legislation is about. It is about what is safe and what is unsafe. If we have an opportunity to get a lot of men and women back to work, we need to take that opportunity. That is what we are doing in this Bill, and we are doing it safely.

A number of Deputies asked whether other countries are using the EU digital Covid certificate for dining. Greece, Portugal, Austria and Denmark are currently doing so. Additional countries, including Germany, are using other verification systems that involve, in essence, the same process. The EU position has been that national governments are free to legislate for domestic use of the EU certificate, which is what we and other countries are doing. There were several reasonable questions on verification. It is currently being worked through with the industry as to what is the most appropriate method for verification.

Deputies raised legitimate concerns around staff and whether they will be safe. I assure colleagues that the Chief Medical Officer has reiterated today that if the protocols are followed, then it is safe for staff. We know staff are already working in this situation in hotels.

A number of good points were raised in respect of ventilation. This is a really important part of our response. An expert group has been set up and there are now several expert reports. I can share with colleagues that at a senior officials level, across Departments and State agencies, substantial advice is being brought to bear to create guidelines, sector by sector, to make sure we are using the advantages that good ventilation brings when dealing with this disease.

Several speakers asked whether the Bill facilitates the future use of testing. It facilitates both PCR and antigen testing.

Colleagues asked whether the measures set out in the legislation will be enforced. They can and will be enforced. It is important to say, however, that, primarily, it is about trusting people to do the right thing. That has been a common thread right from the start. We have had regulations around face masks, the number of people who could meet up in houses and gardens, and many other things. We have never had to rely on widespread enforcement because people recognise that this is public health advice that is keeping them and others safe. It will be the same in this case.

I am out of time. I thank those who helped to turn these proposals into legislation in such a short time. In particular, I thank the Attorney General and his staff, who have worked tirelessly, as well as officials from other Departments. I thank the House, the Bills Office, the Chief Whip's office, the Business Committee for scheduling the debate on the Bill and the health committee for its assistance in waiving pre-legislative scrutiny. I acknowledge the concerns raised by Deputies around how quickly the Bill has been brought through. This is not how we normally conduct business in the Oireachtas. We all know that.

Deputy Mattie McGrath: It is becoming normal.

Deputy Stephen Donnelly: It is not the way that any of us would like to conduct business.

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Deputy Mattie McGrath: That is patronising. It has been the policy in here for 18 months.

An Ceann Comhairle: Let us not have an argument please, Deputy.

Deputy Stephen Donnelly: It is solely in response to a rapidly moving variant that we have to bring in measures to keep people safe.

Question put.

An Ceann Comhairle: Is there agreement on the question that the Bill has now been read a Second Time?

Deputy Mattie McGrath: No. Vótáil.

An Ceann Comhairle: A vote has been demanded. That vote is deferred until immediately prior to the taking of Committee Stage later this evening.

Sitting suspended at 5.34 p.m. and resumed at 6.35 p.m.

Nursing Homes Support Scheme (Amendment) Bill 2021: Report and Final Stages

An Ceann Comhairle: We have only 45 minutes for this business, so I hope that we can deal with as many amendments as possible as expeditiously as possible. Amendment No. 1 is in the name of the Minister of State, Deputy Butler, and arises out of proceedings on Committee Stage. Amendments Nos. 1 to 9, inclusive, 11 to 18, inclusive, 24 to 31, inclusive, and 37 are related. Amendment No. 3 is consequential on amendment No. 2, amendments Nos. 5 to 7, inclusive, are consequential on amendment No. 4 and amendments Nos. 16, 18, 24 to 31, inclusive, and 37 are consequential on amendments Nos. 11 and 12. Amendments Nos. 1 to 9, inclusive, 11 to 18, inclusive, 24 to 31, inclusive, and 37 will be discussed together. If Deputies can remember all that, they are entitled to an award. I call the Minister of State.

Minister of State at the Department of Health (Deputy Mary Butler): I move amendment No. 1:

In page 5, line 24, to delete “or 14H” and substitute “, 14H, 14K or 14L”.

I flagged on Committee Stage that I would be tabling several amendments on Report Stage to provide in respect of the second partner in a couple. These second partner provisions are largely dealt with in the amendments I am presenting now. However, providing for couples in this legislation has presented many complex questions which must be carefully considered before it is finally put into operation. For this reason, alongside the already completed new provisions, I also intend to insert a regulation-making power into the Bill which will allow me, via regulations, to provide the remaining second partner provisions in advance of the Bill being commenced.

My officials are working on completing these new provisions. The regulation-making power will not extend beyond what is required to ensure that couples are properly catered for in this legislation. When considering how couples are treated in the Bill, fairness has always been the guiding principle. This is particularly relevant when considering the appointment of a family successor in respect of both members of a couple and concerning the same productive asset in cases where both members of the couple are living and also in cases where one member of the

couple is deceased. To provide for the various scenarios which may occur when both members of a couple enter nursing home care and apply for relief under this legislation, three new sections have been provided, namely, sections 14K, 14L and 14M. I will discuss the sections in more detail shortly.

Many of these amendments concern the second partner, some of which are of a technical nature and some more substantive. Many of these amendments simply amend the current legislation to take into account the new sections I mentioned. Amendment No.1 is one of these. This amendment updates the definition of a “particular family asset” by adding the new sections 14K and 14L to the definition. Amendment No. 2 concerns section 3, which deals with an application for the appointment of a family successor in respect of a farm or relevant business. This amendment simply confirms that the second partner in a couple cannot make an application under this section, as he or she will be making his or her application for the appointment of a family successor under the new sections 14K or 14L. The only exception to this rule is when a repayment event has occurred in respect of the first member of the couple before the second member enters care services or such other circumstances as may be prescribed.

Amendment No. 3 concerns section 4, which deals with a charge against interest on chargeable land. This is a technical amendment reflecting the additions to section 5.

Amendment Nos. 4 to 7, inclusive, concern section 5. The duty of an executive to determine whether paragraph 6B of Part 3 of Schedule 1 applies. These are technical amendments to reflect the new sections 14K and 14 L.

Amendments Nos. 8 and 9 concern section 7, which deals with the review of compliance with conditions. Amendment No. 8 is a minor technical amendment and amendment No. 9 updates this section to reflect the new sections 14K and 14L.

Amendment No. 11 provides for the new section 14K to replace the current section 14K, which now becomes section 14N. This new section, concerning the application by a partner for the appointment of a family successor, provides for situations when the second partner enters care after the first partner is already in care. In cases where the first partner has appointed a family successor in respect of a productive asset and the six-year obligation of the family successor has not expired, the second partner, to avail of the relief available in respect of the same asset, must appoint the same family successor as the first partner. However, regarding the second partner, the family successor only needs to complete whatever is left of the six-year obligation committed to in respect of the first partner. For example, if the family successor has already completed three years of the obligation, then that person will only need to commit to a further three years in respect of the second partner, for a total of six years in respect of the given asset overall.

Amendment No. 12 provides for the new section 14K, which deals with an application by the partner of the deceased person for the appointment of a family successor. This section provides for when the first partner appoints a family successor and dies before the six-year commitment of the family successor has expired. If, subsequently, the second partner enters care, he or she must appoint the same family successor as the first partner if any relief has already been advanced to the first partner. If no relief has been advanced, the second partner can appoint a different family successor. Similar to section 14K, the newly appointed family successor in relation to the second partner will have to complete whatever is left of the six-year obligation committed to in respect of the first partner.

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Amendment No. 13 provides for the new section 14M, regarding the determination as to farm or business relief where the family successor fulfils the undertaking. This section provides for when the second partner enters care after the six-year obligation of a family successor appointed in relation to the first partner has been completed. If the second partner seeks relief under this Bill in respect of the same productive asset, the second partner does not have to appoint a family successor at all to the asset. After three years in care, the second partner can avail of the relief in respect of the asset. This section allows the HSE to make a determination, in these specific circumstances, that the second partner can get the relief offered without appointing a family successor or applying a charging order to the asset.

Amendments Nos. 14 to 17, inclusive, concern section 13 of the Bill, on the offence of giving false or misleading information to the executive under certain provisions. This section has been renumbered from 14K to 14N. These amendments are technical in nature to provide for this renumbering and to reflect the new sections 14K, 14L and 14M.

Amendment No. 18 concerns the current section 14 of the Bill, regarding the amendment of section 21 of the principal Act. Section 21 provides for the appointment of a care representative in the case of a person not having full capacity. This section will be further amended to reflect that a care representative can act on behalf of a person in care in respect of the new sections 14K and 14L.

Amendments Nos. 24 and 25 are technical amendments to the current section 20 of the Bill, which relates to the amendment of section 32 of the principal Act. Section 32 concerns the appeals process under the Act. These amendments allow for two provisions which concern repayment events to be appealed and allow provisions in the new sections 14K and 14L to be appealed.

Amendment No. 26 further amends the current section 21 of the Bill, that is, the amendment of section 36 of the principal Act. Section 36 of the 2009 Act allows the Minister to make regulations in defined circumstances and amendment No. 26 inserts a regulation-making power into the Bill to allow the Minister to make modifications to the current provisions of the Bill, specifically in relation to the second partner in a couple.

An Ceann Comhairle: I will have to stop the Minister of State there because the seven minutes are up. I call Deputy Tóibín.

Deputy Peadar Tóibín: I welcome this Bill and commend the Minister of State on it. I also applaud the civil servants and the previous Ministers who completed some of the groundwork for this legislation. Maura Canning has also done enormous work on this issue. I have spoken previously on this legislation and I am aware that Sinn Féin tabled a motion yesterday on nursing homes. I will outline a number of concerns I have. Just a few hours ago, a document was released to me by the National Treatment Purchase Fund, NTPF, which is signed by the contract manager of the NTPF. I have it to hand and I will furnish it to the Minister of State after the debate. It is an extraordinary document. According to it, an email was sent by the NTPF to nursing homes at 10 a.m. on Thursday, 12 March 2020. The NTPF stated that it had been asked to establish capacity within nursing homes. It warned nursing homes that they needed "... to have the ability to care for patients coming from an acute hospital setting ..." The individual facilities, the letter says, would co-ordinate with the discharge units in the hospitals directly. It goes on:

Facilities must be able to facilitate short term residents being discharged from the acute hospital. These residents ... may be nominated by the HSE or the Department of Health as applicable for receipt of appropriate funding.

Was it the Minister of State's Department that instructed the NTPF to put money before nursing homes and instruct the homes to make way for a large surge of hospital transfers? Was there a concerted effort by the Department and the HSE in March last year-----

An Ceann Comhairle: This is Report Stage, where there is a requirement to focus on the amendment or group of amendments being discussed. How, pray tell, is the matter the Deputy is raising in any way relevant to the amendments with which we are dealing, which are about the appointment of successors?

Deputy Peadar Tóibín: This is a very important document that has been released into my hands today.

An Ceann Comhairle: I am sure it is but it is in any way relevant?

Deputy Peadar Tóibín: It is relevant to Report Stage of this Bill. I believe if the Minister of State does not contemplate-----

An Ceann Comhairle: It may be relevant to Report Stage but it is not relevant, in my opinion, to the group of amendments we are currently looking at.

Deputy Peadar Tóibín: If the Ceann Comhairle will just give me one minute, I will complete my statement.

An Ceann Comhairle: All right.

Deputy Peadar Tóibín: Go raibh maith agat. Did the Department of Health instruct the NTPF to put money in front of nursing homes and instruct them to make way for a large surge in hospital transfers? Was there a concerted effort by the Department and the HSE in March last year to clear hospitals of elderly people and put them into nursing homes?

An Ceann Comhairle: I am sorry Deputy but that is not relevant. It is a most important matter-----

Deputy Peadar Tóibín: It is very important.

An Ceann Comhairle: It is terribly important but I am afraid this is an important piece-----

Deputy Peadar Tóibín: This is the last opportunity-----

An Ceann Comhairle: This is important legislation and we are under extreme time pressure to deal with it. Those questions are not relevant to the amendments before us.

Deputy Peadar Tóibín: This is the last opportunity I will get to raise this very important issue.

An Ceann Comhairle: It is and I am very sorry but you cannot raise it through these amendments. You have said as much as you are going to be able to say. I call Deputy Cullinane.

Deputy David Cullinane: Everything Deputy Tóibín has said reinforces the need for a public inquiry into what happened in nursing homes.

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An Ceann Comhairle: There is no point in Deputy Cullinane going down that road either.

Deputy David Cullinane: I am not going down that road at all.

An Ceann Comhairle: Will you deal with the amendments, please?

Deputy David Cullinane: I will indeed. I was making a very quick point and I will move on.

On the amendments, I commend the Minister of State on the approach she took on Committee Stage. It was very constructive and while some of these amendments are technical in nature, many of the amendments we are dealing with are ones that we discussed ourselves and they arose out of conversations and concerns some Members had. I appreciate that this is complicated, as the Minister of State said. We are dealing with second partners and issues around family successors are complicated when trying to work out how things will work in practice. The Minister of State spoke about the provisions in the amendments that will allow the Minister to make regulations in the future. It is important that she gives us more detail on what type of regulations can be brought in by the Minister in that regard. I have a number of other questions but as we have very little time I will leave it at that. These amendments are being tabled in good faith and came out of very good discussions that we had on Committee Stage. However, when we are being asked to support amendments that will give powers to the Minister to make regulations, it is important that we are given a better and clearer sense of what those regulations might be.

Deputy Denis Naughten: I thank the Minister of State and her officials for the briefing I got earlier today to try to go through these 20 pages of amendments. I accept that the Minister of State flagged these issues on Committee Stage and, based on the briefing I got today, I also accept that a substantial number of the amendments relate to partners. This is a complex issue to reflect in the legislation and that is why we have so many complex amendments before us. However, it is not good practice to have 20 pages of amendments with very short notice given to try to interpret them. Not only are we looking at the amendments reflected in this legislation but because this Bill is amending primary legislation, we have to look at three sets of documents to try to decipher what is in them.

Based on the explanation the Minister of State has given, I am not sure whether this applies to a husband and wife where the farm is one or both of their names. As the Minister of State knows, the tradition now is that both the husband and wife have their names on the property and that is incentivised and encouraged. That is transitioning through Irish society.

First, where either spouse does not have a name on the asset but would have a legal right to 50% of it, are they caught under this definition? Second, where their name is on that asset, would they be caught under this definition? Third, we are talking about a single asset like a farm. We have decided, and there is unanimous agreement across this House, that there would be a three-year cap on nursing home fees for that particular asset. The Minister of State is telling us that there is three-year cap per individual. Where there is a couple involved, there is potential six-year cap. The belief was that people would only have to pay for three years where there are two older people in a nursing home but they will have to pay for six years before they can avail of the cap. That is new and that was not the belief we had. The belief was that the asset could only be charged in the context of three years, not six. I ask the Minister of State to clarify how that would apply.

The related issue is backdating. The decision was taken six years ago to implement this legislation and the Government decision on this legislation was made three years ago. I asked the Minister of State on Committee Stage to consider the example I supplied to her. That was the example of John and Michael. John signed over the farm, including the land and entitlements, in February 2010 to his son Michael in totality. John subsequently went into long-term nursing home care in January 2015 and Michael has been paying 7.5% of the capital value of the farm towards the nursing home costs up until now. John will now have to sign a declaration to make Michael a successor, even though Michael has held the land in his name for the past 11 years. The difficulty is that the six years only start from now. There will be a charge levied against that particular farm for the next six years. We are saying that for 17 years that land either has money being drawn off it or a charge placed on it because the six years itself is not backdated to the time of entry into the nursing home; it is only from here forward or from the time that the asset was signed over.

I accept that this is complex legislation. I know it has gone through a tortuous process to get to this point but those two anomalies will cause huge difficulties down the road for many farm families.

Deputy Danny Healy-Rae: I am concerned about the Bill. I want to especially thank the Minister of State for bringing the Bill forward and at least we will have a cap. When I hear what Deputy Denis Naughten has come out with, that it will be six years if a couple are named on the deeds, that is not what we signed up to at all. That is bad. Take a farm with the value of €500,000, for example. It would be €7,500 per year per €100,000 so that is €37,500 per year for the young fella or the wife or whoever is trying to fund the person in the nursing home. That is a savage sum of money to come up with and for many it would mean they will lose their farms. They will not be able to hold them.

This Bill was supposed to be about fairness in the context of family farms. It would be way easier altogether if the family farm was not assessed and if, like everywhere else, only the family home was assessed. What is being done is not fair to those with family farms. It should not and need not be so complex. There are provisions that the person taking over the farm or running it cannot lease it. If there are young children and the man gets hurt in an accident or whatever, what is the wife supposed to do with the farm? She is not able to farm it and she might have to mind the young children. Take another scenario. The children could be that bit older and might be in college, which means that third level fees have to be paid. Are we going to insist that one of these youngsters drop out of college to start running the farm? Then, at the same time, he or she would have to try to earn €37,500 per year from a €500,000 farm. You will only get an average farm for €500,000.

With the revelations that are coming out about joining the couples, I am not at all satisfied that this is happening. We are not treating farm families fairly. It should be the same for every applicant or everyone going into a nursing home in that the family home should be assessed, not the farm. The farm is the source of a family's income. Other people have pensions and different things and maybe they have other jobs but it takes a couple and a family to run a farm. One of them might have to go into a nursing home and the other, like I said, would not be able to farm because he or she would have children to mind or the children might need to go college.

I am appealing to the Government to look at this again. It took so long to do this. Questions need to be asked. Since the Government said it was going to bring forward this Bill, people in nursing homes and farmers have been under threat that money would have to be paid back.

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They have been paying money to nursing homes because I guarantee they would not be in the nursing home if it was not being paid. As a result, there is money owed. These people need to be considered retrospectively. Even going back six years, there are people in nursing homes who we know will lose their farms. I appreciate the Minister of State going at it but the Government has made it more complex by insisting that the land is assessed.

I appreciate that other Members want to get in but I am still concerned about what is happening. It is not a fair deal at all; in fact, it is lousy for some farmers.

An Ceann Comhairle: I put it to Members that the guillotine motion is to be taken at 7.19 p.m. I say this in the context of giving the Minister of State time to respond. Deputies Canney, Michael Collins and Ó Murchú still have to speak.

Deputy Seán Canney: I again salute the Minister of State for her efforts in getting the legislation this far. It is long overdue. On the amendments the Minister of State has brought forward, the issue of the partner and the three years and three years needs to be clarified for us. The second issue relates to the value of the house being taken as capital and the derived or notional income from that is fine. If, however, the house is rented and that value is taken twice, that is something we need to address. I mention the example where someone rents out the house and the rent for the house is also taken as a notional value on the value of the property. This means that they could be paying twice into the nursing home. The other amendment we had down was on the time for the enacting of this legislation. The big disappointment is the fact that this legislation is not backdated to the date the decision was made by the Government.

Deputy Michael Collins: I will be brief because other Members need to get in. I commend the Minister of State on bringing this Bill as far as it has come.

7 o'clock

During the lifetime of the previous Government, it was raised many times in the Dáil and it just seemed to have stalled somewhere along the line and never got to where it was meant to go, even though promises were made. I am concerned that this debate is to be guillotined despite the number of amendments that have been tabled. The debate will finish before 7.20 p.m., only 45 minutes after it began.

This is, of course, an enormous issue for the people of rural Ireland. It mostly affects people with farms. Deputy Denis Naughten raised the point that clarity is required regarding the legislation's implications for couples. People are asking about that. I know many people in my constituency who are unable to put their loved ones into nursing homes. They cannot afford to do it even though their loved ones need to be in nursing homes in order to get the proper medical attention. Some of those people were unable to get that medical attention.

The legislation discriminates against the farming sector. People in that sector are being singled out. They have been hit hardest by the fair deal scheme since its inception years ago. My worry is that we are going to rush through this legislation without debating it properly and without spending an adequate amount of time going through and discussing each amendment and teasing out any difficulties that might be there and that could be sorted out before it is passed into law. We may end up making a mistake that will cause further hardship on one sector of society, namely, those with family farms. The family home is the means of assessment everywhere else. In my view, farms should have been exempted from assessment but, unfortunately, that is not what has happened. Farmers are having to take up the slack.

I am not happy with the fact that we are cutting short the time to talk about these important amendments. Many farmers are under massive pressure because of this scheme. I would like to know if the scheme is going to be backdated. That is important because families are waiting. Payments will have to be made at some stage. Those payments may have been deferred until the person concerned has passed away. Families cannot afford those payments. Perhaps the Minister of State could clarify some of these issues.

Deputy Ruairí Ó Murchú: I will follow up on some of the issues that were put eloquently by Deputy Denis Naughten. Like many, I share his concern about the situation as it relates to a husband and wife, and the fact that they could be dealing with a six-year period during which money is being taken from a farm. The whole point is about ensuring that family-owned farms are viable and sustainable, and that we do not absolutely hammer people who find themselves in difficult situations.

I know of a case in which someone has applied for the nursing home support scheme for their father. As in many other situations, the paperwork relating to succession was not completed and the person concerned did not meet the five-year criterion. This issue has only arisen in the past couple of months. Michael, the father, is in a nursing home at the minute. I am worried because the backdating situation has not been taken into account. Will the three-year period referred to in the legislation include a period that went before its enactment or will it apply from the point this Bill becomes law? That needs to be revisited because we are talking about the viability of family farms. The timing of this legislation is unfortunate for some people who have no choice but to put their loved ones into nursing homes because they need that level of care. Brian is Michael's son. He and his sister have responsibility for Michael's care but he is not in a fit state to deal with any legal framework and we may just be talking about the provisions of a will. I want the Minister of State to come back to me on this matter. It is about ensuring that people are not hammered harder than needs to happen. We must ensure that the likes of this family farm are sustainable. People are going through difficult situations such as the one I have outlined and they do not need added hardship.

Deputy Mattie McGrath: I thank the Ceann Comhairle for bearing with me. Bhí mé ag dul chuig an leithreas nuair a ghlaigh tú mé.

I know the Minister of State has done a lot of work on this legislation. Many people have worked on these matters over the past decade, especially Ms Maura Canning. I cannot say enough of her. She has done Trojan work on behalf of farm families in the Irish Farmers' Association.

There are considerable difficulties with this legislation, which was promised during every session for the past two years. We kept being told it would come in the next session or before Christmas or before the summer. Now that it has finally arrived, I am worried that the Minister of State has told us the Government will introduce a number of statutory instruments that are not dealt with in the Bill. The devil is in the detail, as we all know. There must be fairness. This will affect not only family farmers but also self-employed business people who own shops, hardware stores or whatever. It will affect many areas. Those people must work hard and their asset is their tool. That asset is their ability to earn a living. It is not a guaranteed income, it is just their means of earning a living. The kids put a sticker on my wife's car some time ago that stated, "Be nice to your kids because they choose your nursing home." It is a strange one.

This legislation is making the process complicated. Men and women are both bread-earners

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and can be pivotal in the businesses about which I am talking, including family farms and family businesses. Their assets will be stripped away and they will be left without an asset to make money. There are complications relating to the second partner and young adult children. Are they going to wait around for six years? There are many issues to be teased out.

I know that almost no legislation applies retrospectively. Perhaps there should be an exception, however, in the case of difficult human stories involving family members who have been in nursing homes for a long number of years, where huge bills have accrued and there is no hope of paying them. The affected family members may have been depending on this Bill to do something. I am glad the legislation is being rushed through but there has not been enough time for debate. I wish we knew what the statutory instruments are going to be or what orders the Minister is going to make after the Bill is passed.

Deputy Michael Healy-Rae: I will be brief as I know we are caught for time. I thank the Minister of State because we are now where we have wanted to be for a long time. I am disappointed with some of the content of this Bill. There are still anomalies and concerns, particularly surrounding assets, whether they are family farms or other similar assets. I have always said that a family farm should never be looked upon as an asset in a monetary way because all any person who has a farm ever wants to do is to enhance it, use it, try to make a living from it and pass it on to the next generation. I disagree with calling it an asset in a monetary way and saying one fellow's farm is worth a certain amount of money because it is worth nothing unless he is selling it, disposing of it and getting money. That does not happen in Ireland. Anybody who knows anything about land in Ireland knows that the people who are really into their land do not sell it. They will not part with it. They will pass it over when they die but that is the only time it changes hands. Sometimes farmers will pass the land on to the younger generation while the farmer is still alive and that is always nice to see. That is my concern. Couples might potentially get hit in a financially adverse way on a family farm or business asset. That is a worry. I would like the Minister of State to take that on board. I will keep to my promise of being brief.

Deputy Mary Butler: I thank everyone for their contributions, some of which I thought were unfair. We are losing sight of what I am trying to achieve. The Nursing Homes Support Scheme Act was introduced in 2009. It was quickly acknowledged that there was an anomaly as to how farm families and small businesses were being treated. The three-year cap applied to everybody else with a principal private residence but somebody who had a farm or small business did not get the same treatment. We must be clear that I am trying to fix that anomaly but, as Deputy Naughten said, this is a complicated Bill.

I am glad that Deputy Cullinane raised the issue he did. I will clarify that matter. Alongside the already completed new provision, I also intend to insert a regulation-making power into the Bill which will allow me, by regulations, to provide the remaining second partner provisions in advance of the Bill being commenced. Every regulation made under this new power must be laid by the Minister before each House of the Oireachtas as soon as may be after it is made. If a resolution annulling the regulation is passed by either House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation can be annulled accordingly. A safeguard is, therefore, in place. It will be laid before each House for 21 days and if Members are not happy with it, they can deal with it accordingly.

Deputy Naughten almost confused me when he spoke about couples. The financial assessment within the nursing home support scheme is always joint when there is a partner. It has not changed since 2009 and it is certainly not changing today. The rates charged reflect that.

On the assessment of income, 80% for a single person becomes 40% for a couple and 7.5% on assessment becomes 3.75% in respect of a couple. If a couple from a farming family or business are in a nursing home at the same time, they will be charged as a couple rather than as two individuals. In addition, one family successor can be appointed. Is the time concluded?

An Ceann Comhairle: We have eight minutes remaining. The Minister of State's time is concluded, however. If there are supplementary questions, we will take them briefly.

Deputy Denis Naughten: If a couple are in a nursing home at the same time, that is fair enough, but what is the position when one of them enters a nursing home subsequent to the other? This has huge implications, not just for this legislation but also perhaps for women's names being put on farm deeds. It is important that the matter is clarified.

Deputy Danny Healy-Rae: I ask the Minister of State for clarification. If one person is in a nursing home and the other person is at home and not availing of the fair deal scheme, is the assessment based on 7.5% of the value of the farm, house or whatever, or is it 3.75%? Does the three-year or six-year cap apply for a couple? Will the Minister of State please clarify that?

Deputy Ruairí Ó Murchú: Can we get clarity on the lack of backdating? When does the clock start for somebody who is already in the system before this legislation is implemented? Will it be possible to backdate the provisions to take anomalies into account to ensure people are not hammered while dealing with this situation, and also to make the farm sustainable?

Deputy Mary Butler: I will address the last question first. Once the Bill has been enacted, from the day a person appoints his or her successor, any time spent in the nursing home previous to that will be accounted for. If, therefore, a person has been in a nursing for two and a half years and he or she appoints a successor today, the three-year cap will be reached after six months. Time spent in the nursing home is taken into account.

Regarding the questions asked by Deputies Naughten and Danny Healy-Rae, the same circumstances apply if a couple go into a nursing home separately because they are still classed as a couple. If, therefore, one person is at home and one is in a nursing home, the 3.75% figure applies. It is three years each at 3.75% for a couple. Technically, therefore, it could be six years because they are classed individually for the time spent but they are classed as a couple. It is not, therefore, 7.5%; it is 3.75% once they are part of a couple.

Deputy Denis Naughten: I thank the Minister of State for the clarification, which is welcome. I have one final question. The length of time a person is in a nursing home - up to three years - is taken into account in this legislation and, after that, once the successor is appointed. During the six years that the asset must be held by the successor, however, persons are not given credit for the length of time that is already in the successor's name. The example I gave the Minister of State is of someone who has had an asset in his or her name for almost 11 years, yet must hold on to it for a further six years from this day forward. Is that not a discrepancy?

An Ceann Comhairle: I will let the Minister of State respond to that but we must move on.

Deputy Mary Butler: I do not believe it is a discrepancy. This is a new amendment to the Bill and there are no successors in this legislation until it has been enacted. The Bill will go through the Seanad tomorrow and Friday and will be enacted within 90 days. I took on board the amendment. This means that a successor can only be appointed after the Bill has been enacted. Someone who has been a successor for the past five, six or 11 years is, therefore, not a

successor, as defined in this legislation.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 2:

In page 8, to delete lines 6 and 7 and substitute the following:

“(g) that, where the relevant person is a member of a couple—

(i) except for any application under this section in relation to which a repayment event has occurred or in such other circumstances as may be prescribed, the relevant person’s partner has not made an application under this section, and

(ii) the relevant person’s partner consents to the making of the application by the relevant person.”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 3:

In page 9, lines 38 and 39, to delete “, (b), (c) and (d)” and substitute “to (f)”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 4:

In page 14, between lines 32 and 33, to insert the following:

“(d) that, where a family successor was appointed under section 14K, the family successor has complied with the undertaking given by him or her under subsection (3)(e) of that section since the appointment,

(e) that, where a family successor was appointed under section 14L, the family successor has complied with the undertaking given by him or her under subsection (3)(f) of that section since the appointment,”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 5:

In page 14, line 33, to delete “(d) that” and substitute “(f) that”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 6:

In page 14, line 36, to delete “(e) that” and substitute “(g) that”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 7:

In page 14, lines 36 and 37, to delete “or 14H(5)(d)” and substitute “, 14H(5)(d), 14K(3)(f) or 14L(3)(g)”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 8:

In page 18, line 2, to delete “or”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 9:

In page 18, line 4, to delete “section.” and substitute the following:

“section,

(e) where the relevant person’s family successor was appointed under section 14K, the first period referred to in subsection (3)(e) of that section, or

(f) where the relevant person’s family successor was appointed under section 14L, the first period referred to in subsection (3)(f) of that section.”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 10:

In page 21, line 1, to delete “subsection (2)(d)” and substitute “subsection (2)(c)”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 11:

In page 33, between lines 25 and 26, to insert the following:

“Application by partner for appointment of family successor

13. The Principal Act is amended by the insertion of the following section after section 14J (inserted by *section 12*):

“14K. (1) This section applies where—

(a) a family successor has been appointed in respect of a person (in this section referred to as the ‘relevant person’) in relation to a particular family asset,

(b) the period to which the undertaking given by that family successor in relation to the particular family asset under section 14A(3)(d), 14F(8)(b), 14G(4)(b) or 14H(5)(b) relates has not expired,

(c) the Executive has made a determination under section 7(8)(a) that the relevant person’s partner (in this section referred to as ‘the partner’) needs care services,

(d) the Executive has made a determination under section 11(1) in relation to the partner, and

(e) the partner is receiving care services.

(2) On the application of the partner, the Executive shall—

(a) if satisfied that the conditions in subsection (3) are met, appoint the person specified in the application as the family successor in respect of the partner in relation to the interest that the partner and the relevant person has or had in the particular family asset, or (b) if not so satisfied, refuse the application.

(3) The conditions referred to in subsection (2)(a) are—

(a) that a repayment event has not occurred in relation to the particular family asset,

(b) that any determination made under section 14C(2)(a) has not been revoked,

(c) that the person specified in the application is the family successor appointed in respect of the relevant person,

(d) that the partner declares by way of statutory declaration that, in relation to the particular family asset, for a period of 3 years (which period need not be continuous) during the period of 5 years ending on the date on which the partner began to receive care services, a substantial part of the working time of—

(i) the partner,

(ii) the person specified in the application,

(iii) any other person appointed as a family successor in respect of the relevant person, or

(iv) the relevant person, was regularly and consistently applied to running the family asset,

(e) that the person specified in the application undertakes by way of statutory declaration that, if appointed as a family successor in respect of the partner under subsection (2), a substantial part of that person's normal working time will regularly and consistently be applied to running the family asset during the period beginning on the date of his or her appointment under subsection (2)(a) and ending on the expiry of the period to which the undertaking given by the family successor in respect of the relevant person under section 14A(3)(d), 14F(8)(b), 14G(4)(b) or 14H(5)(b) in relation to that particular family asset relates,

(f) that, except where the application relates to a relevant business which does not include an interest in land situated within the State—

(i) in a case where the particular family asset is not a transferred asset, the partner, the relevant person and any other owner of the particular family asset, or

(ii) in a case where the particular family asset is a transferred asset, the person specified in the application and any other owner of the transferred asset,

each consent to the creation by virtue of section 14B(1) of a further charge in favour of the Executive against the interest in the chargeable land in respect of the particular family asset,

(g) that, where the particular family asset is a transferred asset, each owner of the transferred asset consents to the making of the application, and

(h) that the relevant person consents to the making of the application.

(4) The Executive may appoint more than one person as a family successor in respect of the partner in accordance with this section where more than one family successor has been appointed in respect of the relevant person.

(5) An application under this section shall be made in the specified form.

(6) In deciding an application under this section—

(a) the Executive may request information from, and interviews with, the partner, the relevant person, the person specified in the application and any representative (whether appointed under section 21 or otherwise) of the partner or the relevant person, and

(b) the Executive may request, receive and consider records and information relating to the partner, the relevant person and the person specified in the application whether received pursuant to section 45 or otherwise.

(7) The persons referred to in subsection (6) shall furnish all information and attend any interviews which the Executive may request in accordance with this section.

(8) The Executive may refuse to consider or further consider an application under this section if a person referred to in subsection (6) fails to provide the Executive with such information as may be requested by the application form or under that subsection within 40 working days from the date of the request.

(9) Where the Executive refuses under subsection (8) to consider or further consider an application under this section, it shall, not later than 10 working days after the refusal, give the partner, the relevant person and the person specified in the application notice in writing of the decision and the reasons for the decision.

(10) The Executive shall, not later than 10 working days after granting or refusing an application under this section, give notice in writing to the partner, the relevant person and the person specified in the application of the decision and the reasons for the decision.”.”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 12:

In page 33, between lines 25 and 26, to insert the following:

“Application by partner of deceased person for appointment of family successor

14. The Principal Act is amended by the insertion of the following section after sec-

tion 14K (inserted by *section 13*):

“**14L.** (1) This section applies where—

(a) a family successor has been appointed in respect of a person (in this section referred to as the ‘relevant person’) in relation to a particular family asset,

(b) the relevant person dies,

(c) immediately before the death, the period to which the undertaking given by that family successor in relation to the particular family asset under section 14A(3)(d), 14F(8)(b), 14G(4)(b) or 14H(5)(b) relates has not expired,

(d) the Executive has made a determination under section 7(8)(a) that the relevant person’s partner (in this section referred to as ‘the partner’) needs care services,

(e) the Executive has made a determination under section 11(1) in relation to the partner,

(f) the partner is receiving care services, and

(g) the partner falls into one or more of the following categories—

(i) he or she has an interest in a farm,

(ii) he or she has an interest in a relevant business,

(iii) he or she had an interest in a farm which is a transferred asset, or

(iv) he or she had an interest in a relevant business which is a transferred asset.

(2) On the application of the partner, the Executive shall—

(a) if satisfied that the conditions in subsection (3) are met, appoint the person specified in the application as the family successor in respect of the partner in relation to the interest that the partner has or (in the case of a transferred asset) had in the particular family asset, or

(b) if not so satisfied, refuse the application.

(3) The conditions referred to in subsection (2)(a) are—

(a) that a repayment event has not occurred in relation to the particular family asset,

(b) that any determination made under section 14C(2)(a) has not been revoked,

(c) that, where a determination was made under section 14C(2)(a) in respect of the relevant person, the person specified in the application is the family successor appointed in respect of the relevant person,

(d) that, where no determination was made under section 14C(2)(a) in respect of the relevant person, the person specified in the application is—

(i) the family successor appointed in respect of the relevant person,

(ii) a relative of the relevant person or of the partner, or

(iii) a son-in-law or daughter-in-law of the relevant person or of the partner,

(e) that the partner declares by way of statutory declaration that, in relation to the particular family asset, for a period of 3 years (which period need not be continuous) during the period of 5 years ending on the date on which the partner began to receive care services, a substantial part of the working time of—

(i) the partner,

(ii) the person specified in the application,

(iii) any other person appointed as a family successor in respect of the relevant person, or

(iv) the relevant person, was regularly and consistently applied to running the family asset,

(f) that the person specified in the application undertakes by way of statutory declaration that, if appointed as a family successor in respect of the partner under subsection (2), a substantial part of that person's normal working time will regularly and consistently be applied to running the family asset during the period beginning on the date of his or her appointment under subsection (2)(a) and ending on the expiry of the period to which the undertaking given by the family successor in respect of the relevant person under section 14A(3)(d), 14F(8)(b), 14G(4)(b) or 14H(5)(b) in relation to that particular family asset relates,

(g) that, except where the application relates to a relevant business which does not include an interest in land situated within the State—

(i) in a case where the particular family asset is not a transferred asset, the partner and any other owner of the particular family asset, or

(ii) in a case where the particular family asset is a transferred asset, the person specified in the application and any other owner of the transferred asset,

each consent to the creation by virtue of section 14B(1) of a further charge in favour of the Executive against the interest in the chargeable land in respect of the particular family asset, and

(h) that, where the particular family asset is a transferred asset, each owner of the transferred asset consents to the making of the application.

(4) Where no determination under section 14C(2)(a) was made in respect of the relevant person, the period beginning with the appointment of a family successor in

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respect of the relevant person and ending with the death of the relevant person shall be taken into account in reckoning the period mentioned in subsection (3)(f).

(5) The Executive may appoint more than one person as a family successor in respect of the partner in accordance with this section.

(6) An application under this section shall be made in the specified form.

(7) In deciding an application under this section—

(a) the Executive may request information from, and interviews with, the partner, the person specified in the application and any representative (whether appointed under section 21 or otherwise) of the partner, and

(b) the Executive may request, receive and consider records and information relating to the partner and the person specified in the application whether received pursuant to section 45 or otherwise.

(8) The persons referred to in subsection (7) shall furnish all information and attend any interviews which the Executive may request in accordance with this section.

(9) The Executive may refuse to consider or further consider an application under this section if a person referred to in subsection (7) fails to provide the Executive with such information as may be requested by the application form or under that subsection within 40 working days from the date of the request.

(10) Where the Executive refuses under subsection (9) to consider or further consider an application under this section, it shall, not later than 10 working days after the refusal, give the partner and the person specified in the application notice in writing of the decision and the reasons for the decision.

(11) The Executive shall, not later than 10 working days after granting or refusing an application under this section, give notice in writing to the partner and the person specified in the application of the decision and the reasons for the decision.”.”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 13:

In page 33, between lines 25 and 26, to insert the following:

“Determination as to farm or business relief where family successor fulfils undertaking

15. The Principal Act is amended by the insertion of the following section after section 14L (inserted by *section 14*):

“14M. (1) This section applies where—

(a) a determination has been made under section 14C(2)(a) in respect of a person (in this section referred to as the ‘relevant person’) in relation to a particular family asset,

(b) the period to which the undertaking given by the family successor in rela-

tion to the particular family asset under section 14A(3)(d), 14F(8)(b), 14G(4)(b) or 14H(5)(b) relates expires,

(c) if the relevant person has died, the relevant person's partner (in this section referred to as 'the partner') has an interest in the particular family asset, and

(d) after the expiry of the period mentioned in paragraph (b)—

(i) the Executive has made a determination under section 7(8)(a) that the partner needs care services,

(ii) the Executive has made a determination under section 11(1) in relation to the partner, and

(iii) the partner has received any combination of relevant services for a period of 3 years (which period need not be continuous).

(2) The partner need not make an application under this Act for the appointment of a family successor in relation to the particular family asset.

(3) The Executive shall make a determination that, with effect from the date specified in the determination, paragraph 6B of Part 3 of Schedule 1 applies in respect of the partner in relation to the particular family asset.

(4) Where the Executive makes a determination under subsection (3), the date specified in the determination shall not be earlier than the date by which the partner has received any combination of relevant services for a period of 3 years (which period need not be continuous).

(5) In this section, 'relevant services' has the same meaning as in section 14C."."

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 14:

In page 33, lines 27 and 28, to delete all words from and including "section" where it secondly occurs in line 27 down to and including line 28 and substitute "section 14M (inserted by *section 15*):".

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 15:

In page 33, line 29, to delete "14K. Any person" and substitute "14N. Any person".

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 16:

In page 33, line 32, to delete "or 14H" and substitute ", 14H, 14K or 14L".

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 17:

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In page 33, line 34, after “14C” to insert “or 14M”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 18:

In page 34, line 9, to delete “or 14H” and substitute “, 14H, 14K or 14L”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 19:

In page 34, line 26, to delete “10 working days” and substitute “20 working days”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 20:

In page 36, line 24, to delete “and”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 21:

In page 36, line 26, to delete “and”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 22:

In page 36, between lines 26 and 27, to insert the following: “(ii) by the insertion of “, in the case of an order made under section 14B(1), the interested person or interested persons, or, in the case of an order made under section 17(2),” after “in the land concerned to which”, and”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 23:

In page 36, to delete line 28 and substitute the following:

““section 17(4)”,

(c) by the substitution of the following subsection for subsection (3):

“(3) Subsection (2) shall not apply—

(a) in the case of an order made under section 14B(1), where all the joint tenants in the joint tenancy concerned are interested persons, or

(b) in the case of an order made under section 17(2), where all the joint tenants in the joint tenancy concerned have made a request to the Executive that the ancillary State support be paid in relation to the interest in the land concerned.”,

and

(d) by the insertion of the following subsection after subsection (3):

“(4) In this section— ‘interested person’, in relation to an order made under section 14B(1), means—

(a) where the chargeable land is not a transferred asset—

(i) each member of the couple, where the relevant person is a member of a couple, or

(ii) the relevant person, where the relevant person is not a member of a couple,

or

(b) where the chargeable land is a transferred asset, the person or persons who hold the interest that—

(i) each member of the couple had in the chargeable land, where the relevant person is a member of a couple, or

(ii) the relevant person had in the chargeable land, where the relevant person is not a member of a couple;

‘relevant person’ means a person receiving care services.”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 24:

In page 36, lines 31 and 32, after “14I(2)(a)(i),” to insert “14I(6)(a), 14J(1), 14K(2), 14K(8), 14L(2), 14L(9),”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 25:

In page 36, line 34, after “14I(5),” to insert “14I(6)(b), 14J(1), 14K(9), 14K(10), 14L(10), 14L(11),”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 26:

In page 36, after line 36, to insert the following:

“(a) in subsection (1), by the substitution of “(1A)” for “(2)”,

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

“(1A) The Minister may by regulations provide for the arrangements that shall apply in relation to persons who are or were members of a couple where one member of the couple has made an application under section 14A.

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(1B) Without prejudice to the generality of subsection (1A), regulations under that subsection may provide for all or any of the following:

(a) arrangements that shall apply in relation to a charge under section 14B;

(b) arrangements that shall apply in relation to a determination under section 14C, including the conditions that shall apply in respect of a determination under that section of the revised amount of State support payable in respect of a person;

(c) arrangements that shall apply in relation to a review under section 14E for the purpose of ascertaining whether a repayment event has occurred;

(d) arrangements that shall apply in relation to the death of a person where a determination under section 14C was made before the death, including any notification or application for appointment of a family successor to be made under section 14F and any conditions that shall apply to such notification or application;

(e) arrangements that shall apply in relation to the death or change in circumstances of a family successor, including any application for appointment of a new family successor to be made under section 14G and any conditions that shall apply to such application;

(f) arrangements that shall apply in relation to the change in family successor following the transfer of a particular family asset, including any application for appointment of a new family successor to be made under section 14H and any conditions that shall apply to such application;

(g) arrangements that shall apply in relation to repayment events;

(h) arrangements that shall apply in relation to an application under section 14K or 14L;

(i) arrangements that shall apply in relation to a determination under section 14M, including any conditions that may apply in respect of a determination under that section;

(j) arrangements that shall apply in relation to Schedule 1.

(1C) When making regulations under subsection (1A), the Minister shall have regard to the following:

(a) the policies and objectives of the Government to protect the future viability of farms and relevant businesses that are owned and operated by families;

(b) the fair and equitable treatment of couples under the Scheme;

(c) the proper and efficient administration of the Scheme.

(1D) In regulations under subsection (1A), the Minister may make provision for different circumstances or cases, including where—

(a) the period referred to in an undertaking given by a family successor under any provision of this Act has or has not expired,

(b) one or both members of a couple is or are receiving care services,
or

(c) one or both members of a couple has or have died.”;”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 27:

In page 37, line 32, to delete “or 14H” and substitute “, 14H, 14K or 14L”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 28:

In page 38, line 3, to delete “or 14H” and substitute “, 14H, 14K or 14L”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 29:

In page 38, lines 15 and 16, to delete “and 14H, determinations under section 14C(2)” and substitute “, 14H, 14K and 14L, determinations under sections 14C(2) and 14M(3)”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 30:

In page 38, line 33, to delete “and 14H” and substitute “, 14H, 14K and 14L”.

Amendment agreed to.

Deputy Mary Butler: I move amendment No. 31:

In page 38, line 36, to delete “section 14C(2)” and substitute “sections 14C(2) and 14M(3)”

Amendment agreed to.

Deputy Denis Naughten: I move amendment No. 32:

In page 39, between lines 5 and 6, to insert the following:

“24. The Principal Act is amended by the insertion of the following section after section 45A

(inserted by section 23):

“45B.(1) The Executive shall prepare, within 180 days of the Act taking effect, a report containing information in relation to the legislative and policy

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options available to the State for the reassessment of arrears accumulated as a result of the failure to introduce a 3 year cap on all working assets.

(2) The Executive shall send a copy of the report prepared under subsection (1) to the Minister.

(3) The Minister shall cause a copy of the report prepared under subsection (1) to be laid before each House of the Oireachtas not more than 3 months after it has been prepared.”.”.

This amendment is about the backdating of the period in question. We discussed this in great detail on Committee Stage. Where people have already acquired the three years in the nursing home, there should not be a liability for any further period beyond that. We have tabled this amendment for that purpose.

Deputy Mary Butler: As the Deputy said, we discussed this matter at length on Committee Stage. As I explained, we are not in a position to retrospectively deal with the financial costs. The nursing home support scheme costs the Exchequer €1.4 billion per year and €350 million is received through charges. To be brief, it is for this reason and the reasons I outlined on Committee Stage, I will not be accepting the amendment.

Deputy Denis Naughten: I hear what the Minister of State is saying and I accept this is a substantial cost. The number of families affected by this is very small so the potential cost to the Exchequer is very small. For the individual families, however, substantial arrears may have accumulated and these will be charged against their farm holdings. The decision was taken three years ago to bring forward this legislation. That should be the date on which the provision is considered implemented, not some future date when the legislation has been commenced. I am, therefore, pressing the amendment.

Deputy Mary Butler: The Deputy has been passionate about this matter but it was examined in detail. The challenges and risks are high. It is my view and the view of the Department that retrospective application of these particular conditions is not possible. There will, therefore, be no refunds for contributions already made towards the cost of care for those who have already spent in excess of three years in care prior to the Bill being commenced. I will clarify again, however, that the time a person has already spent in care counts when making up the three years to qualify for the cap.

An Ceann Comhairle: I am sorry to interrupt the Minister of State. The time permitted for this debate having expired, I am required to put the following question in accordance with the order of the Dáil of 13 July: “That the amendments set down by the Minister of State at the Department of Health, Deputy Butler, and not disposed of, including those in respect of which recommittal would, in the normal course, be required, are hereby made to the Bill, Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

An Ceann Comhairle: I thank the Minister of State. Congratulations to all involved.

Health (Amendment) (No. 2) Bill 2021: Second Stage (Resumed)

An Ceann Comhairle: We must now take the division that was called earlier.

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

<i>The Dáil divided: Tá, 72; Níl, 66; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Bruton, Richard.</i>	<i>Barry, Mick.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Butler, Mary.</i>	<i>Brady, John.</i>	
<i>Byrne, Thomas.</i>	<i>Browne, Martin.</i>	
<i>Cahill, Jackie.</i>	<i>Buckley, Pat.</i>	
<i>Calleary, Dara.</i>	<i>Canney, Seán.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Carthy, Matt.</i>	
<i>Chambers, Jack.</i>	<i>Clarke, Sorca.</i>	
<i>Collins, Niall.</i>	<i>Collins, Joan.</i>	
<i>Costello, Patrick.</i>	<i>Collins, Michael.</i>	
<i>Coveney, Simon.</i>	<i>Connolly, Catherine.</i>	
<i>Cowen, Barry.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Creed, Michael.</i>	<i>Cronin, Réada.</i>	
<i>Crowe, Cathal.</i>	<i>Crowe, Seán.</i>	
<i>Devlin, Cormac.</i>	<i>Cullinane, David.</i>	
<i>Donnelly, Stephen.</i>	<i>Daly, Pa.</i>	
<i>Donohoe, Paschal.</i>	<i>Doherty, Pearse.</i>	
<i>Duffy, Francis Noel.</i>	<i>Donnelly, Paul.</i>	
<i>Durkan, Bernard J.</i>	<i>Ellis, Dessie.</i>	
<i>English, Damien.</i>	<i>Farrell, Mairéad.</i>	
<i>Feighan, Frankie.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Flaherty, Joe.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Charles.</i>	<i>Funchion, Kathleen.</i>	
<i>Fleming, Sean.</i>	<i>Gannon, Gary.</i>	
<i>Foley, Norma.</i>	<i>Gould, Thomas.</i>	
<i>Griffin, Brendan.</i>	<i>Guirke, Johnny.</i>	
<i>Harris, Simon.</i>	<i>Harkin, Marian.</i>	
<i>Haughey, Seán.</i>	<i>Healy-Rae, Danny.</i>	
<i>Heydon, Martin.</i>	<i>Healy-Rae, Michael.</i>	
<i>Higgins, Emer.</i>	<i>Howlin, Brendan.</i>	
<i>Hourigan, Neasa.</i>	<i>Kelly, Alan.</i>	
<i>Humphreys, Heather.</i>	<i>Kenny, Martin.</i>	
<i>Kehoe, Paul.</i>	<i>Kerrane, Claire.</i>	
<i>Lahart, John.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Lawless, James.</i>	<i>McGrath, Mattie.</i>	
<i>Leddin, Brian.</i>	<i>Mitchell, Denise.</i>	

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<i>Lowry, Michael.</i>	<i>Munster, Imelda.</i>	
<i>Madigan, Josepha.</i>	<i>Murphy, Catherine.</i>	
<i>Martin, Catherine.</i>	<i>Murphy, Paul.</i>	
<i>Martin, Micheál.</i>	<i>Murphy, Verona.</i>	
<i>Matthews, Steven.</i>	<i>Mythen, Johnny.</i>	
<i>McAuliffe, Paul.</i>	<i>Nash, Ged.</i>	
<i>McConalogue, Charlie.</i>	<i>Naughten, Denis.</i>	
<i>McGrath, Michael.</i>	<i>O'Callaghan, Cian.</i>	
<i>McHugh, Joe.</i>	<i>O'Donoghue, Richard.</i>	
<i>Moynihan, Aindrias.</i>	<i>O'Reilly, Louise.</i>	
<i>Moynihan, Michael.</i>	<i>O'Rourke, Darren.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Ó Broin, Eoin.</i>	
<i>Naughton, Hildegard.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Noonan, Malcolm.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>O'Brien, Darragh.</i>	<i>Pringle, Thomas.</i>	
<i>O'Brien, Joe.</i>	<i>Quinlivan, Maurice.</i>	
<i>O'Callaghan, Jim.</i>	<i>Ryan, Patricia.</i>	
<i>O'Connor, James.</i>	<i>Shanahan, Matt.</i>	
<i>O'Donnell, Kieran.</i>	<i>Sherlock, Sean.</i>	
<i>O'Donovan, Patrick.</i>	<i>Shortall, Róisín.</i>	
<i>O'Dowd, Fergus.</i>	<i>Smith, Bríd.</i>	
<i>O'Sullivan, Christopher.</i>	<i>Smith, Duncan.</i>	
<i>O'Sullivan, Pádraig.</i>	<i>Stanley, Brian.</i>	
<i>Ó Cathasaigh, Marc.</i>	<i>Tóibín, Peadar.</i>	
<i>Ó Cuív, Éamon.</i>	<i>Tully, Pauline.</i>	
<i>Rabbitte, Anne.</i>	<i>Ward, Mark.</i>	
<i>Richmond, Neale.</i>	<i>Whitmore, Jennifer.</i>	
<i>Ryan, Eamon.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Mattie McGrath and Peadar Tóibín.

Question declared carried.

Health (Amendment) (No. 2) Bill 2021: Committee and Remaining Stages

An Ceann Comhairle: Before proceeding to the first amendment, I understand the Minister wishes to make a statement.

Minister for Health (Deputy Stephen Donnelly): I request the Ceann Comhairle to direct the Clerk, in accordance with Standing Order 196, to make the following minor correction to the text of the Bill:

On page 18, line 43, replace the words “Companies Acts” with “Companies Act 2014”.

An Ceann Comhairle: Thank you very much.

SECTION 1

An Ceann Comhairle: Amendments Nos. 1 and 2 are related and will be discussed together.

Deputy Richard Boyd Barrett: I move amendment No. 1:

In page 5, line 9, to delete “the later of” and substitute “9 October 2021”.

The purpose of these amendments is to ensure that there is no option to extend the measures in this Bill, as is currently the case.

We have put down this amendment in the context that we are opposed to the Bill. Regrettably, we will have to vote against it. If, as is almost certain, the Bill passes, there should not be the option to renew the measures included in it after 9 October. The Oireachtas should now make the decision that this will be as far as these measures can extend. The reasons it should not be possible to extend them beyond 9 October are exactly the same reasons that we in People Before Profit feel we must vote against the Bill, full stop. The health status or vaccination status of a person should not determine his or her rights to access basic things in our society. That is our view. I say this as someone who is an enthusiastic supporter, as is our entire party, of the vaccination programme that is under way. I also urge everybody who is offered a vaccine to take one because the vaccination programme is our best chance of getting out of this grim situation, which has, over the last year and a half, cast a dark shadow over our entire society and much of the world, in terms of its economic, social and psychological impact. I firmly believe that the vaccines are what will potentially take us out of this situation and prevent the possibility of further lockdowns, which would become an inevitability if we did not have a vaccine or the other public health measures we have taken were not enough to defeat it. While the extreme hardship, commitment and solidarity of people have held the virus at bay, the vaccination programme gives us the opportunity to potentially exit all of that and leave lockdowns behind, which is something people yearn for.

The idea that whether you have been vaccinated would determine whether you could enter a pub or restaurant or access any service creates a two-tier society based on medical or vaccination status. I believe this is discriminatory. It is ethically problematic and starts us on a slippery slope with regard to a person’s vaccination status, or health status more generally, with personal and private health information determining a person’s right to fully participate in society on the same basis as the rest of the population.

This approach also has impacts on those who cannot be vaccinated. There are people with

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health conditions who are told by their doctors that they cannot have a vaccine and it would be dangerous to take it. There are also people who have not been fully convinced to take a vaccine. I want to convince them. I urge people to take the vaccines but there are some people who, understandably, have not been convinced and we must convince them.

Anything that smacks of coercion is unhelpful. It is worth noting that the World Health Organization has strongly argued against mandatory vaccination. It has argued that it can actually do damage to the effort to educate people about public health measures and vaccinations. It is worrying and telling that the Irish Council for Civil Liberties, whose members are not conspiracy theorists, are very much in favour of public health measures and are certainly not anti-vaccination or anything like that, has written to the Government to express concern that these kinds of measures are potentially counterproductive and smack of “mandatory vaccination by the back door”. I believe that was the phrase the ICCL used in its letter to the Minister for Foreign Affairs and possibly also to the Minister for Health. There is a coercive pressure put on people to be vaccinated who either cannot be vaccinated, have not yet been offered a vaccine or have not been convinced about vaccination.

I oppose the Bill for the reasons that it is wrong to discriminate, it is wrong to create a two-tier situation and there are also ethical problems with it. More generally in the Bill, the health of those who work in these areas is being put in jeopardy. Younger people have not been vaccinated yet and their health is being put in jeopardy. We wonder why legislation on ventilation standards has not been rushed through into the Dáil as quickly as some of the other legislation we have seen this week. That would guarantee proper ventilation standards that might do more to protect public health and the health of workers.

I know the Government has said the choice is between opening up a bit on the basis of these measures, opening everything and risk public health or delaying. We will nail our colours to the mast. We would rather delay and not have discrimination, a two-tier situation and invasive questions, demands and obligations put on people about their vaccination or health status. We should delay so that we can all enjoy the reopening that will come on the basis of sufficient levels of vaccination being achieved, such that we will have population immunity and protection at the point at which that arrives. Hopefully, that will be quite soon because the vaccination programme is advancing pretty rapidly. At this stage, it seems to be efficacious and let us hope - fingers crossed - that it remains that way and we get to the point where reopening is possible. We would rather delay and not take the risk given the dangers of the Delta variant and given that this regime creates a sort of discriminatory two-tier situation and may be quite unenforceable in truth. That is the other point to make. Is any of this practical or operable in the scenarios to which it is supposed to apply?

This is the basis on which we oppose the Bill and feel obliged to vote against it. Insofar as we are pretty certain that the Government majority will ensure the Bill does pass, this amendment calls for a firm sunset clause, not an open-ended one that could be extended. This amendment says, in effect, “this far and absolutely no further” on these kinds of measures. This a reasonable proposal and I hope we will get the support of maybe even the Minister, who is nodding. Perhaps he will support our amendment.

Deputy David Cullinane: Like the previous speaker, I will be opposing the Bill. I suspect the Government has the numbers to get it through, however. If the Bill is to be passed, the two proposed amendments would be better than the Minister’s proposal to have a sunset clause of 9 October which could then be extended further. I support the two amendments and I look for-

ward to the proposers of these amendments supporting my amendments later, which I am sure they will.

I support the amendments and I oppose the Bill. The vote we have just had on Second Stage shows the level of opposition to this Bill. As almost the entire Opposition have been telling the Minister in recent weeks, before he brings forward a Bill that includes a sunset clause, he should bring forward a plan that will work. If a plan is brought forward that does not work, he will not get support for the Bill from anyone other than the Government. No sooner was the ink dry on the Bill and the amendments sheet that has been published, that the Bill and the plan began to unravel. The Chief Medical Officer is already saying that one of the provisions of the Bill, the measure allowing under 18s into indoor hospitality, is not one he would recommend. Yet the Tánaiste and the Minister were at pains to point out that those of us who do not support the Bill and who want a safe and sustainable reopening of indoor hospitality for everybody at whatever time it is suitable to do it, are somehow going against the public health advice, but the same Government is introducing a Bill that it seems the public health advice did not support and is now saying should not happen. That is why all of this is a farce and it is not going to work. Time and again the Minister has been warned that if he brings forward a plan that is impractical, unfair or discriminatory then he is going to run into difficulties.

We have more than 30 amendments. I will not speak for much longer because I know a lot of Deputies want to speak and I do not believe we should filibuster when there are so many amendments that we want to get through. We have 90 minutes, which is appalling, to go through all of the amendments. We have no hope of doing that. I do not believe the Minister is going to support any of the amendments. We are going through Committee Stage knowing that we can make our points, which we have done, but already the Bill and the Minister's plan is beginning to crumble. It seems to have already fallen foul of public health advice. That is an indication of the madness of all of this. It is not going to work. Everything I have heard from the Government and everything I have heard today from the Tánaiste about this being light touch, and that the compliance officers will not really be going into premises to check anything or enforce this shows that the Bill is just a farce. It is a nod and a wink and it is absolute madness. What the Minister should have done from day one is work on a solution that allows us to open indoor hospitality when it is safe to do so, in a safe and sustainable way for everybody. Instead, the Government has made an absolute pig's ear of it, as it has done on many other issues as well.

In all conscience I cannot support the Bill. I do not believe anybody in this House should support any Bill that excludes people, that discriminates and leaves people behind. It is not fair. It is not what should be happening. It goes against the grain of everything that I stand for as a republican that I would be asked to support a Bill that discriminates against young people especially, and leaves 800,000 of them outside the door. That is ridiculous. They are the same young people that we expect to go into pubs to pull the pints and serve the food but they cannot then avail of the same hospitality. Now we have families going on staycations, who are told on the one hand by the Government that they can bring in their children who are under 18 but the public health experts are saying they should not bring them in. This is the confusion and chaos that comes from a lack of planning from a Government that simply does not have a clue when it comes to putting in place solutions that are fair and sustainable. This mess is entirely of the Government's making. It can blame Sinn Féin and the Opposition on the airwaves and everywhere else but this is the Government's mess because it did not plan and there is no contingency or anything else. Now we are being asked to support the Bill today. I am not going to do it. I may not get a chance to speak again because I suspect other Members will want to

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make their point but I am simply not going to support the Bill because the Minister has made a complete pig's ear of it.

Deputy Denis Naughten: I support the amendment. The sunset clause for this legislation should be in black and white. It should be set in stone that the legislation should not be extended beyond 9 October.

I genuinely believe this legislation is unworkable. It could have been workable if the provision for antigen testing was included from the start. We could be opening up restaurants and pubs later this week using antigen testing and giving people access on the exact same basis as someone who is fully vaccinated. Over the past 12 months the Government has not addressed the issue of antigen testing. It has referred continually to the health experts regarding it. The health experts have taken a particular interpretation based on the fact that the public would not understand a result received from an antigen test. The Government can take a decision tomorrow morning that the result of an antigen test should be sufficient, rather than waiting and plámáising the medical profession to come round to the view that the public are mature enough to understand what an antigen test means. I plead with the Minister to open up more of society but let us do it in a safe manner, which I agree with, and antigen testing can allow that to happen.

We have this bizarre situation that I referred to in my contribution on Second Stage where one must have a vaccination certificate to access indoor dining, yet one can go to a cinema and one does not need it. The Chief Medical Officer tells us now that children under 18 years of age should not go into restaurants but we can have children going into cinemas in the exact same atmosphere. There is a contradiction regarding the advice that is being given. The fundamental issue is that vaccination status should never define someone's access to pubs, restaurants or wider society. We cannot have a situation where this particular law extends beyond 9 October. I for one would actively encourage every single citizen in this State to take the vaccine if he or she gets the opportunity and where it is safe to do so when it is made available to him or her. There is coercion in the legislation and I cannot accept that. I urge the Minister to look at antigen testing as an alternative avenue and to implement it in tandem with the provisions that are made in the Bill.

When responding, could the Minister provide some clarity on the certificate for someone who has recovered from Covid-19? The public commentary to date is that for six months after a person has recovered, he or she can go into a pub or restaurant and certification will be provided for that. Who is going to provide the certification? I do not know. There is confusion regarding it, but that is a direct contradiction of what is on the HSE's website, which clearly states that someone is immune and protected for nine months after infection. If that is the case, he or she should be able to go into a pub or restaurant but we are saying they will only be allowed in for six months. Why the contradiction in regard to that when it is public health advice and when this is what the medical experts are saying to us?

The final point I will make to the Minister is that the public health advice is that a PCR test allows someone to travel and to come into this jurisdiction but does not allow someone to go into a pub or restaurant. Again, there is a direct contradiction here with the public health advice. We could get on an aeroplane with a couple of hundred people in a very confined space where there is a potential risk of spreading the virus. A PCR test will allow people to do that but it will not allow them to get off the aeroplane and go into a pub or restaurant with the exact same results. These contradictions are adding to the absolute confusion. This legislation is

completely unworkable. Premises will open and will find that they cannot remain open because they cannot enforce the legislation and will be forced to close. That is in no one's interest. We want to see society open and remain open. At a very minimum, I urge the Minister to accept the amendment and set in stone 9 October as the final date for this legislation.

Deputy Mattie McGrath: I too support amendment No. 1. I again appeal to the Minister, but I know it will fall on deaf ears.

8 o'clock

Guillotining a Bill of this nature is disgraceful. How can the Minister do that, given his pronouncements while in opposition and at leaders' meetings that Deputies Boyd Barrett and Naughten and others also attended and in light of his questioning of the advice, what was happening and the line from Dr. Holohan? To do such a U-turn beggars belief.

This legislation is unworkable. If it were banished at October, we would at least have some chance, but we are just playing semantics. When October comes, there will be another lockdown and we will be back in this scenario all over again. The people have grown Covid fatigued, media fatigued and Dr. Holohan fatigued. I saw a post this evening where he was again in the media telling people not to bring their children to indoor dining despite these rules. What is going on? There are three leaders in the Government and two are certainly vying for the top job, but is Dr. Holohan and NPHEAT vying for it as well and trying to scare people? Has he a death wish for hospitality? Is there a death wish on all of our people that we cannot be entertained or dine? Musicians have been confined to history. It is shocking. We are debating this rushed, inept, feeble, draconian and disastrous legislation, but Dr. Holohan is out on the airwaves saying other stuff.

Deputy Paul Murphy: Does the Deputy have a death wish for the population?

Deputy Mattie McGrath: Excuse me. I am talking through the Chair.

I am wondering what is going on. The people are sick and weary of it. This is not the first time. I could speak about the Aughinish Alumina plant and the Geoghegan family in Limerick. They had issues with Dr. Holohan and the now Taoiseach, Deputy Micheál Martin. There was no public inquiry into what happened. What about the cervical smear tests and many other issues? Mind games are being played now. A tweet was just sent to me with Dr. Holohan's statement this evening. Is what we do in the House irrelevant? NPHEAT is in charge. We have abdicated our responsibility to NPHEAT, the national immunisation advisory committee, NIAC, and God knows what other quango.

Under this legislation, the Minister will have the power to introduce via statutory instrument anything he dreams up. My concern has to do with the fact that these measures will be policed by 300 HSE staff, 70 Health and Safety Authority, HSA, staff, the Garda and whatever organisations, outfits or cabals the Minister dreams up for inclusion in the statutory instrument. Give them the badge and off they go like sheriffs and posses. As someone mentioned, they will probably only work from 9 a.m. to 5 p.m. because they will not be given overtime, but I am sure some of them will be zealous in catching people and earning stripes.

This is silly and pathetic nonsense. The Minister knows that because he used to say the exact opposite as he does now. He admitted in the Chamber a couple of months ago that we were right and that he would have been saying the same thing as us were he over here. He is on

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the record as saying that. What happens when people go into government? What power comes over them that makes their hands sign these measures and changes them so much overnight from questioning, engaging and being responsible? We all engaged in those meetings at first and backed every decision the Government took because we were all worried and frightened about what would happen, but then we saw the figures, which did not stack up anywhere, and the damage being done to our health services, for example, mental health services, late and missed cancer diagnoses, scoliosis procedures and a plethora of other services. People cannot get near a doctor or hospital. It beggars belief.

After the 15 or 16 months and the €4 billion spent on top of the existing €19 billion, we have just nine extra ICU beds. We keep locking down the country and crucifying small businesses and tens of thousands of jobs across all sectors because of an inadequate HSE and health service. If we keep this going on for much longer, we will not have an economy to recover. The Minister might say that I am a conspiracy theorist, but we are beholden to some greater power. It will be in charge and we will eat crumbs from its table. This is mad and is getting madder by the week.

The Bill is being rushed. The Rural Independent Group tabled 11 or 12 amendments, but not one will be taken. At least if amendment No. 1 is taken, people might have some hope that we are not in this for the real long haul and that, when October comes, the Minister will not have the ability to extend the measures for a further three months just as a matter of form. The extension would have to be put to the House, but the Government has its majority in the form of its three parties and some Regional Group Independents who will back it come hell or high water. I do not know whether that is because they expect to fall into government when the Green Party leaves or whatever, but they are in awe of the Government.

We had a great celebration last Sunday in Dublin Castle. I did not intend on principle. How could we celebrate our patriotic dead who got us our freedom, which we boast about and have thankfully enjoyed for nearly 100 years, at the same time as draconian and penal legislation for a medical apartheid was being drafted in some other office of the Attorney General and his staff? I am not naming the Attorney General personally. I am referring to the staff, the drafting people. The Government was down celebrating at Dublin Castle. What rank hypocrisy and sheer brass neck. It is a new low having those two events happening side by side and we are here four days later taking away people's rights.

People will be expected to declare their medical histories to get into hospitality even though, as Deputy Naughten said, they will be able to go to a cinema and get their Coca Cola and popcorn or whatever without a passport. Most of the cinema chains are very large as well. It is all about big business while all the small, home-grown, one-person and family businesses will be destroyed. Their workers will be forced to work even though they cannot get vaccinated, but if they want to have a social drink after they finish their shifts later in the evening, they will not be able to. They will have to go out onto the street to do so.

It is patent nonsense and the Minister should be ashamed to have anything to do with it, never mind signing the legislation. He will not give us any insight into the statutory instruments he might sign, but I say they will be interesting. We will not be here for six or seven weeks and there will be no account given to anyone, not that there is much accountability anyway. The power has been wrested from the Dáil. Actually, it has not been wrested from us, but given away by the Government to unelected cabals. Some of the people in them are certainly good in their own right, but when I asked Dr. Holohan in the Cabinet room - some of the Deputies

present now were there on behalf of their groups - for a third time about the science around the closure of churches and the restrictions on numbers and the Taoiseach told him to answer me, he told me to listen, that we were dealing with a pandemic, that we would do the lockdown and that we would deal with the science later. I threw my hat at it. I have not been invited - to my knowledge, no party leader has - to any briefing since, and that was early November. The Government has lost the public and the Opposition groups, as will be seen in the vote, because it did not continue with the briefings and with informing us after the fear and the fog lifted and we wiped the glasses, put on the cap, got a chance to think and asked what really was happening and whether it was a merry dance. I am not making little of anyone who died. I also want a public inquiry - not done by people from Ireland, but from abroad - into the slaughter in the nursing homes and how people were afflicted in hospitals. I am not blaming the front-line staff. I am blaming the bad management and the fact that PPE could not be got for nursing homes. Oxygen that was *en route* to nursing homes was diverted away from them. If someone does not go to the Hague to face charges of crimes against humanity for that, I will give up. What happened is a shocking indictment.

If we have another pandemic of any kind, we will have just nine extra ICU beds after all the money that was spent. The Minister should be proud of himself. Some €4 billion plus has been spent, and that is just the amount we know about. Yesterday, Deputy Connolly tried to elicit answers about the cost of the vaccination programme and the various procurement processes, but there has been no procurement process since Covid started. It is just a case of spending whatever with no accountability. People have rang me looking to find out where places were. They had been asked to do work by the HSE. They were told to get it done, to work night and day and that the price did not matter. The HSE threw caution to the wind. If we had a great deal of extra capacity or a new field hospital built, that would be great - China can build a hospital in one or two weeks - but we have only nine extra ICU beds to our credit for €4 billion.

In response to Be On Call for Ireland, thousands of people came home from abroad to offer their services free of charge. According to the figures I last got from the Minister, I believe that only a couple of hundred were taken on. People had the spirit of meitheal, ní neart go cur le chéile and so on. They wanted to help. Everyone got motivated and did his or her bit. "We are all in this together", but we are a long way away from that now. There are a few of you in it.

I have to ask the same question Deputy Danny Healy-Rae asked earlier. Why is the Government so against antigen testing? Do some people who are involved in the system or close to it have a vested interest in the other test? The name is gone from me now. It is the test everyone is doing. Every other country in Europe and all over the world is using the antigen test. We are talking about it. We are setting up an expert group to look at this test, 15 months on.

I asked the Minister in the Dáil yesterday if we would have an investigation. He told me three or four investigations were going on in different aspects of the HSE. I do not want that. I want an outside investigation - outside of this country and with no connection to the HSE or the Department of Health - and an independent inquiry as to how the Government and its advisers, NPHET, the HSE and the Department of Health have handled this crisis. Nothing else will satisfy because we have enough of cover-ups, a lack of inquiries and refusals. The Geoghegan family's blood samples were lost and Dr. Holohan refused to allow a public inquiry and sitting beside him that day was the then Minister for Health, Deputy Micheál Martin. That was a long time ago, in 2003-----

An Ceann Comhairle: The Deputy is-----

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Deputy Mattie McGrath: -----and there has been significant cover-up in the past 30 years. It is cover-up after cover-up. Now, we get here and this is the biggest cover-up of all. I am asking the Minister - I know he will not do it, but I hope someday, someone will - to establish an inquiry that will get answers and honesty and restore the integrity and respect people had for our public services.

Deputy Michael Collins: I will be brief. I said earlier I am against the Bill and this amendment is talking about a three-month review. We should be reviewing it in two weeks. If that means the return of the Dáil, so be it. We have to understand that people's livelihoods, and their whole lives for that matter, are at risk. This is completely unworkable. Common sense will tell you that. There will be legal challenges to it straight away. It is causing a massive division in our country already. It is something on which we were all meant to be working together and bringing everyone along. That kind of romantic thought was going through the Government's mind at one stage but now it does not give a damn about anyone. The Government can split them left, right and centre, as long as it gets its way.

The Government would not be in the position it is now only for the few backbenchers kicking and lashing for a few days, after it had made the foolish decision in the first place to keep them closed. Unfortunately, these backbenchers did not have enough neck to stand up here tonight and force the Government's hand and a change of mind on its part. It is difficult for me and other Deputies to hear them saying one thing on a radio station or in the newspaper and another thing in the Dáil. They think people at home do not hear what they are saying. They failed to support the local businesses and their local restaurant owner or publican, whether it be in west Cork or throughout the country, by accepting this Bill. Even contemplating this type of amendment is kind of kicking the can down the road when it comes to their businesses.

That a member of staff - a bouncer or someone else - will have to stand at the entrance to a premises and question people from A to Z about their health is both amazing and astonishing. I am concerned about people with illnesses which prevent them being vaccinated, those who would prefer to be inoculated but who cannot be because the vaccine is not yet available to them and, as already stated, young workers. What is proposed is a complete and utter attack on the young people of Ireland. It is not attacking anyone else, only the youngest people of Ireland. The majority of the latter are the people who may want to get vaccinated. That is up to them. If, however, they want to be vaccinated but cannot be, they will not be allowed in. The Minister is kicking them outside the door in the midst of what has been a difficult time for them. Young people have suffered enough. The Minister should have thought this through.

Part of this Bill is that you cannot go to the counter of a bar. That is astonishing. As already stated, Deputy Denis Naughten mentioned that you can go into a cinema and there is no regulation, as such. It is just commonsense regulation. In this instance, we are talking about a person who is fully vaccinated going up to the counter in a bar. Is the Government going to come up with legislation to say that people can go shopping and then go up to the counter and pay for what they intend to buy? Is this the road we are travelling? The Minister will say it is not, but what is the difference? It is the same story. People want to go and order whatever they want, such as their food and drink, and then go back to their table. They will not be allowed to do that but they can do it in other establishments. The Government deems it to be wrong in one instance and okay in another.

The Government is discriminating against people in the context of their rights. There is significant anger about this matter. The Government has not looked at all the reasons. Businesses

were well prepared to take people's temperatures at the door and have hand sanitisers and social distancing in the bar and restaurant. All these things would have been workable solutions and maybe one or two more workable solutions. We talk about antigen testing and stuff like that. Nobody is willing to come up with some kind of workable solution. What the Government wants to do is create a situation where it is going to force these businesses to close. That is what will happen. They have a gun to their heads. They need to open their doors but the Government has had them shut for 400 days. As a result, 260,000 jobs and between €5 billion and €7 billion have been lost to the economy because of their being closed.

I do not want to go on anymore because other people want to speak, but I certainly will not be supporting this legislation.

Deputy Matt Carthy: I will be opposing the legislation and supporting the amendment before us. Essentially, this legislation is asking the Dáil to give the Minister and Government a blank cheque. We should not give them that for one day longer than is absolutely required in the proposal before us. The reason I say that is because I do not trust the Minister. I do not trust this Government to bring forward regulations in a fair manner and one which will build upon community support.

One of the phenomenal outworkings of the societal response to Covid-19 was the sense of solidarity we have seen through the most part of the past 18 months. People have been looking out for each other, supporting our front-line workers and understanding and appreciating the sacrifices others have made. There was a sense that solidarity had permeated through the major part of our society. Despite being demonised at different points during the pandemic, young people were to the fore in that regard. The solidarity displayed by young people during the pandemic has been phenomenal. Consider what they have sacrificed in terms of school closures, missing out on college life and social life at really important times, employment and future employment prospects, travel, love and all those things that are part of those crucial, formative years. These were all sacrificed and there has been a cost to their mental health as a result. Our young people have made real sacrifices. They were not the same type of sacrifices as those made by the people who lost loved ones or endured serious physical illness but they were sacrifices nonetheless. We should commend the young people of Ireland on making those sacrifices. They did it for their grannies, parents, elderly neighbours and the vulnerable in our communities.

My biggest fear is that the Minister has brought forward legislation that trashes all of the sacrifice and effort our young people made and spits in their faces. In the context of those who suffered so much through mental anguish, it was young people who were most affected as a result of all that has happened over the past year. I have seen it in my family, community, town and constituency. Now, the Minister is saying that those people are to be discriminated against.

I want to see hospitality open for all. I want to see it happening in a safe manner and I want to ensure that when we open a service, whatever it may be, it will remain open. On all of those rhetorical points, I am at one with everybody in this House. What if we had to, at some stage, bring forward new proposals for further restrictions? What if there is an "echo" or a "falcon" variant or whatever the next name is? What if there is a variant that beats the vaccine? What if we have to go back and ask people to make sacrifices again? How can we possibly look young people in the eye and ask them to do that all over again when we have decided to bring forward legislation that discriminates against them after they did it once before? We cannot. That is why I am so angry about this legislation. That is why so many people are frustrated. They can-

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not believe that the Government has the audacity to do this to them, when they have no choice. Most of them will receive the vaccine when it is available to them but it is not available to most of them right now. They are expected to work in the bars and the restaurants and to wait on people who were vaccinated but they are unable to enjoy the same services themselves. That is plainly, utterly wrong.

We all recall the summer recess last year and the infamous “golfgate”. Do Members remember the anger that arose among the public about that? It was not because a group of people met in a hotel and had a meal and a pile of pints. It was because most people were not allowed to do that and they abided by the rules. What really angered people was the sense that there was one rule for some and another rule for others. Essentially, what the Government is doing tonight is bringing forward legislation that legalises one rule for some and another rule for everybody else. That is not good enough. I fear that the Minister is undermining that great sense of solidarity we should be so proud of among the young and old across society. The Minister will be responsible for that. I hope he recognises that and realises what he is doing with this legislation. He is serving precisely nobody well. I will proudly hit the “Níl” button anocht.

Deputy Danny Healy-Rae: On foot of what Dr. Tony Holohan said this evening, the Minister has lost all credibility. He has given different reasons for introducing this Bill but Dr. Holohan said that he did not advise and was not advising that people under 18 years of age should be let into indoor hospitality. That tells me the Government is only making it up as it goes along. What is sad about this, and I support this amendment on the sunset clause, is that the people who will be affected by this are, first, the young people who could not avail of the vaccine yet. As we have been and are debating here, they are doing everything possible to try to get vaccinated so they will not be left outside. We know what they have suffered. Everybody says that it was the young and very old who suffered the most during the pandemic. I agree with that. Our youngsters behaved very well during the time they were not supposed to do this and that. The Minister should know that if he blackguards youngsters, they will never forget. They will never forget this, which is creating a two-tier society. It is undemocratic and unfair. I cannot stand or vote for that.

The Minister has to realise that there are people who, for medical reasons, could not avail of the vaccine. In the medical advice from their general practitioners, they were advised against taking the vaccine. They would have liked to get it like everybody else but they were advised not to and had to abide by their medical advice. Therefore, they cannot go into indoor hospitality, be it into a pub with their husband or into a restaurant with other family members who are vaccinated. They will have to be left outside. A woman on the telephone to me today was very critical. She asked me if I was going to vote to keep her apart from her family. There have been others as well. At this late stage, I ask the Minister to cop on, do the right thing and open it up for everyone.

It is clear that the Government is just making it up as it goes along. It is like a lifetime ago but the sector was supposed to be open for 5 July. However, a few days before that, the Minister did not realise this and that and said he was keeping it closed a lot longer. Then he formulated this very poor attempt for opening up. Why does he not trust the publicans and the people who run the small restaurants and indoor cafes? They can keep people apart. They can do what they have always done, which is run their businesses well in Killarney and in rural places in Kerry such as Gneeveguilla, Scartaglin, Rathmore, Cromane, Fieries and Currow. I think of all those grand people who have provided this service for years and over the generations, with businesses handed down from one to the other, sometimes going back five generations. The Minister will

not trust them to reopen like all the other sectors of society.

Consider the North of Ireland. It is only an hour and a half up the road from here. People in all of Kerry are booking rooms and travelling up to the North for weekends, to such an extent that we could not get rooms for people who are going there to get their cataracts removed in two weeks' time or less. It is absolutely ridiculous. What is the Minister at? Why is he trying to hold a grip on the people? Why does he not just be fair about it, rather than have this two-tier society by letting in some and keeping others out? Other Members wish to speak. This is totally and absolutely ridiculous. It is creating a division in our society by leaving people at home and not letting them have a small bit of a social life for the rest of what is left of the summer. The heart is gone out of the summer already.

Deputy Paul McAuliffe: I intend to speak against the amendment. Before that, however, there is something deeply wrong with the rules of this House. We cannot accuse each other of lying but we can accuse each other of war crimes. There is something broken in the rules of the House. The Leas-Cheann Comhairle was not in the Chair when it happened but I know a lie when I hear it. There were no war crimes committed during this pandemic.

I speak against the amendment because I believe that the Minister and the Government do not wish to have these powers in place for any longer than is required. I say that not only because it is my belief, but because of the proven track record over the last more than a year when we have dealt with Covid-19. We have never leaned hard into over-regulating the response to Covid-19. When other countries were insisting on people applying for a licence to leave their home, we did not go down that road. We always tried to work with the public because we do not believe that over-regulating and over-implementing restrictive measures are the solution. That has always been the case, so I take the Government's word that this Bill is not a sneaky way of introducing a measure that will be with us in the long term. I do not know why the Government would do that and I do not know the benefits of why it would do it.

I know the benefits of taking the public health approach that has been taken. It has always been the middle ground. We have not leaned into the zero Covid argument, nor have we taken the let-it-rip approach we have seen in the United Kingdom. The people who have spoken in favour of the amendment have come from multiple positions. They oppose the Bill but they do so from different positions. Some people grossly underestimate the impact Covid has had on our society and the threat it is. Other people would rather we lean harder into a zero-Covid approach. In the middle, we have the main Opposition party that seems to have a different position on Covid depending on the whim and mood. The front page of a newspaper will state they are asking to open the pubs and the next month the headline will state they suggest locking down the country. I never know how they are going to come at it but I know it will be always with a populist approach. The Government has not done that. We have done the right thing when we have needed to do the right thing.

I want to respond to Deputy Boyd Barrett's contribution because I thought it was one of the most honest put forward by an Opposition speaker. He said in order to avoid discrimination he would rather not open up now and that he would rather wait. I hope I am paraphrasing him correctly. This is the gist of what he said. This is an honest interpretation. I ask him to consider the word "discriminate". To me it means to treat people differently unjustly. We have treated people differently in this pandemic from the very start but not unjustly. We asked people aged over 70 to stay in their homes when others did not have to. Yes, it was unfair but not unjust. We asked people not to go to school and college when we allowed people go to work. We asked

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people in some industries to close but have allowed other industries to thrive. This is not because we were unjust but because that was the best way to deal with the pandemic at the time. I do not believe this discriminates. I believe it does treat groups differently but not because of their age. It is because of the protection they have gained from the vaccine.

This is not the first time we have treated people differently on public health grounds. We allow people to smoke outside a public building but we do not allow them to smoke inside a public building. We allow some people to buy alcohol and tobacco and we prohibit people of a different age buying alcohol and tobacco because it is a good public health decision. Many people here are saying this should all have been sorted and we should have known what we were doing. The Government was planning for a full reopening of society with no passes or restrictions. The entire continent was planning on that but Delta came. When a variant comes, as in every other phase of the pandemic, we pivot, change and do whatever we can to pick the middle road between the hard Covid approach and letting it rip. We have tried to do the sensible thing, which is what we are doing here.

I am not sure I would have supported this measure three or four months ago. Being given the option to show my phone as I walk into a restaurant so I can go inside and be safe is not the hardest thing I have had to do in this pandemic. God, people have had to do some really hard things in this pandemic. People have gone to funerals with only a handful of people there. This will not have been the hardest thing we will have asked the Irish people to do. It is not an issue on which we are discriminating. Tonight I will vote to give 2 million people more freedom to do more in this country. This number is growing every week. I say to young people that I understand it is unfair they will have to eat and drink outside rather than inside but the vaccine is coming to them in the coming weeks. In fact, it will probably come within a shorter time than the length of time we asked people aged over 70 to stay cocooned. I will vote in favour of this to give people freedom.

Deputy Paul Murphy: That was an interesting contribution to follow because, in fairness, it was an honest defence of the Government's position. I do not agree with it and I will explain why. This is unjust. It is absolutely unjust and unfair to discriminate against people on the basis of their vaccination status. It is doubly unjust to do so at a time when almost half of the adult population has not had the opportunity to be fully vaccinated if they want to be. It is triply unjust to force hospitality workers who are not vaccinated to go to work in conditions that are dangerous. To say this is not unjust takes meaning out of the term unjust. It is the definition of unjust. The measures are deeply divisive. Unfortunately, they will undermine the vaccination effort, which is extremely important as it is the only way out of the nightmare situation we are in. This is the effect they are having. They are dividing society.

The reason the Government is doing what it is doing in this extremely rushed way with very important legislation is that it wants to open indoor hospitality. It is willing to do all of this. It is willing to divide society so we can open indoor hospitality six, seven or eight weeks earlier than would otherwise happen. This sums up the middle road about which Deputy McAuliffe spoke. That middle road has been a disaster. In November, the middle road was bowing to the pressure of the lobbyists to open hospitality in December and cause the deaths of more than 1,000 people in January and more than 1,000 people in February. The idea Fianna Fáil, Fine Gael and the Green Party can still present themselves as a reasonable middle-of-the-road government after making such a decision to put private profit before the lives of people is quite astounding.

The same basic decision is being made now. It will not have the same level of disastrous

consequences because of the level of vaccination we have in our society but the discrimination will be deeply divisive in our society. It will place in danger the health of hospitality workers. It will cause long Covid for a number of young people and it will result in some extra deaths. The Minister and his middle-of-the-road position may be back here in two months' time having to turn back things and going for a lockdown, which would be an absolute disaster and a nightmare for ordinary people.

I want to refer to the comments of the Chief Medical Officer, Dr. Holohan, on encouraging those aged under 18 not to go to indoors hospitality. Deputy Mattie McGrath heard that and said he has a death wish for the hospitality industry. Deputy McGrath thinks unvaccinated people and teenagers, who are just as liable to get Covid and be affected by Covid and spread Covid, should be encouraged to go to indoor congregated settings where people are not wearing masks. Does he have a death wish for the population? The last time Dr. Holohan told people not to go into hospitality was in December. Despite the Government's recommendation he advised people not to go into hospitality. He was right at that time. I do not blame people for not taking that advice because the Government's position was that everything was open and that people should go off and enjoy a so-called meaningful Christmas. If everybody had taken Dr. Holohan's advice we would have saved a lot of lives. What I take from Dr. Holohan's comments is not that he has a death wish for the hospitality industry but that it is a real mistake of the Government to do what it is doing. It is a particular mistake to be doing it without legislation on ventilation. It is a real mistake to be doing it while including unvaccinated people aged under 18, as if it makes a difference, as well, of course, as the whole notion of discrimination which we completely oppose.

There is an alternative. There is a very clear alternative staring us in the face, which is to wait for the reopening of indoor hospitality to protect the reopening that has happened so far and to protect lives and then make sure we protect incomes. Why are people asking to open? It is because they are in a crisis. The Government needs to say that it will protect the supports for small businesses that need them and which cannot open as a result of the Government measures that are necessary for public health. It must say that this section of the economy cannot open at this point in time and, therefore, the PUP will not be cut. That is the very simple choice we can make to protect lives and health, avoid discrimination and protect people's income. It is the choice that should be made tonight but, unfortunately, it looks like the Government will push through and make the very opposite choice.

Deputy Peadar Tóibín: It is very interesting that we are having this debate in regard to the hospitality industry when the fact is that most people who have died thus far from Covid in the State died in either a nursing home or a hospital, two settings that are either run, owned or managed by the Government. In the past hour, I gave the Minister's colleague, the Minister of State, Deputy Butler, a document showing that the National Treatment Purchase Fund, NTPF, put money in front of nursing homes and instructed them to take a large surge of hospital transfers in March 2020. Research conducted by Catherine Fegan of the *Irish Independent* revealed that patients were discharged from hospitals wholesale during the early months of 2020. In March that year, 1,363 patients were transferred to nursing homes from hospitals, a number that was higher than in any previous year.

The context is important here. Two days before issuing the NTPF letter on 10 March 2020, the Minister's Department issued a statement that restrictions around visitations to nursing homes were not necessary. Nursing homes had voluntarily closed their doors to avoid Covid spread but were, in effect, instructed to reopen. Two days later, a letter was issued to them say-

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ing that the Government wanted to clear old people out of hospitals and place them in nursing homes. What has happened since is history. In excess of 2,000 people died of Covid in nursing homes. Of the 1,300 patients transferred from hospitals to nursing homes in March last year, how many of them died of Covid-19? Where was the logic in emptying hospitals, filling nursing homes to the gills with the most vulnerable people at the start of a global pandemic and then instructing those nursing homes not to close their doors to visitors? Why did the Government and the HSE do this? The Dáil sits for the last time tomorrow before the summer recess. The Minister should make no mistake about it that we will spend every hour during the recess researching what happened to our most vulnerable citizens in nursing homes. There must be a full public inquiry into this matter without delay.

I have never seen anything as unique as this Bill in all my life. There is no Bill I have seen that comes close to this one in terms of how different and illogical it is. I have never before seen a Deputy or Minister stand up in the Dáil and make a blatant argument for discrimination. Without making any bones about it, the Minister has called for discrimination between two sectors of Irish people. The Bill is also unique because what it proposes to do is being done nowhere else. Sometimes in this country we have a blinkered view of the rest of the world. We think we are an open, outward-looking country but indoor dining and hospitality are not closed anywhere else at this time. We are having a circular, insular conversation all the time in this country. Nowhere else has it been decided to introduce a pass system where the only threshold is a requirement to be vaccinated. Other countries have included some form of testing because they realise that not to do so is blatantly discriminatory. Even when the travel certificate was being discussed at European level, it was obvious from the start that there was no way it would gain traction unless that discriminatory element was deleted and provision for testing was introduced.

I would like the Minister to respond to a particular point. It has been reported that people can come to Ireland on a travel certificate and access hospitality here, even though that certificate may have been given on the basis of a test, but an Irish person will not be able to do the same. I would greatly appreciate if the Minister could clarify that. I would not be surprised if it is true given that this Bill is so littered with contradictions.

I have never before seen a Government outsource decision-making wholesale to an unelected third party. NPHE has very narrow terms of reference and, in fairness, it is carrying out those terms of reference to the best of its ability. Its only function is to tackle Covid. Everybody here, as an elected representative, has far broader terms of reference. They include provision for Covid, cancer care, mental health, heart disease and stroke, as well as incomes, poverty and all the other issues affecting society. The Government has outsourced its decision-making in a way that has never happened before. This is unworkable legislation. It is a gallery of contradictions and it is impossible to implement.

There is another issue on which I would like clarification from the Minister. It was reported in the news today that some hospitality staff will have to identify visually whether a QR code is real because not all businesses will have a scanner. If that is correct, we will see people on O'Connell Street buying and selling QR codes at five for a tenner. There is no way there is going to be any regulation in that regard. Given that generations of students aged under 21 who went to the US on a J1 visa were able to make changes to photocopied passports to enable them to drink alcohol in pubs, the Minister can bet his bottom dollar that if there is no proper scanning process for QR codes, the system will not hold water. It will be a laughing stock if that happens.

I urge the Minister, even at this stage, to reconsider what he is proposing and take the advice of the European Union, which was given seven months ago, to introduce antigen testing. The same advice was given by my party a year ago and it was also contained in the Ferguson report. Doing so would remove the discriminatory element of these provisions. It is young people, in the main, who will be discriminated against under these proposals. They will be able to work in a premises serving customers food and drink but they will not be allowed to socialise on that premises. As I said earlier, they will be able to go to a wedding in a hotel across the road to drink and eat all day long but they will not be able to attend a confirmation celebration in their parents' back garden with a dozen other people. I will be able to fly to Copenhagen without a vaccination, have a slap-up meal in a restaurant there and then return home but I cannot go my local to do the same thing.

I honestly believe that if the intellect of the Government was orientated toward designing a more contradictory solution, it could not have managed to do better than what has been devised in this Bill. The reason this is happening is that the Government is trying, again and again, to reinvent the wheel and is coming up with a triangle. Every single country in Europe is doing the right thing. I am asking the Government to do the same. I will conclude now to make way for other speakers.

Deputy Róisín Shortall: I support the amendment. I raised the question of enforcement with the Minister earlier. This plan is totally unenforceable. I put 12 questions to the Minister on Second Stage about who will do the enforcement, how it will be done and how the weaknesses in what he is proposing in regard to the digital certificate will be addressed. There are serious problems in that regard and the Minister has not answered any of those questions. I have a 13th question for him and it relates to the digital certificate. The certificate is in the form of a PDF file. What is to stop people from editing that PDF? I saw somebody doing it earlier this evening. There is nothing to stop a person from changing the details and falsifying the file. There are no grounds on which the Government can be seen to be serious about enforcement in this matter. It is as if its plan is designed to fail. It is a joke and the Minister should admit it.

If indoor hospitality is to be opened up, safety must be paramount. The Minister, however, has taken no steps whatsoever to ensure serious safety within the sector for either customers or unvaccinated staff. There are two actions that must be taken if indoor dining and hospitality are to reopen. The first is to recognise that Covid is airborne and, therefore, proper ventilation is essential for the sake of safety. The second is to ensure that there are clear health and safety guidelines for staff working in the sector. In an amendment I tabled, I requested that updated guidelines be issued on ventilation in hospitality, that there be updated HSA guidelines on workplace safety and that both would be circulated to employers. Incredibly, my amendment was ruled out of order on the grounds that it is in conflict with the principle of the Bill. Is it a case of safety measures being in conflict with the principle of the Bill? Come on now. Why did the Minister not provide for updated guidelines? I have been raising the issue of ventilation with the Minister for months on end, publicly and privately. He told me last week that he was going to pursue the issue. There is nothing on the important issue of ventilation in the legislation. There are no serious attempts being made to ensure public safety. On the basis of that and of many other concerns, it is just not possible for people to support this legislation.

Deputy Michael Healy-Rae: I am very grateful for the little time I have. If the nose of the Chief Medical Officer is itchy this evening, it would be no wonder. I do not like naming individuals, but we must ask what is Dr. Holohan playing at? The Government and the Minister are attempting to pass legislation telling the nation to do one thing and then the Chief Medical

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Officer is coming out at a critical time, when there is enough confusion and uncertainty, and saying something else entirely. Is the aim to create division, chaos and uncertainty? Is that what the Minister is trying to do here today? Is there communication going on at all? Has the Minister spoken to Dr. Holohan and told him that the Government is trying to pass legislation to allow people to go indoors? I ask because Dr. Holohan has stated that people under the age of 18 years old should stay outside.

This is crazy beyond belief. Father Ted at his best and at the height of his glory with Father Dougal and all the rest of them would not have made this up. No way in the world could they make this up. It is not funny and not something to be laughed at, because it is so serious. I am fearful about what the Irish people are facing. I refer to the way the Government behaved yesterday in respect of the announcements, where one Minister said one thing and then another Minister said something completely different. They did so literally within minutes of each other. They are obviously not talking to each other. They are all on solo runs, The Green Party is doing one thing, Fine Gael is doing another and Fianna Fail something else again. We also have two people who want to be Taoiseach at the same time. There can only be one Taoiseach in the country, not two, but, unfortunately, two people actually think they are Taoiseach. They are going out, trying to outdo each other and trying to make themselves look good in their own right. The people suffering as a result are those in the hospitality sector, the public and those facing all this uncertainty. That is why I am so concerned.

People will come in here shortly and vote blindly, no matter what people are saying. Those Deputies are just going to toe the party line and the Government line. To me, a Deputy is a messenger of the people in the constituency that he or she has been lucky enough to be elected to represent. Deputies come into this House, though, and just row in behind the party, while ignoring the concerns which exist. If we study the legislation which the Minister is asking us to enact tonight, it is fundamentally wrong and will lead to a society divided. I said that yesterday and I reiterate it today. At least I am not like those Ministers who are totally inconsistent in everything they say. I have been consistently saying that this legislation is going to create a division. It is wrong. I have said consistently that the people I represent in County Kerry, including the hoteliers, the restaurateurs and the publicans, should be trusted to open their doors in their own way. In other words, they should be allowed to control the number of people they allow into their establishments. If we think back to how they operated when they were allowed to open last year, they certainly operated their properties in a good and safe way.

I certainly do not want to see anyone getting ill or dying. I am of the view, however, that what is being done now and what has gone on in recent weeks in the context of trying to keep people outside premises, and congregating outside those premises, is wrong. Leaving these vast premises denuded of people inside is also wrong. We should allow for people's judgement to operate in their premises in their own way, but again the Minister does not trust them. Again, I suggest that the Minister has some kind of anti-publican and anti-business outlook. We also have some Deputies who jump up and down here and who profess to represent working people. They are the very people who would run a million miles if they met a day's work. Yet, we see them jumping up and down here at every opportunity and saying that we should close this and shut that. They are saying that because they have an anti-work ethic. They would not work to save their lives. It is lucky that they are Deputies because if they had to live in any other world and do something, they could not get out of their own way with the height of their laziness. Those Deputies are in here yapping and yapping. Their mouths are the only muscles in their bodies that get exercised.

An Leas-Cheann Comhairle: We are speaking to an amendment. There are time pressures and we have two speakers remaining.

Deputy Michael Healy-Rae: I know and, believe me, I am finishing now.

An Leas-Cheann Comhairle: I ask the Deputy to speak to the amendment, please.

Deputy Michael Healy-Rae: I am fine. I have hit the amendment as hard as I can hit it, and that is it.

An Leas-Cheann Comhairle: Deputies Fitzmaurice and Conway-Walsh have indicated. I call Deputy Fitzmaurice.

Deputy Michael Fitzmaurice: I speak in support of this amendment, but it is a damn bad day when we have to introduce an amendment like this and support it. I understand where the proposers of this amendment are coming from and I said that I would support it. I hope, however, that we never do this again and that it will not go any further. I reiterate that I understand where Deputy Boyd Barrett and the other proposers are coming from with this amendment, but, to be quite honest, I cannot see the sense in what we are doing at all regarding this Bill. I state that because the proposers of this amendment do not want such legislation to ever be contemplated again after this three-month period.

With the way this Dáil has gone, I do not think that we can rule out anything. We talked about solidarity for the last 18 months and about standing together. Earlier today, I saw youngsters gathering down at the bridge. They are now being left behind. We must clarify a few things and I would like the Minister to do so. Dr. Holohan spoke today about youngsters not being able to go into pubs. Are we afraid of the vaccine, or is there something we have to be told? I refer to the people inside pubs being vaccinated. Time and time again, right throughout this last year, we were told that youngsters were able to go to school and that there was no problem with that. Now, however, we are saying that they should not go into the pubs. We need clarification in this regard. What agenda is going on that sees the Minister present one proposal and then somebody else chops him off at the knees in the media that evening? I do not doubt that the Minister is doing his best or thinks that he is. We need some sort of clarification in this regard. I just cannot understand why antigen and PCR testing is not being undertaken in this regard. I could go across the Border tomorrow and go into a restaurant anywhere. I could fly to England. In this country, however, those people over 18 years of age who have not been vaccinated will not be able go inside particular establishments with their families.

I have one question that requires an answer. I am going to be relatively brief. There is no point in us standing up here all night, every single one of us, going through amendment after amendment. The first thing the Minister might do is to be honest with the politicians in opposition and indicate whether he is going to accept any of the amendments. There must be clarity in that regard. There is no point in us going around in circles all night when we do not know. The Minister must also come clean regarding everyone during the last year, including himself and Dr. Holohan, having told these kids that it was perfectly fine and mighty for them to go to school. It worked, and I do not dispute that whatsoever. This evening, though, the equivalent of a Scud missile was thrown in even before this debate started. I refer to it having been stated that parents, even though they are vaccinated, should not bring their kids to pubs. The other sickening side of this issue concerns the young people who could be working in bars or restaurants all week or some evenings during the week. When they might have a night off, though, damn me,

but they must go outside and look in.

9 o'clock

Something has gone wrong with this country in terms of the way we are going. I honestly think that if we keep doing what we are doing and if we keep tantalising and bringing in legislation that divides our country we will see civil disobedience from youngsters down the road. I would be a afraid of that. We should salute them for what they have done to help over the past 18 months. They are young and youthful. There was an odd time when things went a bit AWOL here and there but the media were nearly trying to show them up. Look at the number of youngsters in this country, what they have done and the sacrifices they made. They did that for their grandmothers, grandfathers, fathers, mothers, aunts and uncles. They made that sacrifice and today we are just casting them aside.

While I support the amendment I ask the Minister to look at bringing in a simple thing called an antigen test or a PCR test. If people were not brought out like poodles to toe the party line, if everyone in this Dáil was asked individually in a private vote how they would vote they would say doing that is a bit of common sense. There does not seem to be much of that around here. I sat beside the Minister many a time when he was an Independent, before he went to the Social Democrats, and I do not know what has come over him. I just cannot fathom how we can be ramming through stuff here. There is no such thing as working together the way the Dail should work. The previous Dáil, in fairness, worked better and there was more co-operation than there is in this one. We hear on the radio at the weekend that something is coming. That is the first we hear of it. The media is able to tell us what is coming and we do not even know. We are elected to represent constituents and the media is able to send it out there when we do not have an iota of what is coming. That has to change.

An Leas-Cheann Comhairle: We are discussing amendment No. 1.

Deputy Michael Fitzmaurice: I know that. I am talking about the amendment and I have said I am supporting it. While the amendment is in good faith I do not think we should be going down this road because the Dáil is not functioning in the way a democracy should function. We are heading towards dictatorship in this country.

Deputy Rose Conway-Walsh: I am speaking to the amendment but it is becoming more and more obvious as the evening goes on that this legislation is completely unworkable and unjust. I do not care how many Fianna Fáil, Fine Gael or Green Party Deputies stand up and try to rationalise it. One speaker from the Government said that it was not too much for them to show their pass at the door and go in and get their seats. It made me think of Rosa Parks because of the segregation that is being done here. To say that people are being treated differently but that they are not being discriminated against is just plain wrong.

This Government will be known as the Government of chaos and confusion because what it says depends on which Minister or Deputy stands up on any given day. As I said earlier, Government Deputies are in opposition in their constituencies and in government when they come to Dublin. It is time they made up their minds. Some of them here this evening will be voting for what they speak against in their constituencies. Those are the ones who have not run for the hills so they can go back and say “well, I did not press the button so it is not my fault.” It is absolute chaos.

This evening, the Minister for Further and Higher Education, Research, Innovation and

Science, Deputy Simon Harris, said that 10,000 English language students are to now have in-person classes. These 10,000 people are mostly young people and young tutors. They are mostly unvaccinated. They are obviously concerned about their safety and there is no guidance or clarity given whatsoever. This is a very fragile moment of the reopening of our society. In the same week - even on the same day - that the Government is passing legislation to preclude unvaccinated people from indoor dining it is telling staff and students that they have to return to in-person classes. Did the Minister for Further and Higher Education, Research, Innovation and Science ask the Minister for Health's advice on this matter? Did he discuss it with him? The situation is even worse for stamp 2 students, who effectively will be forced to return to in-person classes due to their visa requirements. If they refuse to attend they could lose their visas and be deported. It is more chaos and more confusion. Most of these students work in nursing homes and as carers but regardless of their jobs or their personal health conditions they are being given no choice but to return to in-person classes. Yet they are told they cannot sit in a restaurant, even with ventilation and all the safety measures in place. I just want to know what is going on and young people want to know what is going on. How can we have 10,000 students in this situation and not let others in the door?

I do not care how comfortable the vaccinated Fianna Fáil, Fine Gael and Green Party members are when they take their seats inside in the restaurants. We cannot segregate society like this. People say we did it with the over-70s but there was proper and evidence-based advice for over-70s to have extra protection at the beginning of the Covid pandemic for their safety. It is not the same as what is being done now. This is unworkable. Restaurant and pub owners are not going to check every individual coming through the door. It is just not going to work.

We are discussing the first amendment. The Minister and the Government seem hell-bent on pushing through this legislation. No matter how much we in Sinn Féin and the Opposition try to make them see sense around this legislation it seems they are going to plough ahead with it. An earlier speaker asked the Minister to tell us if he is going to accept any of these amendments to try to undo some of the damage the Government is about to do tonight. Is he?

An Leas-Cheann Comhairle: The Minister has less than a minute to respond.

Deputy Stephen Donnelly: I cannot really respond in less than 60 seconds. There has been a lot of very legitimate debate-----

Deputy Mattie McGrath: It is not tomorrow yet.

Deputy Stephen Donnelly: I have taken notes on what everyone has said but I cannot respond in less than 60 seconds.

Deputy Mattie McGrath: We can agree a time extension if the Minister wants it.

An Leas-Cheann Comhairle: Please, Deputy. I gave you plenty of time. Let the Minister conclude.

Deputy Stephen Donnelly: I genuinely wanted to respond to Deputy Boyd Barrett in particular because these are his amendments, which were very legitimately tabled. It is my hope that this will be a non-issue before the first period of three months is up. I would genuinely like to engage with Deputy Boyd Barrett on the debate because the position he has outlined is a legitimate one. I take a different position but at least the Deputy has said that in order for there to be no difference, we should just keep the entire sector closed until it is safe for everybody. I

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have a different view but I respect that that is a legitimate view. There are others who want to open up everything now. That will lead to a considerable number of deaths and families mourning at funerals. If those people are willing to accept that what they are advocating will lead to a lot of families mourning loved ones, then that too is a legitimate position. I am not sure what Sinn Féin's position is because each of its Deputies seems to have come in with a different position. The position in the middle seems to be that we can open up now fully and can do so safely. That is disingenuous. Deputy Cullinane and I do not always agree but in fairness to him there is good and reasonable debate between the parties. It simply is not the case in the context of this issue. I am sure the Deputy will have looked at the modelling data that NPHET showed this evening on our trajectory, not only with regard to cases but also in respect of hospitalisations. Thankfully, we are coming from a low base of ICU admissions. We could not, however, open up an entire hospitality industry protected only by testing. That directly contradicts the public health advice we have received. The position being taken by Sinn Féin is not a reasonable one. I will not be accepting the amendment but I have a lot of sympathy with many of the things the Deputy said. My hope is that it will become a non-issue because we will be through this before the end of the first three-month period.

Question put.

The Dáil divided by electronic means.

Deputy David Cullinane: Because the result was decided by fewer than ten votes, and given that this legislation is being rammed through without sufficient scrutiny, under Standing Order 83(3)(b) I propose that the vote be taken by other than electronic means.

Question again put:

<i>The Committee divided: Tá, 74; Níl, 68; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Bruton, Richard.</i>	<i>Barry, Mick.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Byrne, Thomas.</i>	<i>Buckley, Pat.</i>	
<i>Cahill, Jackie.</i>	<i>Canney, Seán.</i>	
<i>Calleary, Dara.</i>	<i>Carthy, Matt.</i>	
<i>Carey, Joe.</i>	<i>Clarke, Sorca.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Collins, Joan.</i>	
<i>Chambers, Jack.</i>	<i>Collins, Michael.</i>	
<i>Collins, Niall.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Costello, Patrick.</i>	<i>Cronin, Réada.</i>	
<i>Coveney, Simon.</i>	<i>Crowe, Seán.</i>	
<i>Cowen, Barry.</i>	<i>Cullinane, David.</i>	
<i>Creed, Michael.</i>	<i>Daly, Pa.</i>	
<i>Crowe, Cathal.</i>	<i>Doherty, Pearse.</i>	

Dáil Éireann

<i>Devlin, Cormac.</i>	<i>Donnelly, Paul.</i>	
<i>Donnelly, Stephen.</i>	<i>Ellis, Dessie.</i>	
<i>Donohoe, Paschal.</i>	<i>Farrell, Mairéad.</i>	
<i>Duffy, Francis Noel.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Durkan, Bernard J.</i>	<i>Fitzpatrick, Peter.</i>	
<i>English, Damien.</i>	<i>Funchion, Kathleen.</i>	
<i>Farrell, Alan.</i>	<i>Gannon, Gary.</i>	
<i>Feighan, Frankie.</i>	<i>Gould, Thomas.</i>	
<i>Flaherty, Joe.</i>	<i>Grealish, Noel.</i>	
<i>Flanagan, Charles.</i>	<i>Guirke, Johnny.</i>	
<i>Fleming, Sean.</i>	<i>Harkin, Marian.</i>	
<i>Foley, Norma.</i>	<i>Healy-Rae, Danny.</i>	
<i>Griffin, Brendan.</i>	<i>Healy-Rae, Michael.</i>	
<i>Harris, Simon.</i>	<i>Howlin, Brendan.</i>	
<i>Haughey, Seán.</i>	<i>Kelly, Alan.</i>	
<i>Heydon, Martin.</i>	<i>Kenny, Gino.</i>	
<i>Higgins, Emer.</i>	<i>Kenny, Martin.</i>	
<i>Hourigan, Neasa.</i>	<i>Kerrane, Claire.</i>	
<i>Humphreys, Heather.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Kehoe, Paul.</i>	<i>McDonald, Mary Lou.</i>	
<i>Lahart, John.</i>	<i>McGrath, Mattie.</i>	
<i>Lawless, James.</i>	<i>McNamara, Michael.</i>	
<i>Leddin, Brian.</i>	<i>Mitchell, Denise.</i>	
<i>Lowry, Michael.</i>	<i>Munster, Imelda.</i>	
<i>Madigan, Josepha.</i>	<i>Murphy, Catherine.</i>	
<i>Martin, Catherine.</i>	<i>Murphy, Paul.</i>	
<i>Martin, Micheál.</i>	<i>Murphy, Verona.</i>	
<i>Matthews, Steven.</i>	<i>Mythen, Johnny.</i>	
<i>McAuliffe, Paul.</i>	<i>Nash, Ged.</i>	
<i>McConalogue, Charlie.</i>	<i>Naughten, Denis.</i>	
<i>McGrath, Michael.</i>	<i>Nolan, Carol.</i>	
<i>McHugh, Joe.</i>	<i>O'Callaghan, Cian.</i>	
<i>Moynihan, Aindrias.</i>	<i>O'Donoghue, Richard.</i>	
<i>Moynihan, Michael.</i>	<i>O'Reilly, Louise.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>O'Rourke, Darren.</i>	
<i>Naughton, Hildegard.</i>	<i>Ó Broin, Eoin.</i>	
<i>Noonan, Malcolm.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>O'Brien, Darragh.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>O'Brien, Joe.</i>	<i>Quinlivan, Maurice.</i>	
<i>O'Callaghan, Jim.</i>	<i>Ryan, Patricia.</i>	
<i>O'Connor, James.</i>	<i>Sherlock, Sean.</i>	
<i>O'Donnell, Kieran.</i>	<i>Shortall, Róisín.</i>	

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<i>O'Donovan, Patrick.</i>	<i>Smith, Bríd.</i>	
<i>O'Dowd, Fergus.</i>	<i>Smith, Duncan.</i>	
<i>O'Sullivan, Christopher.</i>	<i>Stanley, Brian.</i>	
<i>O'Sullivan, Pádraig.</i>	<i>Tóibín, Peadar.</i>	
<i>Ó Cathasaigh, Marc.</i>	<i>Tully, Pauline.</i>	
<i>Ó Cuív, Éamon.</i>	<i>Ward, Mark.</i>	
<i>Rabbitte, Anne.</i>	<i>Whitmore, Jennifer.</i>	
<i>Richmond, Neale.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies David Cullinane and Mattie McGrath.

Question declared carried.

An Leas-Cheann Comhairle: The Bill will now be sent to the Seanad.

Estimates for Public Services 2021: Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Tourism, Culture, Arts, Sport and Media has completed its consideration of the following Revised Estimates for the public services for the service of the year ending 31 December 2021: Vote 33.

Climate Action and Low Carbon Development (Amendment) Bill 2021: From the Seanad

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

Title: In page 5, line 10, after “justice” to insert “, and just transition”.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 3: In page 6, to delete lines 34 and 35, and in page 7, to delete lines 1 to 3.

Deputy Bríd Smith: I move amendment No. 1 to amendment No. 2:

In page 6, to delete lines 34 and 35, and in page 7, to delete lines 1 to 3 and substitute the following:

“ ‘climate justice’ means the requirement that decisions and actions taken to reduce greenhouse gas emissions and to adapt to the effects of climate change must —

(a) support the people who are most affected by climate change but who have done the least to cause it and are the least equipped to adapt to its effects,

(b) help to address inequality, and support the human rights and well-being of local communities, indigenous peoples and the most vulnerable,

(c) reflect the UNFCCC commitment to the ‘common but differentiated responsibilities and respective capacities’.”.

This is an attempt to address last-minute and ill-conceived amendments from the Seanad and the Minister. The deletion of the definition of climate justice was welcomed by some people in the climate movement who say it is better to have no definition than a poor one but we are taking the opportunity to reinsert our definition of climate justice into the Bill. It is also an opportunity to remind the Minister, Deputy Eamon Ryan, and colleagues that they have rejected hundreds of progressive amendments from Deputies and Senators while at the last minute, in extraordinary circumstances, accepting Seanad amendments that are basically a result of lobbying from vested interests in agriculture.

At this point we find the process ironic, as we have waited so long for a climate Bill, albeit one that is deeply flawed, and tonight we are faced with voting for one that is even more flawed. These flaws have been dictated to the Minister at the hands of those who represented the vested interests of big agribusiness.

The Minister’s proposed amendments allow the Government huge leeway in calculating greenhouse gas emissions to take account of how they calculate removals by sequestration, for example. There is also a reference to having “regard” to EU rules and not instead being consistent with those rules. This has rightly started alarm bells ringing among the climate movement. When an eminent campaigner like Professor John Sweeney talks dejectedly about these amendments gutting the Bill, we should pay attention. Professor Sweeney today stated:

Friday’s amendments were clearly flawed and seriously erode the Bill’s approach to measuring and monitoring greenhouse gas removals. It would be preferable for them to be removed at this stage and for a purely scientific and established approach to be reinforced in the bill.

I appeal to the Minister, even at this late stage, to remove those amendments.

I am not reassured by the Minister’s comments or his letter to Stop Climate Chaos. If he is not committed to following the science instead of the politics, he will lose the faith of the environmental movement. That view is also echoed by Professor John Sweeney. I will explain the reasons behind this. The amendments come from the Seanad via Fianna Fáil and Fine Gael Senators who have over the years consistently opposed action on climate change. They come dressed in concern about farmers and rural communities but I do not accept this is the impetus behind these amendments. The Minister, in accepting them, has accepted the logic and argu-

ments used to justify them.

In the Seanad, one Senator told us, “This amendment gives due recognition to the volume of carbon we are tying up in our soils and hedgerows”, while another, a former Minister who opposed a climate emergency measures Bill, told us:

There is concern regarding future targets in relation to, for example, the national herd and the consequences of the carbon budgets and the necessity to reduce the level of production of greenhouse gases. The potential of hedgerows, trees and soils to sequester carbon needs to be looked at and taken into account in the carbon budgets.

It is absolutely clear that the impetus behind the original amendments and the Minister’s last-minute redrafting of them was an attempt to find a way to take into account existing credits in order to reduce the emissions reductions we require.

This is about maintaining the *status quo* in agriculture, one that punishes small farmers and allows corporate interests to continue polluting. If this is placed in primary legislation, it will be a way to allow this and subsequent Ministers to be creative in their accountancy, juggle the numbers and try to fool people about what is happening in terms of emissions and reductions. I always feared this Bill and its stated net zero and carbon-neutral target would be a failure but these amendments have confirmed this fear. The Minister’s explanation and assurances do not stand up and we do not accept them.

If the Minister accepts that EU rules allow him to do this, why does he not accept the amendments from me and Deputy Whitmore, which would commit in legislation that the regulations proposed would be consistent with EU rules? The Minister’s explanation that EU rules change does not stand up either and, frankly, is nonsense. There is no great issue in amending this, if required, through future legislation if EU rules are changed.

My concerns about this are not simply about whether the real point is to allow the Department of Agriculture, Food and the Marine to be more inventive in its calculations of what the EU rules allow. My concern is that the impetus behind this and the regulations proposed by the Minister are to set up yet another failed carbon emissions trading system. The adoption of EU rules for accounting has not stopped that system from being dogged with fraud, miscalculations, windfall profits for big polluters and outright abuse, all in order to allow us continue business as usual.

We had hoped that after decades of this farce, we would at least agree that emissions trading systems are good for one thing and one thing only. They are a mechanism to allow big polluters buy the right to continue polluting and they do not help reduce carbon. They are another failed market mechanism that is wasteful and wastes time as the planet hurtles towards catastrophe.

I have tried in this and the next amendment to limit the damage I think the Minister’s amendments do. I have tried to address the get out clause on accounting and the making of regulations by inserting that the aim should at least be making legislation consistent with EU rules and not just having regard to them. I have tried to stop any attempt by the Minister to move the baseline year as a way of reducing the cuts needed in emissions. I have also tried to ensure that inventive accountancy is not used and that any removals of carbon are new, quantifiable and happen within this State rather than being based on farcical trading schemes that we have seen betray the hopes of climate campaigners in the past.

One of my amendments, and an amendment from Deputy Whitmore, removes the clause that would tie the climate change advisory council to the regulations. In other words, we want this to rely on the science rather than politics. The Minister may believe his letter and assurances but many of us do not. We have heard repeatedly from nearly every Green Party Deputy and Senator in these Houses in the recent past how proud they are of this Bill and thrilled they are that their children will not have to campaign in the way they have done because this Bill is so wonderful. The Minister will seriously weaken the Bill if he does not remove his amendments. I have no wish to be cruel but the rhetoric I describe is embarrassing and untrue. Our children and the next generation will have a mountain to climb thanks to the failures of this and past generations of politicians and rulers. A consistent failure to tackle the cause of climate chaos and deflect instead to ordinary people and personal behaviour has resulted in a worsening crisis across the planet, accumulating carbon dioxide in ever greater volumes. Trying to pander to the vested interests in agriculture or business here and globally is driving up those emissions and at the same time destroying the lives of small farmers. It is a betrayal of the climate movement. Hiding behind inventive accountancy or bogus trading schemes may fool some but it will not fool nature and it certainly will not fool physics.

The game is up for the Minister if the Bill passes. What is the point in having the Green Party in the Government in that case? History will judge the Green Party very harshly for its failure to address this crisis in the Bill.

10 o'clock

I am asking the Minister, even at this hour, to remove those amendments. If he does not, I ask the House to reject them outright.

An Leas-Cheann Comhairle: Time is restricted and I ask Members to co-operate. Deputy Danny Healy-Rae is next, followed by Deputy Whitmore.

Deputy Danny Healy-Rae: Of course the sequestering of carbon will have to be counted. My worry from the outset was that farmers would not be allowed the carbon they sequestered. I contend that many farmers are sequestering more carbon than they are producing. I worry that the calculations are supposed to take seven years to account for what farmers are sequestering and how efficient they are. Many farmers are very efficient and have gone to extremes and much expense so that they would not be damaging the environment. That has to be recognised. The scientist who claimed more than 15 years ago that cattle were producing so much methane and were damaging the environment has now admitted that his calculations were two thirds wrong. Imagine that after all the racket about methane gas. He admitted it late last year. That is very serious. I cannot think of his name. We contend that even farmers who are in dairy, given the amount of grass they grow, should get credit for the carbon they are sequestering.

We hear about climate justice and see what is happening. We know the cost of diesel and petrol has gone up by so much recently but so is percentage the Government is getting from the carbon tax. People in rural Ireland have to use petrol and diesel because they have to get from A to B; they have to get to work and do their harvesting with tractors or whatever. Diesel has gone up 50% from last year. The Minister was absolutely delighted today. He purchased three new buses at the cost of €800,000 a piece. They will be more costly to run than any bus. Good friends have told me that hydrogen will cost €20 per kg and it will take 27 kg to do 430 km. That is more than €500. I look around this city day after day at big, tall and long double-decker buses and there is no more than one or two people in them at any time and yet the people in rural

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Ireland are penalised and must pay for these brand-new shiny buses that are not even economical. It is wrong. There is no justice in that for the people who are out early in the morning in the dark, the cold and the wet, travelling long distances to work, because that is what they have to do, whereas in this city there are so many buses pulling up on Kildare Street and so many have one or two people on them. This is not climate justice.

We have to ensure that biodigesters and the methane they produce can be used to produce energy. One farmer was recently refused planning permission for a biodigester. This is the country we are in. Farmers are trying to do their best and people are complaining that farmers are not being penalised enough but they are. The Minister must realise that and do something to make sure farmers are properly compensated for the carbon emissions they are sequestering.

A farmers' group raised the issue that farmers should be compensated for forestry that they have grown. Lo and behold, the Department officials said "Sure we gave you premiums for that". That premium was only a help. The premiums are all cut now and people cannot get licences to fell the tress that they were told to grow, and now the Department will not allow them to claim for sequestering carbon in these forests. The Minister is very unfair if this is the route he wants to take with people who planted these forests, not allowing them to cut them down.

There was a grand group of people outside today, honest, hard-working people. Then there are the two Ministers telling them they are doing their best for them. They have done nothing at all for them since the Government got into power 12 months ago.

An Leas-Cheann Comhairle: Deputy-----

Deputy Danny Healy-Rae: I am finishing up. It is not even worth the Leas-Cheann Comhairle's while cutting across me. I will finish up on that. The Government has done nothing at all for them and the way it is going, it will not have done anything for them.

An Leas-Cheann Comhairle: We are under time pressure. I cannot stop Members talking but Members have gone to the trouble of tabling amendments so we should speak to those. That goes for everybody.

Deputy Jennifer Whitmore: It is safe to say that many of us were very surprised when we saw these amendments coming from the Seanad. After spending weeks and months, hundreds of hours of work, listening to advice, listening to the experts and trying to work as collaboratively as possible on this Bill, to see these amendments come in at the last minute with no real notice was incredibly disappointing. In my opinion, and that of many others, including Professor John Sweeney, it has undermined the work that has gone into this Bill. It is a very important Bill and we all wanted to work with the Minister to make it stronger and to future-proof it to make it a Bill for future generations and governments. Unfortunately, these amendments have undermined that completely. We tried to put amendments in before. They were good, simple amendments, and the Minister refused to engage. On Committee Stage he accepted no amendments at all. To see these amendments come in now at this stage is very disappointing.

The Government amendments to section 9, in particular, give it extraordinary powers to sidestep international standards and scientifically-based accounting rules. They will also greatly politicise climate action by putting into the Government's hands the capacity to rewrite how it calculates removals of carbon and determines consequential obligations to reduce emissions in sectors. All the way through, the Bill was supposed to be evidence-based and scientifically led but now these amendments have turned that on its head and it will be politically driven. It

is a big mistake and I believe it will cause big problems down the road when we are trying to meet our climate obligations.

The issues are that the powers granted in these problematic Seanad amendments made by the Government to section 6(a) are about making new accounting rules for removals. This creates huge risk. The powerful sectoral lobby interests will be in the driving seat, not science, when we are preparing the fundamental core element of the framework to the Bill, the carbon budgets from which so much of the rest of the framework of this Bill then flows. Furthermore, regardless of this, whatever methodology the Government decides to use for removals, the Climate Change Advisory Council will also now be bound to comply with these rules in its carbon budget considerations. This greatly compromises the council's independence, which is crucial for proper, effective, scientifically based climate action and it also provides no Oireachtas oversight.

This Seanad amendment introduces extra powers in the new subsections in the new section 6(a), but these are not even currently covered by the overarching obligations on Ministers or Governments in the new section 3(3) proposed in section 5 of the 2021 draft Bill. This is a very technical issue. It is a very complex issue and my fear is that all the amendments the Minister has subsequently proposed are doing, is providing him and his party with cover on this issue and they will not fundamentally address the matters at hand.

The overarching obligation details general UNFCCC, Paris and EU obligations and binds the Government and Ministers to act in a manner consistent with those specified obligations and to take into consideration the latest EPA inventories when carrying out its functions under specified sections of the Bill. However, the overarching obligations do not address the relevant considerations for accounting rules. Simply put, we need a lot more safeguards.

I acknowledge that the Minister included a further amendment to attempt to address it, but it only partially addresses the accounting issue that I have outlined. While it is welcome that the Minister made the effort, it is not enough. What is included in the overarching provisions is not sufficiently relevant to what the Government will be doing in the accounting rules. It simply does not cover the UNFCCC methodology and the EU requirement for accounting.

The Minister has also failed to address the concerns on how the Government's Seanad amendments compromise the independence and scientific basis of the work of the Climate Change Advisory Council and he has made no provision for the Oireachtas to approve these accounting rules. The amendments Deputy Brid Smith and I have tabled cover that. My amendment attempts to rectify these concerns by counteracting the politicisation of climate action and restoring the independence of the Climate Change Advisory Council, while also strengthening the language contained in the Government's amendments. In short, my amendment proposes the following: to bind the Government to achieve consistency with the UNFCCC methodology, which adopts the IPC approach, and also with the EU approach when making these regulations and homespun rules. It requires Oireachtas approval of these rules so there is some democratic oversight, accountability and scrutiny and does not bind the climate committee to comply with them so it leaves it independent.

Huge work has been done by so many on this Bill, inside and outside of the Oireachtas. We have benefitted from the expertise of so many who have tried to assist us to build a robust Bill fit for the road ahead. I acknowledge the assistance of people from the environmental NGOs for alerting us to these issues, in particular Professor John Sweeney and his tireless efforts and

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vigilance in championing climate action and that of Dr. Andrew Jackson on this critical issue as well. As Deputy Bríd Smith said, the comments of Professor Sweeney should have been an alarm bell not just for the Minister but for all members of the Government when it came to this Bill. The Minister should heed what he says. An Taisce has recommended that any of the amendments that have come through should not be approved.

The Minister has an opportunity to do real good with this Bill, to create something that is strong that we can give and leave, safe in the knowledge that future Governments and Ministers will be held to account and that they will be legally compelled to meet our requirements. I trust the Minister's bona fides on this. I believe that he wants to see this get through and that he honestly believes he will fulfil the commitments he has made. I have said from the very beginning that this legislation needs to be strong no matter which Minister for the Environment, Climate and Communications is in power or what Government is in place. We can no longer have the politicisation of this issue. We must address it. We cannot put it off any longer. Unfortunately, the most recent amendments that have come through the Seanad-----

An Leas-Cheann Comhairle: We are speaking to amendment No. 1. I must be fair to everybody.

Deputy Jennifer Whitmore: I am aware that this will probably be the only opportunity I will get to discuss this.

An Leas-Cheann Comhairle: I understand that. We are discussing amendment No. 1. I am just trying to be fair to everyone.

Deputy Jennifer Whitmore: In general, with the climate justice amendment and all the subsequent amendments that have come through, the Minister is weakening the Bill, which is probably the most important Bill that we will pass in this Dáil. I urge the Minister to take this final opportunity to do the right thing with this Bill – the right thing for future generations and for society.

Deputy Darren O'Rourke: Are we speaking to amendment No. 1 or amendment No. 2?

An Leas-Cheann Comhairle: We are speaking to amendment No. 1 in Deputy Bríd Smith's name, which is to the second Seanad amendment.

Deputy Darren O'Rourke: It relates to climate justice. We had a long discussion and debate on climate justice during pre-legislative scrutiny and on Committee Stage. There was progress and then we hit a wall in regard to it. It seems like there has been a sprint in recent days given the level and number of changes. It is very frustrating for those of us in the Opposition who have spent time on the Bill, who have listened and learned during the process. We have tried to contribute in a constructive way. It is difficult to comprehend what is happening with the Bill in the Government and the Department.

I support the amendment on climate justice. I know we have debated this high up and down low on Committee Stage and there was no movement on it. I think there is agreement that we should withdraw the climate justice definition on the basis that it is better to have no definition than the one contained in the Bill. I would argue that we are better with the definition that has been proposed by Deputy Bríd Smith. It is a significant improvement on the definition the Minister introduced, and I would encourage his support for it.

The just transition has been consistently raised. It is now included in the Title of the Bill. That is a very half-hearted effort because, as the Minister well knows, there were proposals at various stages to include a just transition definition and just transition principles throughout the Bill to strengthen it and they have not been accepted. People will see through what is happening in that regard.

An important point to raise at this juncture is what has happened between the discussions in the Seanad and now on the amendments introduced by the Minister. It is very clear that there is deep concern at the very least. The Minister will acknowledge himself that the fact that he has to introduce amendments to his own Bill indicates it is a long way short of good practice in the legislative process. I urge the Minister to heed the criticisms of these amendments and to withdraw them. He will have the opportunity between now and Friday to consider this matter again. There is deep concern about the amendments' implication. I am not satisfied that they are robust and sound, given how they have been developed and proposed in just a handful of days. I echo the call from others regarding the Minister's approach of introducing these amendments, which could have profound implications, at the eleventh hour.

Deputy Michael Collins: I will try to be brief. There is something that I cannot understand. I will stand corrected, but I believe that more than 200 amendments had been tabled to the Bill in the Dáil and that none of them was accepted. The Government voted for this and was jumping for joy that it had passed the Dáil. Even in my constituency, the Government was telling people that it was a fabulous Bill. We now have amendments, though. Is there a problem within the Government parties already? Why were they jumping for joy and claiming that this was a great Bill when it obviously is not, given that amendments must be proposed?

There has been a great deal of talk about agriculture. Deputy Bríd Smith of People Before Profit and Deputy Whitmore of the Social Democrats said that they were, through their amendments, trying to insert something stronger in terms of our carbon emissions. It is simply an attack on agriculture. What is wrong? The farmers of this country in the beef, dairy and every other sector are bending over backwards trying to do their best where farming is concerned, but they are being attacked continuously. I am concerned about parties that do not understand agriculture. I am a big believer in it being the case that, if someone does not wear a pair of wellingtons, he or she should not talk about farming. That is my attitude. Maybe it is a rough one.

Farming has moved beyond milking a cow in the middle of the field on a stool. It has progressed, and we need to sit up and understand that. People Before Profit criticised the fishing industry a couple of weeks ago. Fishing has gone beyond casting a line from a rod on the side of a rock. Industries grow, and we need to protect them and work with them to ensure that happens. Members should please remember that. We cannot attack these sectors continuously.

Green experts - they might call themselves "advisory for climate action" or whatever, but they are green experts - have said that, to meet the targets the Government has set, there would have to be a 51% cull in cattle by 2030. I have been told that I am being outlandish and away with the fairies, but this is what is happening in places like New Zealand. Apparently, there will be a 15% cull in cattle there. I hear many Government Deputies saying that there is no issue and that the targets will not lead to a cull in cattle. There are politicians who do not farm and do not understand farming but think they do, yet they live in the city, so their belief is difficult to understand. I would not dare come up and dictate to people how the city works. As someone who is proud to be a farmer, I will talk about how rural Ireland works. I understand my neighbours, who are efficient and environmentally top-class farmers. They mean well, but they are

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working under severe stress.

Deputy Danny Healy-Rae mentioned the double-decker buses in Dublin. He was right. They just stream up streets one after another. We have no public transport in rural Ireland, and that situation has not improved one bit since the Green Party went into government. Despite all its promises to rural Ireland, not one extra bus has been added to the timetables for communities in my area. I am meeting businesses that are in dire trouble because of the Government's carbon tax. In west Cork, diesel has gone from €1.17 to €1.45 per litre in less than 12 months. Businesses are ringing me saying that they will let staff go because they cannot afford to continue, but Fine Gael and Fianna Fáil are patting themselves on the back. The price of diesel will increase again in another few months' time. We are facing difficult times.

It is astonishing that no amendment could be taken previously and we were told that this was a super Bill only to find out now that it is not, given that amendments are being tabled for whatever reason. I have suspicions on why that might be.

I will finish on this point, as others wish to speak. It is nice to see Ministers out there talking to people, but they need to work with them because the forestry and nursery sectors are on their knees. How they have been treated is outrageous. The Minister, Deputy Eamon Ryan, needs to speak to the Minister of State, Senator Hackett, immediately - the Minister for Agriculture, Food and the Marine, Deputy McConalogue is also present - about turning this around. It can be done. How people's livelihoods are being destroyed is shameful. They have been protesting here all week.

Acting Chairman (Deputy Mattie McGrath): I call Deputy Michael Healy-Rae.

Deputy Jennifer Whitmore: Might I speak? I am not sure what the procedure or protocol is, but I wish to comment. A personal statement was made about me and Deputy Bríd Smith in relation to-----

Acting Chairman (Deputy Mattie McGrath): Not at this time. I am sorry.

Deputy Jennifer Whitmore: There was an untruth said that we have no experience of the fisheries or agriculture sectors.

Acting Chairman (Deputy Mattie McGrath): Please, Deputy. You are out of order.

Deputy Jennifer Whitmore: I worked for many years in the fisheries sector.

Acting Chairman (Deputy Mattie McGrath): Please, you are out of order. I have called Deputy Michael Healy-Rae.

Deputy Jennifer Whitmore: I worked for many years in the agriculture sector.

(Interruptions).

Deputy Jennifer Whitmore: It will be those sectors that will be most impacted-----

Acting Chairman (Deputy Mattie McGrath): Will Deputy Whitmore respect the Chair, please?

Deputy Jennifer Whitmore: -----if we do not get climate action right. That is why we need a robust Bill.

(Interruptions).

Deputy Jennifer Whitmore: I will not have untruths said about me. The Deputy has no-

Deputy Michael Collins: It is the truth.

Deputy Jennifer Whitmore: No, it is not the truth. You know nothing about me. You know nothing about my background. You know nothing about my professional experience. Do not dare stand there and say that you do.

Deputy Michael Collins: You said that this Bill would not go far enough.

Acting Chairman (Deputy Mattie McGrath): Deputies, please.

Deputy Jennifer Whitmore: You can spin whatever way you want, but do not say that.

Acting Chairman (Deputy Mattie McGrath): Deputy Whitmore, please respect the Chair.

Deputy Michael Collins: It is not going far enough. That is what was said.

Acting Chairman (Deputy Mattie McGrath): We will move on. We do not want those kinds of interruptions.

Deputy Michael Healy-Rae: Yesterday, people from the peat industry were outside. I was disappointed that the Minister did not go out to meet them. They are growers who say that their businesses are being adversely affected. I met people who have been involved in horticulture for decades. Their families are steeped in it. They wonder how in the name of God it makes sense that they must now get their peat from Scotland. They are looking at importing it from other parts of Europe at a significant cost. They do not want to do that. It is not natural to leave Ireland to bring home a product that they will use to grow produce that we will say originates in Ireland. The Minister is forcing them to use peat from abroad because he shut down our peat industry.

Today, people from the forestry sector were outside. They cannot get permits to plant or thin trees or make roads. What is happening-----

Acting Chairman (Deputy Mattie McGrath): There are three other speakers besides the Deputy. Could he keep his contribution to two or three minutes, please?

Deputy Michael Healy-Rae: I will most certainly.

The Government is attacking our people in the name of protecting the climate. My goodness gracious me, but what it is doing is an absolute disgrace and I will rub the Government's nose in it again and remind it that it stopped us from making and selling peat briquettes in Ireland. The Government shut down our plants while telling us that it was fine for us to import briquettes from Germany and sell those German-made briquettes proudly. I continually spoke on behalf of the farming and forestry sectors and said that if that was what the Government was going to do, then it should put in place a system of carbon credits for our farmers. It did not do that. Belatedly, it underwent a conversion and decided it would do that. It did not do so when we wanted it to or when we tabled amendments asking it to. The Government is now adding such a system, although I am afraid it will not go far enough because it raises the question of who will actually get the credit. It is right and proper that if farmers have hedgerows

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and natural woodland on their farms or have planted forestry, they should get a credit for it. If the Government attacks people on the one hand for being bad for the environment, it should compliment, congratulate and pay those who are good for the environment on the other.

Every so often, the Minister tries to let on that he is in tune with farming and that he cares about the custodians of the environment. The people who own the countryside are the real green people. They are not the fellas up on a bicycle today, letting on they are cycling with the ministerial cars driving around with their papers behind them. We are all sick of that old pandering. I know real green people, who were talking about wind energy 30 or 40 years and generating it. They were talking about hemp and all the uses that could be put to. They were real environmentalists and genuine people. They are not people who are on a crazy agenda like the Minister, who is hurting many more people than he is trying to help and who has total disregard for them.

The Minister's 12 months in government has been an absolute disgrace, when you look at the forestry sector and see how he has let it down. Has the Minister heard what these genuine people with forwarders have said? He would know a lot about a forwarder, that is, the machine that goes in to harvest the trees out of the forestry. They owe hundreds of thousands of euro in payments. It is hard enough-----

Acting Chairman (Deputy Mattie McGrath): The Deputy might give way to his colleagues.

Deputy Michael Healy-Rae: I am finishing. It is hard enough to make money out of machinery when it is working. In many instances these machines have now stopped and these people are trying to hold on to those machines by trying to make the payments. They are in a really bad way, but the Minister could not care less about them. He does not give a damn about the traditional things, such as fisheries, farming and forestry. The Minister does not care about any of them. He does not care anything about the horticultural people. If he did, he would have been out there yesterday and out there today meeting with them. Why was he not? It is because he would run from them. He will not meet with them. He is an absolute disgrace and it gives me no satisfaction to say that.

Acting Chairman (Deputy Mattie McGrath): I ask Deputy Healy-Rae to conclude please. There are three Deputies left and approximately four minutes.

Deputy Jackie Cahill: I welcome these amendments from the Seanad. They will bring some fairness to this climate action Bill. I want to support this in terms of peat. With regard to the madness there, we have had discussions at the Oireachtas committee I chair on peat extraction in this country. It makes absolutely no sense that the horticulture and the nursery sectors are not able to acquire locally harvested peat. It is nonsensical and it has to stop.

While we have increased issuing of licences for felling and thinning, the licences being issues for afforestation are still exceptionally low. Last week, only five licences were issued for afforestation. If we take the targets we have missed over the past five years, in the lifetime of that forestry, it would sequester 75 million tonnes of carbon. What this would do to balance the budget in this country would be unbelievable. We have to increase our levels of afforestation. We will only hit 20% to 25% of our target in 2021. That is not good enough and we have to increase the number of licences that will be issued for afforestation.

One omission from this Bill is a separate budget for biogenic methane. That is essential but,

unfortunately, it is not in this Bill. We have commentators out there who say this country does not have a responsibility to produce food. We feed approximately 60 million people despite the size of our country. We have a moral responsibility to produce food. We are an affluent society, but much of the world is starving. Some 860 million people in the world tonight are in a famine situation. Another 2 billion have an inadequate diet. We can produce food more sustainably than anyone else in the world and we have a moral responsibility to do it.

I welcome this climate Bill. Yes, we have to adapt but we have to continue to produce our top quality food sustainably. That is what the farmers of this country will continue to do.

Acting Chairman (Deputy Mattie McGrath): Two minutes remain. Deputy Naughten might give a minute to his colleague, Deputy Smith.

Deputy Denis Naughten: How many minutes are left?

Acting Chairman (Deputy Mattie McGrath): Dhá nóiméad.

Deputy Denis Naughten: I want to make a quick point. I acknowledge the amendments before us that talk about carbon sequestration, which is welcome, but we need to put flesh on the bones. I am glad the Minister for Agriculture, Food and the Marine has been here for this debate. What we need to do now is build on what has been developed with the smart farming initiative, expand that out and look at introducing a grassland and hedgerow management scheme, as part of the overall CAP reforms, and put financial compensation and funding directly into farmers' hands to bring about the sequestration that needs to happen now. Let us put flesh on what is here and make it a reality.

Deputy Duncan Smith: Some 45 minutes to end the legislative process on this Bill is unfortunate, but we are where we are. I welcome Deputy Bríd Smith's amendment in terms of climate justice. There is unfinished work on the definition of climate justice and just transition in this Bill. This debate, as short as it was, again highlighted the lack of reality in this country, in that it is not just one sector which will be impacted and have to change. It is every sector, individual, group and every part of this country. We will have to change how we live and work over the next number of years, if we are to meet our targets. It will change the entire country. That is what we need to do and it what the world needs to do. This Bill is the start. It is a delayed start, but it is a start nonetheless. We have much more work to do.

The horticulture industry had a demonstration yesterday and the Minister was criticised for not attending, but my understanding is the Minister of State attended and looked the individuals in that industry in the eye and said they needed to be supported to transition beyond peat-based compost. That is an honest thing to say to a group who will have to make that transition, but it is a transition we will all have to make. It will be difficult and complex, but if we have a just transition at the heart of everything we do and if we had stronger definitions of same in this Bill, people would be more comforted. That said, this is a Bill to which we will add and to which I hope the State will add to with strong carbon budgets and a climate action plan, in order that we can continue to recapture the ground lost over the past number of years.

Acting Chairman (Deputy Mattie McGrath): The time has elapsed.

Deputy Eamon Ryan: Surely, I will have a chance to respond and press my amendments.

Acting Chairman (Deputy Mattie McGrath): I cannot do anything about it. The time is

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set down by order of the Government.

Deputy Eamon Ryan: Can I briefly respond to the comments being made for two or three minutes? That would be appropriate.

Acting Chairman (Deputy Mattie McGrath): Is that agreed? Agreed.

Deputy Eamon Ryan: I will be brief because I realise we are here late at night. We accepted and tabled seven amendments in the Seanad, some of which were from the Opposition but most were from the Government and covered a variety of issues, such as just transition, which was the main subject of the Report Stage debate in the Dáil; and climate justice with regard to accepting what the NGOs said, in that it was better to take out our definition and stick with the wording and provide clarity on the issue of land use, sinks and removals of carbons, as well as dealing with emissions.

I am glad we have done that because - I will be honest - we need a much more detailed understanding of what exactly is at stake here. This is what these amendments do. They do not change the position. I made the exact same case in any contribution I made throughout this whole Bill about how we manage sinks and the storage of carbon. I am glad that, to a certain extent, this issue has now been highlighted.

There is one further amendment we are putting forward today, which refers to the changes we have made. We are making sure they are, as are the other key sections of the Bill, consistent with the Paris Agreement, as set out in section 3(3). Articles 2 and 4 of the Paris Agreement are directly referred to. In Article 2, on the issue of climate justice, it reminds us the agreement “will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities”, at the core of the climate justice issue. In Article 4, on this key issue and right through the Paris Agreement, there is a recognition it is not just emissions, sinks and removals that have to be addressed. It states that we would have to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty. Sinks and addressing them, equity and climate justice go absolutely together.

I will not read out the full details of Article 5, but it states that we have an obligation to set in place the mechanisms, including payment mechanisms, for how we will deliver that in afforestation and stopping deforestation, which we have in this country, as well as managing wetlands and grasslands, to be able to deliver this.

Some of the commentary would make one think that this is sop to agriculture. The reality is that land use in Ireland is currently a source, not a sink, and is becoming more of a source. We have to completely reverse. There is a great deal of science to do. As I said in the debate on Report Stage, many of the measurements of how we address and promote sinks and storage of carbon will require us, first, to do more science on what is happening in our land use system. We have much information on forestry, but we need much more on wetlands, grasslands and bog management. Also, there will be further developments. Even today, we saw the Fit for 55 legislative package from the European Commission. That backs up and is in tune with what we are doing today. The commitment in that, to have a carbon neutral land use system by 2035, is going to require radical action and absolute change. The great benefit is that it is nature-based

solutions which will be good for rural Ireland, biodiversity and for tackling pollution. It also has to be good for farmers and foresters in this country.

Within that, as is set out in the Paris Agreement, we look at results-based payments that increase the income of young people going into forestry and farming. It is appropriate for us to plan and start managing for that, as well as getting the science right. Central to it will be a land use plan which looks at what is the right tree in the right place, which restores biodiversity as well as storing carbon and which sees grassland management as key. Our smart farmers are going to be good at that, and we are going to pay them properly for doing it. In addition, there is bog rehabilitation and recognising that climate adaptation and resilience are just as important because the risk we have here of losing all that carbon into the atmosphere through fire is just as real as it is in Canada, the Amazon or in other regions.

There is no diminution of the role of the Climate Advisory Council. Deputy Bríd Smith says we can amend the Bill in the future. No, far better is what we have done here to clarify. Yes, it is the Government, working with the Climate Advisory Council, recognising the changes that will come in Europe and that we have to make as we move from a Kyoto-based accounting system towards a Paris-based accounting system, which is all about looking forward and having a climate neutral system where we maintain global temperatures in a safe space by getting the balance right between sinks and emissions. That is what the Paris Agreement says and that is what our further amendment today commits us to - being consistent with the Paris Agreement. This legislation does it and I am proud of it, as well as of the role of our party and other parties in government and of Independents and other parties that have supported us. It is a matter of delivering now on the ground, in our ground and paying our people as we do it properly.

An Ceann Comhairle: As the time permitted for this debate has expired, I am required to put the following question in accordance with the order of the Dáil on 11 July 2021: “That the amendment on the additional list set down by the Minister for Environment, Climate Action and Communications consequential on the Seanad amendments, Nos. 3 and 6, is hereby agreed to in committee, the amendments set down to Seanad amendments Nos. 2, 3 and 6 are hereby negatived and the Seanad amendments not disposed of are hereby agreed to in committee and agreement to the amendments is accordingly reported to the House.”

Question put:

<i>The Dáil divided: Tá, 80; Níl, 60; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Brophy, Colm.</i>	<i>Bacik, Ivana.</i>	
<i>Browne, James.</i>	<i>Barry, Mick.</i>	
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Colm.</i>	<i>Brady, John.</i>	
<i>Burke, Peter.</i>	<i>Browne, Martin.</i>	
<i>Butler, Mary.</i>	<i>Buckley, Pat.</i>	
<i>Byrne, Thomas.</i>	<i>Carthy, Matt.</i>	
<i>Cahill, Jackie.</i>	<i>Clarke, Sorca.</i>	
<i>Calleary, Dara.</i>	<i>Collins, Michael.</i>	
<i>Canney, Seán.</i>	<i>Conway-Walsh, Rose.</i>	

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<i>Carey, Joe.</i>	<i>Cronin, Réada.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Crowe, Seán.</i>	
<i>Chambers, Jack.</i>	<i>Cullinane, David.</i>	
<i>Collins, Niall.</i>	<i>Daly, Pa.</i>	
<i>Costello, Patrick.</i>	<i>Doherty, Pearse.</i>	
<i>Coveney, Simon.</i>	<i>Donnelly, Paul.</i>	
<i>Cowen, Barry.</i>	<i>Ellis, Dessie.</i>	
<i>Creed, Michael.</i>	<i>Farrell, Mairéad.</i>	
<i>Crowe, Cathal.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Devlin, Cormac.</i>	<i>Funchion, Kathleen.</i>	
<i>Donnelly, Stephen.</i>	<i>Gannon, Gary.</i>	
<i>Donohoe, Paschal.</i>	<i>Gould, Thomas.</i>	
<i>Duffy, Francis Noel.</i>	<i>Guirke, Johnny.</i>	
<i>Durkan, Bernard J.</i>	<i>Harkin, Marian.</i>	
<i>English, Damien.</i>	<i>Healy-Rae, Michael.</i>	
<i>Farrell, Alan.</i>	<i>Howlin, Brendan.</i>	
<i>Feighan, Frankie.</i>	<i>Kelly, Alan.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Kenny, Gino.</i>	
<i>Flaherty, Joe.</i>	<i>Kenny, Martin.</i>	
<i>Flanagan, Charles.</i>	<i>Kerrane, Claire.</i>	
<i>Fleming, Sean.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Foley, Norma.</i>	<i>McGrath, Mattie.</i>	
<i>Grealish, Noel.</i>	<i>Mitchell, Denise.</i>	
<i>Griffin, Brendan.</i>	<i>Munster, Imelda.</i>	
<i>Harris, Simon.</i>	<i>Murphy, Catherine.</i>	
<i>Haughey, Seán.</i>	<i>Murphy, Paul.</i>	
<i>Heydon, Martin.</i>	<i>Murphy, Verona.</i>	
<i>Higgins, Emer.</i>	<i>Mythen, Johnny.</i>	
<i>Hourigan, Neasa.</i>	<i>Nash, Ged.</i>	
<i>Humphreys, Heather.</i>	<i>Nolan, Carol.</i>	
<i>Kehoe, Paul.</i>	<i>O'Callaghan, Cian.</i>	
<i>Lahart, John.</i>	<i>O'Donoghue, Richard.</i>	
<i>Lawless, James.</i>	<i>O'Reilly, Louise.</i>	
<i>Leddin, Brian.</i>	<i>O'Rourke, Darren.</i>	
<i>Lowry, Michael.</i>	<i>Ó Broin, Eoin.</i>	
<i>Madigan, Josepha.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Martin, Catherine.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Martin, Micheál.</i>	<i>Quinlivan, Maurice.</i>	
<i>Matthews, Steven.</i>	<i>Ryan, Patricia.</i>	
<i>McAuliffe, Paul.</i>	<i>Sherlock, Sean.</i>	
<i>McConalogue, Charlie.</i>	<i>Shortall, Róisín.</i>	
<i>McGrath, Michael.</i>	<i>Smith, Bríd.</i>	
<i>McHugh, Joe.</i>	<i>Smith, Duncan.</i>	

Dáil Éireann

<i>Moynihan, Aindrias.</i>	<i>Stanley, Brian.</i>	
<i>Moynihan, Michael.</i>	<i>Tóibín, Peadar.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Tully, Pauline.</i>	
<i>Naughten, Denis.</i>	<i>Ward, Mark.</i>	
<i>Naughton, Hildegarde.</i>	<i>Whitmore, Jennifer.</i>	
<i>Noonan, Malcolm.</i>	<i>Wynne, Violet-Anne.</i>	
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ryan, Eamon.</i>		
<i>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Bríd Smith and Jennifer Whitmore.

Question declared carried.

11 o'clock

An Ceann Comhairle: A message will be sent to Seanad Éireann acquainting it that: (1) Dáil Éireann has agreed to amendments Nos. 1 to 7, inclusive, made by Seanad Éireann to the Climate Action and Low Carbon Development (Amendment) Bill 2021; and (2) Dáil Éireann has made an amendment consequential on the acceptance of Seanad amendments Nos. 3 and 6, to which the agreement of Seanad Éireann is desired.

Maritime Jurisdiction Bill 2021: Committee and Remaining Stages

Section 1 agreed to.

SECTION 2

An Ceann Comhairle: Amendment No. 1 is out of order.

Amendment No. 1 not moved.

Question proposed: “That section 2 stand part of the Bill.”

Deputy Pádraig Mac Lochlainn: Sinn Féin has very serious concerns in regard to this legislation. We acknowledge that the national marine planning framework has been established and that a number of legislative provisions follow it. As we speak, however, fishermen from Donegal are being prevented from fishing in their traditional grounds around Rockall. Eamon Gilmore, a predecessor of the Minister, Deputy Coveney, in the Department of Foreign Affairs, signed an agreement with the then British ambassador, Dominick Chilcott, that was laid before the Houses of the Oireachtas in 2014 but was never debated, scrutinised or voted on, for or against, in either House. As the Minister is aware, there was a Supreme Court decision in recent years that ruled that the *voisinage* agreement had no standing in Irish law because it did not come through the Houses. The Minister’s colleague, the former Minister for Agriculture, Food and the Marine, Deputy Creed, introduced the Sea-Fisheries (Amendment) Act 2019 in reaction to that Supreme Court decision.

The 2014 agreement between the Irish and British Governments has no legal standing under our Constitution. Rather than putting that to the British Government and saying there is no legal basis for our agreeing that it can block Donegal fishermen from accessing their traditional fishing grounds in Rockall, the Minister has brought forward legislation that explicitly legislates for that 2014 agreement and gives legal *imprimatur* to the British claim to Rockall. I will go into this in more detail when we discuss later amendments. I have just given an introduction here; we will presently go through the matter forensically.

I want to put on the record that the Taoiseach’s response to my question on this issue earlier today was an absolute disgrace. He denied that this legislation brings into legal effect the 2014 agreement. When I get an opportunity to do so, together with my colleague, Deputy Brady, I am going to forensically take apart his dismissal of my request that he withdraw this legislation.

Minister for Foreign Affairs (Deputy Simon Coveney): Which section are we dealing with, a Cheann Comhairle?

An Ceann Comhairle: We are discussing section 2. The Minister may make a contribution on it if he so wishes. He does not have to do so.

Deputy Simon Coveney: I want to answer some of the points the Deputy raised but I will do so in the context of the amendments as we reach them.

Question put and declared carried.

SECTION 3

An Ceann Comhairle: Amendments Nos. 2 and 3 are related and will be discussed together.

Deputy Pádraig Mac Lochlainn: I move amendment No. 2:

In page 7, line 12, to delete “as soon as may be” and substitute the following:

“within a time period allowing reasonable time for the order to be examined but not longer than 12 months”.

I am hopeful that the Minister will agree to these reasonable amendments. I have already referred to the unfortunate terms of the agreement of 2014. Amendment No. 2 proposes that any future agreements would be subject to scrutiny for a period of time not longer than 12 months, which is a reasonable period. Amendment No. 3 proposes that: “[T]he laying of such an order shall be accompanied by the general publication and circulation to members of the Oireachtas of documents [this is important] clarifying the meaning and consequences of said order including but not limited to maps, charts and preparatory works of any related treaty negotiation.” I have to say again on the record that what happened in 2014 was absolutely shameful and a disgrace. It was also unconstitutional. We hope there will be ongoing negotiations following what is going to happen tonight. We are proposing in amendment No. 3 that, in future, any agreements in regard to maritime boundaries will be subject to proper scrutiny in the Houses of the Oireachtas and that all the information will be made available and given proper democratic treatment. That is the purpose of these two amendments and I hope they are agreed. It is entirely reasonable in a democracy that we would request what is set out in these proposals.

Deputy Michael Collins: I support amendments Nos. 2 and 3. We have been speaking about the fishing industry in the House more of late than at any other period because it has gone through a horrific time, particularly over the past 12 months. It is hard to believe the situation could get any worse than what it was but it certainly has done in the past 12 months, with penalty points being imposed on fishermen, a disastrous Brexit deal, the horrendous weighing crisis and the attempted ramming off Castletownbere of a Castletownbere-registered trawler. There is little or no safety and security around Spanish fishing vessels fishing illegally in Irish waters. There are few and only poor supports in our waters for Irish fishers. We are talking about Rockall tonight. I am very concerned that if there is such little support for fishermen in our own waters, what kinds of supports will be given to fishermen to continue to fish off Rockall in Scotland?

I am extremely disappointed that we might be giving more of our territory away to others. In the past week, the Department of Agriculture, Food and the Marine sent out a letter to fishermen from the Republic with larger trawlers instructing them not to fish in the nought to six nautical miles zone off the coastline. Northern Ireland vessels, however, will be allowed to do that no matter the size of the trawler. Perhaps neither should be doing it but, certainly, if fishermen from the Republic have been instructed that they are not allowed to do it, the same law surely should apply to Northern Ireland trawlers. It seems to me that this country is continually making way for, and giving some kind of leniency to, other countries to fish in our waters. Of course, we threw many of our rights away long ago but we tend to continue to erode whatever bit of law or regulation is in place for securing some fishing rights for Irish fishermen. We see from the pictures that are sent to us every night that foreign fleets are fishing our waters quite bravely. We are losing massive amounts of quota. Many fishermen are left mystified as to who is protecting them. Is the SFPA on their side? Is the Department of Agriculture, Food and the

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Marine on their side? More and more calls are being made for the disbandment of the marine section of the Department and for the SFPA to be answerable. The agency is answerable now to our Joint Committee on Agriculture, Food and the Marine, but that is not enough. As far as Irish fishermen are concerned, the requisite protections and supports have never been there for them. I have fought bravely in here for those protections and supports. This Government must have a change of mindset. The only way that we can do that is right at the top. A senior Minister for the marine must be appointed. Any Government seeking to lead in this country must be willing to look at the rich resources we have for our fishing industry. I appreciate all the fishermen and fisherwomen who go out onto the high seas and work so hard. It is sad to think that some of them can then face a trawler that could be three times the size of their boats chasing them in Irish waters and attempting to ram them, while we see no protection out there. I do not want to waste time, because time is valuable on this issue, but I ask the Minister to consider these amendments.

Deputy Michael Healy-Rae: I want to recall that not that many weeks ago fishermen gave up 24 or 36 hours to come to Dublin to make their voices heard and speak up for their industry, which was under attack. Now, more than ever before, we must concentrate on the protection of those fishermen's livelihoods. Regarding this amendment, we must always ensure that we as politicians always have the interests of our own fishermen most at heart. I state that because it is true that one of the most upsetting things it is possible to think of is our navy coming down hard on our fishermen at a time we are being plundered by people coming in from abroad, riding roughshod over our rules and regulations and constantly encroaching on our fishing grounds.

At the same time, then, our own fishermen are being let down. They are being scrutinised and having adverse work practices thrust upon them. It has been made more and more difficult for fishermen and fisherwomen to carry on with their work. All they want to do is earn a living. Even on a small scale, there is much involved in working as a fisherman or fisherwoman. I refer to the cost of the boats and the hauling in of fish. It is very hard work. Horrible things have been said in this Dáil about employers. People have gone on the record stating that employers in this regard have not been treating their employees right. That was wrong. It was an awful statement to make here. When the fishermen came up here to protest, we met the nicest of people from abroad who came here to work with our fishermen in our fishing fleets. Those people we met were delighted with the opportunity to work here.

They are extremely skilled people, who are paid the proper rates of pay and respected. Their work is appreciated. We heard them speak from their hearts outside this convention centre a few weeks ago and they said they were delighted to be working here. Then they heard politicians in here standing up and saying derogatory things about the terms of employment under which they are working and that they were being blackguarded. The Deputies making those statements here did so with protection against being pulled up on what they said, because it is permissible to say anything here and it need not be based on fact. It was an awful thing to do to those people outside. It was insulting to those workers, never mind how awful and hurtful it was to the fishermen who employ them. As I said, those employers respect and appreciate the good work of those employees.

However, all that is in danger. Successive Governments, and not only this one, have let our fishermen and the entire sector down. Again, this seems to be the trend of the Government. When it is the fishing, farming, tourism or forestry sectors, it is a case of attacking and undermining those core industries all the time. That is why we are willing to put our shoulders to the wheel to back those people and their aims and interests. We want to highlight what is hap-

pening in this sector. Let us take the example of what occurred during the recent negotiations concerning fishing and how our fishermen were once again sold out. Again, there was an attack on them. It was the same type of attack as that on small farmers during the negotiations on the Common Agricultural Policy. People trying to tell us that small farmers are going to come out well from those negotiations are wrong and do not know what they are talking about.

Deputy Danny Healy-Rae: I also want to speak on behalf of the fishermen of our country. I refer to fishermen operating right around our coasts from Castletownbere, Dingle and Berehaven and all areas along the west coast, whether in counties Mayo, Donegal or wherever. These fishermen have been badly let down. Being let down is now being compounded by other issues as well, including the sacking of the former European Commissioner, Phil Hogan, and two Ministers for Agriculture, Food and the Marine. This all happened while the important CAP talks were going on and it meant that we had no organised attempt to defend our fishermen. Their quotas have been further reduced and they are not getting the protection of our marine protection vessels that are supposed to defend them. They have been badly let down.

Indeed, this group of people came, at savage expense, up the Liffey and moored their boats on the river here across from the convention centre. To say that they had organised and thought out their entire protest and presentation would be an understatement. They were very organised. Perhaps 20 of those fishermen spoke one after the other and no one repeated what the first fella had said. Their stories were very interesting and they made a real impression on me and all the elected Members to whom I spoke about the protest. It was the most organised demonstration that I have seen in front of us during the six years I have been representing the county of Kerry.

No proper attempt was made at the talks on fishing in Brussels, and I think we were not even represented at some of those talks. That is how bad the story is. Yet, the French Government made sure that it got what it wanted for its fishermen. It did not let its crowd down. I can honestly say, however, that our fishermen have been let down. They are not looking for handouts. All they want is more fishing quota. This weighing regime that the fishermen are being asked to undertake is not being required of foreign fishermen landing catches in harbours on our shores. This measure must be got rid of right away.

Our fishermen need protection when foreign boats are threatening or ramming them. They are not getting that protection. I really appreciate the fishermen. I know a lot of them who are based along the coast. They work part time at fishing and do a small bit of farming and maybe a small bit of building. By massive ingenuity, they eke out a living. They need fishing to be protected. We cannot let them die away. I can see what it costs to put fishing vessels to sea, because those boats do not land out of the sky. There is massive expense there. Can the Minister imagine how they are suffering with the cost of diesel and fuel since the increase, and being charged carbon tax on top of it?

Acting Chairman (Deputy Mattie McGrath): I ask the Deputy to stick to the section, please.

Deputy Danny Healy-Rae: I will. I am finishing up. It would be remiss of me as an elected representative if I did not defend people from coastal communities to ensure they survive. They are at a crossroads now, like the hospitality sector. Who is going to be affected again only our rural areas? We do not want any further demise of those areas because they are gone down and gone back far enough.

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Deputy John Brady: I am speaking to amendments Nos. 2 and 3. Some in the House this evening would lead us to believe this is a mundane and simple piece of house-tidying legislation, but it goes much further than that because this is about national interest and our sovereignty. It is about doing something this State has failed to do, which is to lay claim to a critical piece of our heritage, an important piece of our seas and our territory, namely, Rockall. This is an attempt to disguise the Government's intent to put its 2014 betrayal of Ireland's interests into law under this Bill. That agreement was obscured from public scrutiny to hide the shame of the Government at its wanton betrayal of Irish interests. Many legal views have been articulated many times about the 2014 agreement between the then Minister, Eamon Gilmore, and the British ambassador, Dominick Chilcott, stating it was unconstitutional. There was no scrutiny or debate on the agreement and it was totally undemocratic. That agreement spoke to 19th or early 20th century colonial forces sitting down and drawing lines on maps at the expense of native peoples. That is essentially what happened here but this is the 21st century and we are a proud sovereign people.

The British first laid claim to Rockall in 1955 on the basis it was on a flight plan of nuclear weapons. That was the sole intent at that stage for laying claim to it but, unfortunately, successive Fianna Fáil and Fine Gael governments failed to offer an Irish counterclaim to that claim by the British. As the British hoisted up their Union Jack, this Government and previous governments were busy hoisting up the white flag and ceding our sovereignty and our control over what is Irish. In the 1970s, Garrett FitzGerald effectively conceded sovereignty to the British, stating the Irish position was that British claims had no consequence on maritime jurisdiction, while Fianna Fáil obliged by doing what it does best and stood idly by. Things have changed fundamentally-----

Acting Chairman (Deputy Mattie McGrath): The Deputy is straying a bit. I ask him to come back to the amendment.

Deputy John Brady: I am getting to the important part and am speaking to the amendments.

Acting Chairman (Deputy Mattie McGrath): Brostaigh ort.

Deputy John Brady: Things have changed fundamentally since that agreement in 2014 because it was made on the basis of membership of the EU and commitments under the Common Fisheries Policy. The agreement was completely undermined by the British Government on account of Brexit and it is now completely null and void. The Irish Government and the Department of Foreign Affairs must now seek to revisit it and consider the best approach, including seeking to lodge a territorial claim to resolve this issue once and for all. While we stand here, Donegal fishermen are being put out of that area and there are British naval vessels in it. Fishermen are being locked out of that area. This comes on the back of a bad Brexit deal for Irish fishermen where up to 15% of their fishing quota is being cut. The obligation is now on the Irish Government not just to stand up for our sovereignty and our rights but to stand up for our fishermen as well. I urge the Minister to do that and I call on him to support our amendments. They are critical amendments. It is time to rectify a wrongdoing where the democratic mandate of this House was completely bypassed in the agreement signed up to by the then Minister, Eamon Gilmore. I ask the Minister to accept these amendments.

Deputy James Lawless: Notwithstanding Deputy Brady's political assault on Fianna Fáil and other parties, which is irrelevant to the debate, it is important to put down some law around

the subject and to consider the points. I am sympathetic to Deputy Mac Lochlainn's points about Rockall, which he made well. Section 2 refers to islands and amendment No. 1 seeks to redefine the definition of an island. I would query whether that is possible under international law. Under the United Nations Convention on the Law of the Sea, enacted in 1982, an outcrop that is uninhabitable does not usually qualify as an island. I see what the Deputies are trying to do. I see the good faith arguments put forward by Deputy Mac Lochlainn in particular and I share the ideas behind them, but I am just not quite sure if that is feasible from a technical point of view because that convention is an international treaty signed up to by 182 countries. I do not know if that is feasible, much as we might wish to do it and though I see where the Deputies are coming from on it. I am just asking that question.

To contradict Deputy Brady, Fianna Fáil governments led the charge through the ten years of negotiations that led to the United Nations Convention on the Law of the Sea being enacted in 1982 and being opened for signatures. Let us get the history straight as well as the law.

Deputy Simon Coveney: I would like to set the record straight on a range of matters, given the debate we have just had. First, this legislation updates and clarifies the law relating to the maritime jurisdiction of the State into a single accessible stand-alone enactment. It describes the different maritime zones of national jurisdiction recognised by international law. It sets out the State's sovereign and jurisdictional rights in each of these zones, and it confers powers on the Government to delineate the zones in domestic law. Those zones are the territorial sea, the contiguous zone, the exclusive economic zone, EEZ, and the continental shelf. However, as the Government has pointed out in debates on this Bill on a number of occasions and on different Stages, how the State then decides to exercise those jurisdictional rights is left to separate legislation beyond the scope of this Bill. It is important we try to address the legislation we are looking to pass through the Houses this evening rather than something else.

On the amendments, I understand amendment No. 2 has been disallowed. I would like to address amendment No. 3 in some detail and to answer some of the other questions relating to Rockall and agreements signed at different periods.

Acting Chairman (Deputy Mattie McGrath): I would point out to the Minister that amendment No. 2 has not been disallowed.

Deputy Simon Coveney: My understanding from the Bills Office is that it has but let me-----

Deputy Pádraig Mac Lochlainn: Amendment No. 1 has been disallowed.

Acting Chairman (Deputy Mattie McGrath): Yes, but amendment No. 2 has not.

Deputy Simon Coveney: My understanding is that amendments Nos. 2 and 3 are linked and that amendment No. 2 is disallowed but I will happily deal with both amendments. My speaking note should cover both. Amendment No. 3 is overly prescriptive but I assure the Deputies it has always been the practice to attach an explanatory note to any order made under the Maritime Jurisdiction Acts as well as illustrative maps where appropriate. For instance, the recent Maritime Jurisdiction (Straight Baselines) Order 2016 included an illustrative chart as well as an explanatory note. I assure Deputies that there is no intention to depart from that practice and for this reason I am unable to accept amendment No. 3.

The 2013 agreement between Ireland and the UK, which has been referred to by a number of

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Deputies, established exclusive economic zone, EEZ, boundaries and was signed on 28 March 2013. It was ratified on 31 March 2014 and entered into force on the same day. The boundaries established by that agreement were prescribed by the Maritime Jurisdiction (Boundaries of Exclusive Economic Zone) Order 2014 and this order was subject to the negative resolution procedure, that is, it was open to either House of the Oireachtas to annul it by resolution within 21 sitting days of it being laid before the Oireachtas. No such resolution was adopted. The 2013 agreement was then laid before Dáil Éireann in accordance with Article 29.5.1° of Bunreacht na hÉireann and published in the Irish Treaty Series. As the agreement did not involve a charge on public funds, its prior approval by Dáil Éireann in accordance with Article 29.5.2° was not required. This was not unconstitutional and it is important to set the record straight on that before the House .

The 2013 agreement between Ireland and the UK is an agreement the Government is satisfied achieves an equitable solution to the boundary issue and it is considerably to our benefit. A strict equidistance line, which some seem to have suggested we should have pursued, would have resulted in a far greater maritime area falling on the UK side of the boundaries. This outcome was successfully avoided at the time by the then Minister. The boundaries agreed were those that had been established in 1988 for the continental shelf on the seabed below. The 2013 agreement means the same boundaries are used for the continental shelf and the water column above it, out to the maximum distance of 200 nautical miles. The boundary that had been drawn on the seabed was simply replicated in terms of the sea above it as well.

I refer to Rockall because fishermen deserve to know the truth, rather than hear political spin on this issue. Believe me, the Minister for Agriculture, Food and the Marine, Deputy McConalogue, and I have discussed Rockall on dozens of occasions in recent months. We continually look to talk to our colleagues in Scotland about trying to find a good fishing outcome in access and fishing rights around Rockall. Let me put the truth on the record for the fishing industry. Deputies should be clear that the limits claimed prior to agreement with the UK in 2013, which represented the maximum the Government in 1976 believed was likely to be permitted by international law, never extended as far as Rockall.

People keep misleading others on this issue. There was never a claim by Ireland that went as far as and beyond the rock of Rockall. That is the truth of the situation, despite what people keep saying to those in the fishing industry, which unfortunately misleads them and results in an awful lot of tension and anger around this issue. It is not accurate to suggest that the 2013 agreement in some way conceded Rockall. It is just not factually true. The consistent position of successive Governments has been that uninhabited rocks in the middle of the ocean should not be claimed by any state. For that reason, the UK's claim has not been accepted, nor has Ireland made such a claim either. We do not accept that British sovereignty extends to Rockall and we have never accepted that. That is why we also do not accept that Rockall can create a 12-mile limit around it in terms of an exclusive fishing zone, which is what the contention with the fleet in County Donegal is all about.

I am advised that the term "as soon as may be", which is referred to in the Bill, is intended to ensure that any order required to be laid before the Houses of the Oireachtas is laid as soon as possible and much sooner than the 12 months mentioned in amendment No. 2. It has always been the practice of my Department to arrange for the laying of such orders as soon as they are made and there is no intention to depart from that practice.

I understand the tensions on Rockall only too well. I am a former Minister for the Agricul-

ture, Food and the Marine and I understand the Rockall issue intimately, as does the Minister, Deputy McConalogue. We have to be honest with the industry on what is possible and what is not. We have to avoid blaming Ministers or former Ministers who are not here to defend themselves. I mention people like Eamon Gilmore, who struck a deal that was consistent with international law and got the best result that was available at the time for the State. The deal has subsequently been endorsed as that. We have to be honest with people that this was not in some way a sell-out of Rockall. Even before then, the lines created a grey area and a crossover in the claims by the UK. Even at its most extensive, the area never stretched as far as the rock of Rockall, despite how some people have explained this issue to the industry over and over again, either by mistake or deliberately; I honestly do not know. It is important that we set the record straight on this issue in this debate.

We must also set the record straight that the Government continues to work on the Rockall issue to try to ensure that traditional fishing rights around that rock continue, whether it is a squid fishery, haddock or whatever. We can secure certainty for our industry over time, given the added complexity of Brexit and the licensing that is required for our fishing fleets to enter the UK EEZ. We need to be honest with our industry on what is possible and what is not. I will continue to work with the Minister, Deputy McConalogue, to try to get the best possible deal on Rockall interests for our fishermen.

Deputy Pádraig Mac Lochlainn: The Minister has put forward the subject of honesty and I am glad he has done so. Let us go through facts in detail. It is true that there were a number of agreements between the Irish Government and the British Government on the area around Rockall, culminating in the 2013 agreement. It was signed in 2013 and then laid before the Houses in 2014. The Minister says that the Government always protests that a rock that is uninhabited cannot generate an EEZ and a continental shelf. However, it can generate a 12-mile limit. An array of legal experts are clear that the Government's repeated ceding of the territory around Rockall allows the British to generate a 12-mile limit around it.

Here is the problem. For the past seven months, fishermen from Donegal have tried to exercise their traditional fishing rights. They have been denied and blocked from doing so. The Ministers for Foreign Affairs and Agriculture, Food and the Marine have failed to resolve this issue. Why have they not taken this for international arbitration or made a counter-claim on that territory? Iceland does not recognise the 2013 agreement. Iceland and Denmark do not recognise British control over Rockall but our Government does. The problem is that the 2013 agreement was never taken in these Houses for debate.

I will bring the Minister's attention to the ruling of the Supreme Court in the Barlow case of 2016. Seven Supreme Court judges stated the following:

In constitutional terms, it means that the Constitution requires that the regulation of natural resources stated to be the property of the State must be the subject of a decision by the representatives of the People who are accountable to them. [I will continue] Legislation is normally required to take place in public (Article 15.8), which carries with it the possibility of public knowledge and debate. In effect, therefore, the Constitution mandates that if State property, in particular natural resources, is to be sold, leased, managed or regulated, then that decision should be made in public by representatives who are accountable to the People who can accordingly make their views known. It follows in my view, that the Court should take a strict approach to the requirements of Article 10.3 which ensures compliance both with the text and the underlying rationale of the Article.

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Clearly the 2013 and 2014 agreement did not comply with that standard and I put it to the Minister that it is unconstitutional. The Minister talked about truth and facts. Let us go to page 10 of his legislation where it clearly states:

The Maritime Jurisdiction (Boundaries of Exclusive Economic Zone) Order 2014 (S.I. No. 86 of 2014) shall continue in operation and have effect on and after the commencement of...

I will not read the rest. The Government is putting that agreement, which was never debated in these Houses, into law. It is putting on a legal or constitutional footing that which did not have a legal or constitutional footing before. That was an opportunity for the Government on two levels. It was unconstitutional and it had no strong legal footing, just like the voisinage agreement before it. That is why the Government had to legislate for the voisinage agreement to come into effect. That is what happened. I remember that debate well.

With the 2014 agreement, the Government could argue with some degree of defence that it was under the jurisdiction of the Common Fisheries Policy. However, the area the Government has ceded to Britain around Rockall is now part of its territorial waters and it has put in place a 12-mile limit. Why would the Government not take that to international arbitration? It has failed to get our Donegal fishermen back fishing in their traditional grounds for the last seven months. It has not stood up to the British Government on or defended our sovereign interests in this matter. It has meekly allowed that to happen. The British Government is blocking our Donegal fishermen from accessing their traditional fishing grounds for seven months and the Government did not take it to international arbitration. There was no legal basis in Irish law for that to happen. The Government could have challenged it but instead it made what is happening there legal under Irish law. The Government undermines its own case even further.

Those are the facts and the truth and every fisherman in this country knows it. It is time this Government grew a backbone and stood up for our interests and defended them. It is outrageous that the Taoiseach stood up here today when I asked him to withdraw this legislation and denied what is in black and white. There is not a single objective person in this country reading that Bill who can deny that the Government is putting on a legal and constitutional footing what was not legal or constitutional before. It is undeniable and shameful that the Government is backing down and not standing up for our interests. The Taoiseach should be ashamed of himself for his response today.

Amendment put:

<i>The Dáil divided: Tá, 60; Níl, 80; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Berry, Cathal.</i>	
<i>Bacik, Ivana.</i>	<i>Brophy, Colm.</i>	
<i>Barry, Mick.</i>	<i>Browne, James.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bruton, Richard.</i>	
<i>Brady, John.</i>	<i>Burke, Colm.</i>	
<i>Browne, Martin.</i>	<i>Burke, Peter.</i>	
<i>Buckley, Pat.</i>	<i>Butler, Mary.</i>	
<i>Carthy, Matt.</i>	<i>Byrne, Thomas.</i>	
<i>Clarke, Sorca.</i>	<i>Cahill, Jackie.</i>	

Dáil Éireann

<i>Collins, Michael.</i>	<i>Calleary, Dara.</i>	
<i>Conway-Walsh, Rose.</i>	<i>Canney, Seán.</i>	
<i>Cronin, Réada.</i>	<i>Carey, Joe.</i>	
<i>Crowe, Seán.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Cullinane, David.</i>	<i>Chambers, Jack.</i>	
<i>Daly, Pa.</i>	<i>Collins, Niall.</i>	
<i>Doherty, Pearse.</i>	<i>Costello, Patrick.</i>	
<i>Donnelly, Paul.</i>	<i>Coveney, Simon.</i>	
<i>Ellis, Dessie.</i>	<i>Cowen, Barry.</i>	
<i>Farrell, Mairéad.</i>	<i>Creed, Michael.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Crowe, Cathal.</i>	
<i>Funchion, Kathleen.</i>	<i>Devlin, Cormac.</i>	
<i>Gannon, Gary.</i>	<i>Donnelly, Stephen.</i>	
<i>Gould, Thomas.</i>	<i>Donohoe, Paschal.</i>	
<i>Guirke, Johnny.</i>	<i>Duffy, Francis Noel.</i>	
<i>Harkin, Marian.</i>	<i>Durkan, Bernard J.</i>	
<i>Healy-Rae, Danny.</i>	<i>English, Damien.</i>	
<i>Healy-Rae, Michael.</i>	<i>Farrell, Alan.</i>	
<i>Howlin, Brendan.</i>	<i>Feighan, Frankie.</i>	
<i>Kelly, Alan.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Kenny, Gino.</i>	<i>Flaherty, Joe.</i>	
<i>Kenny, Martin.</i>	<i>Flanagan, Charles.</i>	
<i>Kerrane, Claire.</i>	<i>Fleming, Sean.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Foley, Norma.</i>	
<i>McGrath, Mattie.</i>	<i>Grealish, Noel.</i>	
<i>Mitchell, Denise.</i>	<i>Griffin, Brendan.</i>	
<i>Munster, Imelda.</i>	<i>Harris, Simon.</i>	
<i>Murphy, Catherine.</i>	<i>Haughey, Seán.</i>	
<i>Murphy, Paul.</i>	<i>Heydon, Martin.</i>	
<i>Mythen, Johnny.</i>	<i>Higgins, Emer.</i>	
<i>Nash, Ged.</i>	<i>Hourigan, Neasa.</i>	
<i>Nolan, Carol.</i>	<i>Humphreys, Heather.</i>	
<i>O'Callaghan, Cian.</i>	<i>Kehoe, Paul.</i>	
<i>O'Donoghue, Richard.</i>	<i>Lahart, John.</i>	
<i>O'Reilly, Louise.</i>	<i>Lawless, James.</i>	
<i>O'Rourke, Darren.</i>	<i>Leddin, Brian.</i>	
<i>Ó Broin, Eoin.</i>	<i>Lowry, Michael.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Madigan, Josepha.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Martin, Catherine.</i>	
<i>Quinlivan, Maurice.</i>	<i>Martin, Micheál.</i>	
<i>Ryan, Patricia.</i>	<i>Matthews, Steven.</i>	
<i>Sherlock, Sean.</i>	<i>McAuliffe, Paul.</i>	
<i>Shortall, Róisín.</i>	<i>McConalogue, Charlie.</i>	

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<i>Smith, Bríd.</i>	<i>McGrath, Michael.</i>	
<i>Smith, Duncan.</i>	<i>McHugh, Joe.</i>	
<i>Stanley, Brian.</i>	<i>Moynihan, Aindrias.</i>	
<i>Tóibín, Peadar.</i>	<i>Moynihan, Michael.</i>	
<i>Tully, Pauline.</i>	<i>Murnane O'Connor, Jennifer.</i>	
<i>Ward, Mark.</i>	<i>Murphy, Verona.</i>	
<i>Whitmore, Jennifer.</i>	<i>Naughton, Hildegard.</i>	
<i>Wynne, Violet-Anne.</i>	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Joe.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Shanahan, Matt.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Smyth, Ossian.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies John Brady and Pádraig Mac Lochlainn; Níl, Deputies Brendan Griffin and Jack Chambers.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Amendment declared lost.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

An Ceann Comhairle: The time permitted for this debate having expired, I am required to put the following question in accordance with an order of the Dáil of 13 July: “That in respect of each of the sections undisposed of, the section is hereby agreed to in Committee, Schedules 1 and 2 and the Title are hereby agreed to in Committee, and the Bill is accordingly reported to the House without amendment, Fourth Stage is hereby completed, and the Bill is hereby passed.”

Question put:

<i>The Dáil divided: Tá, 92; Níl, 47; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bacik, Ivana.</i>	<i>Andrews, Chris.</i>	
<i>Berry, Cathal.</i>	<i>Barry, Mick.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Browne, James.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Browne, Martin.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Carthy, Matt.</i>	
<i>Butler, Mary.</i>	<i>Clarke, Sorca.</i>	
<i>Byrne, Thomas.</i>	<i>Collins, Michael.</i>	
<i>Cahill, Jackie.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Calleary, Dara.</i>	<i>Cronin, Réada.</i>	
<i>Canney, Seán.</i>	<i>Crowe, Seán.</i>	
<i>Carey, Joe.</i>	<i>Cullinane, David.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Daly, Pa.</i>	
<i>Chambers, Jack.</i>	<i>Doherty, Pearse.</i>	
<i>Collins, Niall.</i>	<i>Donnelly, Paul.</i>	
<i>Costello, Patrick.</i>	<i>Ellis, Dessie.</i>	
<i>Coveney, Simon.</i>	<i>Farrell, Mairéad.</i>	
<i>Cowen, Barry.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Creed, Michael.</i>	<i>Funchion, Kathleen.</i>	
<i>Crowe, Cathal.</i>	<i>Gould, Thomas.</i>	
<i>Devlin, Cormac.</i>	<i>Guirke, Johnny.</i>	
<i>Donnelly, Stephen.</i>	<i>Healy-Rae, Michael.</i>	
<i>Donohoe, Paschal.</i>	<i>Kenny, Gino.</i>	
<i>Duffy, Francis Noel.</i>	<i>Kenny, Martin.</i>	
<i>Durkan, Bernard J.</i>	<i>Kerrane, Claire.</i>	
<i>English, Damien.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Farrell, Alan.</i>	<i>McGrath, Mattie.</i>	
<i>Feighan, Frankie.</i>	<i>Mitchell, Denise.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Munster, Imelda.</i>	
<i>Flaherty, Joe.</i>	<i>Murphy, Paul.</i>	
<i>Flanagan, Charles.</i>	<i>Mythen, Johnny.</i>	
<i>Fleming, Sean.</i>	<i>Nolan, Carol.</i>	
<i>Foley, Norma.</i>	<i>O'Donoghue, Richard.</i>	

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<i>Gannon, Gary.</i>	<i>O'Reilly, Louise.</i>	
<i>Grealish, Noel.</i>	<i>O'Rourke, Darren.</i>	
<i>Griffin, Brendan.</i>	<i>Ó Broin, Eoin.</i>	
<i>Harkin, Marian.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Harris, Simon.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Haughey, Seán.</i>	<i>Quinlivan, Maurice.</i>	
<i>Heydon, Martin.</i>	<i>Ryan, Patricia.</i>	
<i>Higgins, Emer.</i>	<i>Smith, Bríd.</i>	
<i>Hourigan, Neasa.</i>	<i>Stanley, Brian.</i>	
<i>Howlin, Brendan.</i>	<i>Tóibín, Peadar.</i>	
<i>Humphreys, Heather.</i>	<i>Tully, Pauline.</i>	
<i>Kehoe, Paul.</i>	<i>Ward, Mark.</i>	
<i>Kelly, Alan.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Leddin, Brian.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Catherine.</i>		
<i>Martin, Micheál.</i>		
<i>Matthews, Steven.</i>		
<i>McAuliffe, Paul.</i>		
<i>McConalogue, Charlie.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McNamara, Michael.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Verona.</i>		
<i>Nash, Ged.</i>		
<i>Naughton, Hildegard.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		
<i>O'Callaghan, Cian.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		

<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ryan, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Duncan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		
<i>Whitmore, Jennifer.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies John Brady and Pádraig Mac Lochlainn.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Question declared carried.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

12 o'clock

Finance (Local Property Tax) (Amendment) Bill 2021: Financial Resolution

Minister for Finance (Deputy Paschal Donohoe): I move:

THAT provision be made to amend the provisions for the charging of taxes in the Finance (Local Property Tax) Act 2012 in relation to the definition of 'residential property'; in relation to the tax exemption for certain unsold trading stock of builders; in relation to the tax exemption for 'first-time buyers'; in relation to the tax exemption for the purchase of properties constituting the unsold trading stock of builders; in relation to the tax exemption for properties situated in unfinished housing estates; in relation to the tax exemption provided for properties damaged by pyrite; in relation to a liable person for the charge to local property tax in respect of long leases to a local authority or an approved housing body;

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in relation to the bringing of newly completed properties within the charge to local property tax during a valuation period; in relation to the acquisition of a property from a local authority or an approved housing body; and in relation to the calculation of the charge to local property tax.

Question put:

<i>The Dáil divided: Tá, 93; Níl, 48; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bacik, Ivana.</i>	<i>Andrews, Chris.</i>	
<i>Berry, Cathal.</i>	<i>Barry, Mick.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Browne, James.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Browne, Martin.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Carthy, Matt.</i>	
<i>Butler, Mary.</i>	<i>Clarke, Sorca.</i>	
<i>Byrne, Thomas.</i>	<i>Collins, Michael.</i>	
<i>Cahill, Jackie.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Calleary, Dara.</i>	<i>Cronin, Réada.</i>	
<i>Canney, Seán.</i>	<i>Crowe, Seán.</i>	
<i>Carey, Joe.</i>	<i>Cullinane, David.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Daly, Pa.</i>	
<i>Chambers, Jack.</i>	<i>Doherty, Pearse.</i>	
<i>Collins, Niall.</i>	<i>Donnelly, Paul.</i>	
<i>Costello, Patrick.</i>	<i>Ellis, Dessie.</i>	
<i>Coveney, Simon.</i>	<i>Farrell, Mairéad.</i>	
<i>Cowen, Barry.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Creed, Michael.</i>	<i>Funchion, Kathleen.</i>	
<i>Crowe, Cathal.</i>	<i>Gould, Thomas.</i>	
<i>Devlin, Cormac.</i>	<i>Guirke, Johnny.</i>	
<i>Donnelly, Stephen.</i>	<i>Healy-Rae, Danny.</i>	
<i>Donohoe, Paschal.</i>	<i>Healy-Rae, Michael.</i>	
<i>Duffy, Francis Noel.</i>	<i>Kenny, Gino.</i>	
<i>Durkan, Bernard J.</i>	<i>Kenny, Martin.</i>	
<i>English, Damien.</i>	<i>Kerrane, Claire.</i>	
<i>Farrell, Alan.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Feighan, Frankie.</i>	<i>McGrath, Mattie.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Mitchell, Denise.</i>	
<i>Flaherty, Joe.</i>	<i>Munster, Imelda.</i>	
<i>Flanagan, Charles.</i>	<i>Murphy, Paul.</i>	
<i>Fleming, Sean.</i>	<i>Mythen, Johnny.</i>	
<i>Foley, Norma.</i>	<i>Nolan, Carol.</i>	
<i>Gannon, Gary.</i>	<i>O'Donoghue, Richard.</i>	

Dáil Éireann

<i>Grealish, Noel.</i>	<i>O'Reilly, Louise.</i>	
<i>Griffin, Brendan.</i>	<i>O'Rourke, Darren.</i>	
<i>Harkin, Marian.</i>	<i>Ó Broin, Eoin.</i>	
<i>Harris, Simon.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Haughey, Seán.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Heydon, Martin.</i>	<i>Quinlivan, Maurice.</i>	
<i>Higgins, Emer.</i>	<i>Ryan, Patricia.</i>	
<i>Hourigan, Neasa.</i>	<i>Smith, Bríd.</i>	
<i>Howlin, Brendan.</i>	<i>Stanley, Brian.</i>	
<i>Humphreys, Heather.</i>	<i>Tóibín, Peadar.</i>	
<i>Kehoe, Paul.</i>	<i>Tully, Pauline.</i>	
<i>Kelly, Alan.</i>	<i>Ward, Mark.</i>	
<i>Lahart, John.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Lawless, James.</i>		
<i>Leddin, Brian.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Catherine.</i>		
<i>Martin, Micheál.</i>		
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<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
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<i>Moynihan, Michael.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
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<i>Murphy, Verona.</i>		
<i>Nash, Ged.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		
<i>O'Callaghan, Cian.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Sullivan, Christopher.</i>		

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<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ryan, Eamon.</i>		
<i>Shanahan, Matt.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Duncan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		
<i>Whitmore, Jennifer.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Denise Mitchell and Pádraig Mac Lochlainn.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Question declared carried.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Finance (Local Property Tax) (Amendment) Bill 2021: Committee and Remaining Stages

Sections 1 to 3, inclusive, agreed to.

An Ceann Comhairle: Section 4 has no valid amendments.

Amendment No. 1 not moved.

Section 4 agreed to.

SECTION 5

An Ceann Comhairle: Amendments Nos. 2 to 4, inclusive, are related and may be discussed together.

Deputy Mattie McGrath: I move amendment No. 2:

In page 6, line 23, after “shall” to insert “not”.

Deputy Pearse Doherty: These amendments are grouped. Some of the sections it is proposed to amend are already contained within this new legislation, but a new section extends the boundary beyond an acre. I am sure the Government will have valid reasons to explain why that is important. Normally, though, when ample time is afforded to consider legislation and pre-legislative scrutiny is undertaken in a proper way in committee, we would be able to tease out some of the language in this legislation and consider its text. I would like to do the same here, because there are aspects of the language used in this legislation which it would be important to tease out. However, we have not been afforded that opportunity.

The Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, of which I have been a member for some years, was in the middle of pre-legislative scrutiny of this Bill. Earlier today, we received submissions from local authorities and from experts in the field who have written a report on the legislation which considers aspects such as the equalisation fund and the potential impact of the local property tax. That process has been trumped now because the Government has decided to ram through this legislation. It has decided to do that because it has not got its own act together. I must say that, because the Opposition has facilitated exemptions from pre-legislative scrutiny on several occasions in respect of Covid-19-related Bills. This is not, however, a Covid-19-related Bill. This legislation concerns the local property tax. It is an issue which was supposed to have been examined many years ago and the revaluation date has been deferred repeatedly. This is not an issue, therefore, which has sprung up and taken the Minister by surprise.

We are sitting here now at a quarter past midnight dealing with all sections and all Stages of this Bill. The Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach was meant to be continuing its pre-legislative scrutiny, but the Bill is being rammed through now for only one reason and that is because the Minister and his Department have not done the preparation necessary to afford the Oireachtas and its members the opportunity to scrutinise this Bill properly. Therefore, the amendments before us need proper scrutiny of their texts and implications. I refer to implications such as those for buildings, for example. I refer specifically to farm buildings, where there might be several outsheds not used for farming purposes. Will those buildings be brought within the scope of this legislation? What will happen to larger properties with acreage? I would like to have teased out questions such as those. Unfortunately, we are unlikely to get to all these amendments and to be able to consider them properly because we are trying to save time.

Deputy Michael Healy-Rae: I have grave concerns with this local property tax, and I have studied it greatly. My colleagues in the Rural Independent Group share these concerns. Many people living in rural areas may have as part of their dwelling an outhouse, such as a garage or a shed, that they may have built when they were starting out and then improved over the years. Now, those people are faced with the prospect of an improved shed, which could be a turf shed with parts of it used for other purposes such as for timber or storage, being looked upon as an asset and a further tax being faced. That is wrong. It is totally wrong.

If we are talking about people doing up the curtilage of their family homes, where they improve the yard and develop outhouses, for example, and if those people are now going to be taxed in that regard, then that is another attack on rural Ireland. It is another attack on rural

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dwellers. It is another attack on people who have an awful job in first getting planning permission and then in passing percolation tests, because the bar is continually being raised. It is a fact that it is much more cumbersome, awkward and troublesome for those people to clear out their sites, put in their own treatment system, provide their own water and possibly have to pay money to get the ESB connection to supply electricity to that location to enable them to live in the countryside.

It is exactly that which we should be encouraging. We should be encouraging people to keep the lights on in the rural areas and keep life and people living in those areas. The Minister, though, is now hitting those people with a tax on the sheds, outhouses or buildings constructed on the curtilage of their land. I object to that in the strongest possible terms. My colleagues in the Rural Independent Group object to that very strongly as well.

Deputy Carol Nolan: When the local property tax was first introduced, we were told it was intended to improve services and infrastructure, such as roads, across the State. It has not done that. Therefore, I can understand the frustration, anger and bewilderment experienced by families, especially ordinary working families, when they hear the local property tax will be increased and will include sheds, outhouses and, in the case of farm families, farm outhouses and buildings. It is very wrong. People were deceived when the local property tax was introduced because we were told services would be improved as a result.

In my constituency of Laois-Offaly, at least, we are not seeing the benefits of improved services in respect of increased funding for roads. This seems to be an ongoing problem and many counties are in the same boat. It is not right. The local property tax, its purpose and the rationale under which it was introduced must be reviewed. I would go so far as to refer to the deception concerning this local property tax. I state that because we have not seen any improvement in services. It is adding insult to injury to expect ordinary working families now to pay more. Many of these families are hard pressed with mortgages and are receiving very little fairness from banks if they want to restructure mortgages. We need to bear in mind that this is another heavy financial burden on ordinary working families. They do not see the benefit in paying the property tax, which is the problem. It is why there is so much anger and frustration around property tax.

Deputy Michael Collins: I support this amendment from the Rural Independent Group. As my colleague has said, when the local property tax was set up, a promise was made to people that improvements in services would be made. It now looks to me that they will be paying much more than what they paid initially and they do not have improved services. In rural areas they certainly have not benefitted from the local property tax; perhaps they have in urban areas but that is something people from urban areas can talk about. I can only speak about the rural constituency I represent, with roads in a shocking state and a dearth of funding for those roads.

In County Cork alone, we have had the lowest relative rate of funding made available to us for roads over many decades, as proven in a recent report published by Cork County Council. I hope both the Minister for Finance and the Minister for Public Expenditure and Reform have read that from cover to cover. It paints a bleak picture as to what has been done to Cork county and it must be discussed fully in the Dáil. That is for a later date.

What improved services have we got from the local property tax? If we are going to look at outside buildings, we need clarity on what is included. This Bill should not pass the Dáil if it includes farm buildings, extensions or little bits and pieces that people might have, such as

outside rooms for washing etc. It does not matter what the purpose of them is. This is pointed very much towards being an extra tax on farmers and I am very seriously concerned about that. It is not what the local property tax was meant to be about.

Families are currently struggling greatly. I am hearing more and more stories proving this on my phone and at my weekend clinics. People tell me how they are struggling to make ends meet and the worries they have. Even businesses are starting to feel massive pressure. One businessman I spoke with last week has 13 vans in west Cork and he is talking about taking some of them off the road because fuel costs are crippling him. We are facing a very difficult time so adding more difficulties with increased property taxes would exasperate and anger people greatly. It is not what the local property tax should be for. It should have improved services and perhaps refuse should have been collected for free, for example. Such a service could prove the benefit of the local property tax.

I know there is an allocation of funding under the local improvement scheme and I encourage Ministers to consider that closely. It turns out there are only a few roads done with this in Cork county and I presume that is the same in other counties. It might sound like a lot when an announcement is made totalling millions of euro but when it is broken down into the roads being done in rural communities, the amount is down to practically nothing. There should be greater investment in the local improvement scheme, which is great, in fairness. I do not mean to discredit it as it is good that some money is being spent but there must be far greater investment in future.

I will speak to other amendments later but I will give others an opportunity to contribute. I certainly have grave doubts about what is happening with these changes to the local property tax. I do not support them in any way, shape or form if they end up punishing people, especially those in rural Ireland who are already paying quite a lot in their areas.

Deputy Danny Healy-Rae: I am glad to get the opportunity to support this amendment. As I understand it, the property tax was meant to be a residential tax. It now looks like if the farmer has a henhouse or a dog house, those hens or dogs will be charged the property tax as well. The amount of land around the property is to be increased to a hectare, which is 2.5 acres, which is totally unfair. This is like the fair deal scheme, where the farm is assessed but for everybody else, a residential property is assessed. We are taxing the farmer under the name of the property tax for 2.5 acres, which is totally wrong.

The local improvement scheme in Kerry had 697 roads on the list starting this year and we got funding for seven of them. That is the truth. I have said before that the people of rural Ireland are entitled to a good road to their door just like the people in Dublin 4. We see today how €2.4 million was paid for three buses here in Dublin, as if there are not enough buses in Dublin. They go in sets of four or five up and down every street with only one or two people in them. There is no bus service, meanwhile, for most of rural Ireland. The Government is away with the fairies.

There is no funding for group water schemes or people cannot afford them. As I stated yesterday, water is an essential service. There was much hullabaloo in Dublin about getting free water but people in Kerry cannot get water even if they pay for it. They are being asked to pay €8,000 or €10,000 per house in order to get on a group scheme from Kerry County Council but, lo and behold, Irish Water wants €2,000 added to the fee as well. It is the last straw that breaks the camel's back. There are five group water schemes in Kerry not going ahead because

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of that. I ask the Minister to tackle Irish Water about the process, which is totally unfair. Water is essential.

There has been much hullabaloo about charges and the people of rural Ireland were not considered at all because they provide their own water. When applying for planning permission to build a house, most people have to drill their own wells or get a supply from a water course etc. That is without any help from the State to provide the service. All it would rather do is stop people building in the first place. These people are providing their own site. In many cases, rural cottages are hardly being built at all in Kerry. We had people like Mr. John O'Donoghue of Farranfore and the late Mr. Paddy Gallagher of Valentia Island, who built many rural cottages around County Kerry. We seem to be going away from that because from 2016 to 2021, there was funding for only 13 rural cottages from approximately 60 applications. The rest have been left to go whistle.

People cannot get a demountable home. It is happening on practically a daily or weekly basis that a farmer - a man or woman - might have a house that is run down and people cannot live in it. We used to have a service where a demountable home could be brought out from the local authority but that is not happening at all in Kerry now. It is saying they do not have the funding for it. It is very wrong. These people may be in their 60s and want to live out their lives where they were born, bred and reared. It is where they have a few cattle, sheep and other animals. They are being denied that right. Any good thing we had, this Government and the most recent previous Governments have got rid of it. The Government now wants to put a charge on the 2.5 acres around a house, which is totally wrong. It shows for certain we have a Dublin Government looking after Dublin. We heard what the Tánaiste said about how something will have to be done about the property values in Dublin for houses that are worth millions, and that the property tax will have to be reduced for them, whereas it will be increased in the rural areas and counties like Kerry. This is despite us not having the services people in the urban areas have. I am supporting this amendment because the people of rural Ireland are being let down again and this is another attack.

Deputy Mattie McGrath: I too am supporting this amendment which we have moved already. The property tax came in with all kinds of promises, and everything else, and all kinds of issues. There have been ongoing debates about the amount of property tax people are paying in Dublin, the value of the property and the money going to rural roads. The fact of the matter is it is not going anywhere. The amount of waste going on in all Departments is just shocking. Fair play is fine play with me any day of the week. It is impossible for people to build a house now in Dublin. That the Minister says affordable houses can cost €440,000 or so is crazy. We are going to have to look at this and evaluate it and have a proper, meaningful debate. Most of the legislation we have passed, including the climate Bill earlier today, is driving up the cost of building houses. All the materials for building, or many of them, are oil-based and timber-based or whatever.

The amendment is another totally regressive step and another noose around the necks of the country people. It is just not good enough. We have tried it here. I do not know what Fine Gael has against these people. The former Minister in this area, Phil Hogan, brought in the septic tank charge. He tried to demonise rural dwellers and portray them as polluters of the ground. The septic tank and the waste disposal system will be on the site. A minimum of 0.6 of an acre is needed now to build a house with a septic tank but they certainly will be in the curtilage and inside the 2.5 acres.

As to the property tax in Dublin, you have your services. Unlike in England, people must pay for the refuse but you have services. However, there are no services whatsoever in rural Ireland. A person must put in their own system - I am talking about existing houses here - and maintain it. By hell, people do maintain these systems because the last person in the country who wants to have a sewage system that is not working properly is the householder and their family. That horrible charge was put on those systems. Then there was what I called the “fiver Friday” scheme, where it was announced the charge would come down to €50 and we were told we would get a grant. Again, as Deputy Danny Healy-Rae said about the money for the local improvement schemes, there was nothing to support the grants. I do not know anyone in County Tipperary who got the grant. I think we did eight, ten or maybe 12 inspections per year. It was just a total hijack and another con job to try to portray the rural people as being dirty. In fact, the main problem, as has been proven up and down the country, if the Environmental Protection Agency, EPA, or An Taisce wanted to see it, is the local authorities. An Taisce is on again tonight asking the Minister for the Environment, Climate and Communications not to accept the amendments. If An Taisce wanted to see it, it would find the real polluters are the local authorities, maybe not in every town and village but in the vast majority of them, because their systems are antiquated, not functioning properly and unfit for purpose. It is not the rural dwellers, because as I have said, they look after their own.

The idea now is to extend this tax to the curtilage and to outbuildings. On outbuildings, many of these houses may have been converted from detached houses and been covered with corrugated iron and they may have to have a well close by so there must be a pump house. Some people got grants to upgrade their well. It was not many but I know of a few who did. There was a grant scheme if a mains did not pass the house. If the person had a well then he or she got a grant to upgrade it, and rightly so. These outbuildings may be utility rooms or a garage for the car. Like it or not, a person cannot leave any kind of property outside, from the lawnmower to any kind of utensils, because of the roaming gangs who use the motorways. I will not attribute them to any particular place but they have great access to the country and they plunder, steal and rob, so everything must be secure. Now, if a person has a secure house, he or she is going to be penalised for it.

What kind of a vendetta has the Government against the people of rural Ireland? These are the plain people who build their own houses, have housed themselves, and pay their taxes, rates and everything. The Government will not let them drive because they cannot get a theory test. Drivers with learner plates have been penalised. Now it is hitting them again with all kinds of carbon taxes and as others have said, there are no public services. Why make this attack on rural dwellers? They are the plain people of Ireland and are good people and proud people. They did not ask to be housed by any local authority or government but did it themselves. Many of them got county council loans like I did myself when I built the house back in 1983 or 1984. I was glad to get it. Many of these people are still paying mortgages to have their houses. Their noble aspiration is to have a decent house for their family and themselves. If they have 2.5 acres they will be hoping to get a site for some of their family. When they go for the planning on that, they are hit with massive fees for it. You must get engineer’s reports and waste water treatment plants. Lo and behold, if An Taisce hear you are at it, it will want you to get an environmental impact statement and an archaeological dig. It is victimisation. I will not use the word I used earlier but it is definitely segregation and mistreatment of rural dwellers. It is totally unacceptable in this day and age. One thing is piled on the other. The farmer cannot spread the slurry or the nitrogen or whatever else; instead, he must follow all the rules and regulations. Despite that, there are many towns, including 30 I could name in the south of my county, which have

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inadequate sewage treatment. Raw sewage is belching into our rivers, lakes and seas and here we are crucifying, penalising, victimising and stigmatising the people of rural Ireland.

It is a shocking indictment of the Government. I do not know who comes up with these ideas and drafts this legislation. I do not want to blame the drafters or the public officials but we must have fair play. As I have said, fair play is fine play with me but not this relentless attacking and undermining of the good people of rural Ireland. These people do not ask for a house, for free water or for anything. The Government should leave them alone. It should get off our backs. It should get the monkeys of An Taisce and the EPA off our backs, and have them look after what they should be looking after.

Acting Chairman (Deputy Marc Ó Cathasaigh): Deputy, can I redirect you to the amendment?

Deputy Mattie McGrath: This is exactly to do with the amendment. The amendment from the Rural Independent Group concerns how we are being unfairly portrayed as I do not know what and how the Government is trying to extract more money from rural people. You cannot get blood out of a stone. They are struggling and being put to the pin of their collar just to live and pay their way. They want to be left alone. We cannot have €2 million paid for fancy buses that are driven by hydrogen and combinations of batteries and everything else. There were people today running onto them to see what kind of seats they had. A seat on a bus is a seat on a bus. It just needs safety belts, like any bus. There is no talk about how they are going to run. I hope there will be a push board on the back of it for when the bus stops for lack of charge or hydrogen so that passengers can push it out of the way if it stops in the middle of the street somewhere and blocks the traffic.

“To hell or to Connacht” is the mantra of this Government for the people of rural Ireland. It has never changed since Cromwell’s time. The Government has us discussing this legislation in the middle of the night like the Peep o’ Day Boys and is forcing it through under guillotine. It is scandalous. The people of rural Ireland have had enough. We have people outside tonight protesting about what has been done to them all over the country, both urban and rural. However, this relentless, consistent attack on rural Ireland must be outed and stopped because we are not asking for anything except to be left alone to live in peace. We comply with all the regulations. We are peaceful and support An Garda Síochána and all the other functions but enough is enough and we are not going to accept any more. The Government will have civil unrest if it keeps at this craic. Is that what it wants? I do not know what masters the Government is serving. Is this about Europe and the Lisbon treaty, which we voted on twice because we did not accept the people’s vote the first time? I am the bigger eejit because I canvassed for both of them, although I found out my mistake. This is an outrageous attack on the people of rural Ireland. It is dividing and segregating communities into urban versus rural. It is not a good thing for society and for social life or anything else, going forward. We are a small island and we should all be able to live together with a modicum of fair play.

Deputy Richard O’Donoghue: I have been in building all my life. I support this amendment. To get down to brass tacks, what the Minister has done shows complete disregard for people in rural areas. I have lived in a rural area all my life and I hope to live there for the rest of my life.

If we take the price of a serviced site in a city and apply that to a serviced site in a county, to make it profitable for construction last year, a serviced site in Limerick cost €17,000. That is

what it worked out at to make sites profitable for building homes to be sold at affordable prices. The price for the same site in a rural area is a minimum of €50,000. The costs of services include €10,000 for a treatment system, €3,000 to Irish Water to get connected to the system and €6,000 or €7,000 to the local authorities to break a gap in the owner's field. Somebody living in Limerick city would need to pay €17,000 to get a serviced site, even if he or she wanted to build the house. Applying that to a person living in County Limerick the minimum cost is €80,000. We must then consider services for treating sewerage and supplying supply in the city. People living in the county area pay for a treatment system so that we do not have the local authority poisoning the waterways. A report carried out recently by the Environmental Protection Agency, EPA, showed that the biggest polluters in Ireland are the local authorities.

We have asked for investment in our towns and villages in County Limerick. We have been asking for the Askeaton sewerage system to be upgraded for 33 years now. Successive Governments, with which the Minister was involved, have promised sewerage systems in Askeaton, Oola, Hospital and Dromcollogher and have never once honoured those promises. At the same time, the Government believes it is okay to give €5.5 billion to Irish Water over five years.

I spoke earlier to the Taoiseach about Fedamore in County Limerick where people have been on a boil notice for 16 months. They are waiting for drinking water, for which each household now has to pay €60. Local property tax is supposed to be for services in local areas, including good footpaths, roads and water supplies. The Government has not honoured any of this. Now, it is talking about pumping water from the River Shannon all the way to Dublin because the population in Dublin is increasing by a huge number. The population of Limerick city and county is also increasing but the Government is not investing in sewerage systems in our towns and villages. That is what local property taxes are for but the Government is expanding the cities.

As I said, I am county born. I am a culchie and proud of it. That is my culture. Ireland is the best country in the world for looking after people's culture, with the exception of the Government, which does not care about cultures. I am involved in fundraising for different charities that the Government is not able to support. This is where the Government will apply tax. People will see vintage vehicle owners in Ireland out raising funds. People house their vehicles in sheds close to their homes. They go around the country in these vehicles raising money for people who are suffering from cancer and different ailments.

A bunch of young lads have just cycled from Mizen Head to Malin Head in honour of their friend, Cathal Scanlon, who passed away at 22 years of age. His birthday would be today. They are raising money for the TLC4CF cystic fibrosis charity and their cycle will finish tomorrow. Through his local property tax, the Minister is trying to tax the buildings in which people raising money for charity store the machinery, lawnmowers, bicycles, cars and the vintage vehicles they use to raise money for charities. If a hectare of land - 2.2 acres - was moved into a city base, 150 houses could be built on it. What the Government wants to do is tax rural Ireland.

I told the Minister yesterday that the price of building houses had gone through the roof. The Government is already getting 13.5% VAT on every single house that is built and every renovation that is carried out in this country. It is taking local authority fees on top of that. The Government gives nothing back but it keeps taking. We do not have the basic roads we need to drive on to go to work, take our children to school or get the products from the farmers to the co-operatives and different stores in order that we can be fed. The Government does not even want us to have roads. It is more interested in importing stuff and closing everyone down.

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Local property tax was meant to be put back into communities and spent locally. It went to a central fund and the Government gave us the crumbs. Now, it is talking about giving it to the local authority to spend it locally.

Rural people and SMEs have had enough. A figure of 51% of people in Ireland are employed by SMEs and 37% of people live in rural areas. We are paying double and triple the amount of tax that people living in cities pay because we have no services. The Government is now trying to tax us more.

When this amendment is voted on tonight, I hope everyone watching will see the rural Deputies who are voting against this amendment and with the Government. When they knock on people's doors and say they are here to represent them and that they are with Fianna Fáil and Fine Gael and this and that, I hope people remember their names. I hope they run them from their doors and that those Deputies drive away on roads with bad potholes and bust every spring in their cars. They deserve every bit of it. The Government invests nothing.

I will mention this once more. Askeaton has waited 33 years for an upgrade to the sewerage system. The local authority is pumping raw sewerage into the River Shannon. The deal in Dromcollogher is that the biggest polluter is the local authority. The sewerage system in the village of Hospital in County Limerick is at full capacity and what did the Government come back with? It said it will upgrade the sewerage systems but it will not allow extra capacity. That means that towns and villages in the rural areas of County Limerick are not allowed to expand, whereas the cities are allowed to expand. The Government is putting no investment into the towns and villages in rural Limerick.

I am in favour of this amendment. I am delighted that the Rural Independent Group is the biggest voice. Six of us represent five counties but it looks now like we are representing and speaking out for the whole country because we are speaking sense. We are from rural areas. The Minister may notice one thing about the Rural Independent Group. We are all self-employed. We know what is happening on the ground because we live this day in and day out. I ask him to reconsider what he is doing, create equality between rural and city areas, break the balance moneywise and give a tax break to people in rural towns and villages. We are paying the most carbon tax because we have on infrastructure and we have to drive to go to work.

The Government takes nothing into account because all the services are in Dublin. Someone can go 100 yards and have a shop, taxi or Luas. He or she can head out to Bray or Greystones on the DART as well. We do not have those luxuries; we have to drive everywhere. We cannot walk or cycle because it is not safe. I ask the Minister to try to provide equality for the rural areas, towns and villages as well as the cities. He should equalise the funding and give a tax break to the 37% of the people in this country who pay the most taxes and get the least services.

Deputy James Lawless: I followed with interest the contributions from the previous Deputies and I want to come in on some of the points that have been made. It is quite interesting listening to the debate and I sympathise with some of the ailments Deputies identify from their constituencies where funding and various supports are needed. I also represent at least a partly rural constituency of Kildare North, including areas such as Carbury, west Kildare, Sallins, Kill, Bodinstown and beyond in Prosperous and Clane. We have any amount of rural areas so I am no stranger to the challenges these areas face.

On the Bill, we all awaited with some trepidation the review that was announced earlier in

the year. We knew it was a long time coming and it was probably overdue if truth be told. The Minister got it right with the revaluation, banding and the levies that will now be charged. By and large, people will pay the same if not a little bit less than they might have done before in some cases. Some houses that were outside of the loop will be brought in but they had a good run. Some houses that were newly built got a number of years before they became eligible at all.

As I said, I listened with interest to my colleagues from other rural constituencies and it strikes me that perhaps their arguments are misdirected. It is not that their arguments do not have merit because they do but perhaps they should take up those issues with their county manager or the chief executive of the local authority. I do not understand how it is that we on Kildare County Council, when I served on it, were able to secure funding from the local property tax for a series of local improvements and that has not been possible in other counties. Perhaps they should speak to the councillors they are connected with - and I am sure other Independent Deputies work locally with councillors - or speak to the county manager. I can share the story of how we made the property tax work for us in the Kildare area. If that is of any assistance to other Deputies, that may be where they should direct their efforts rather than in this House, which organises the law as to how the property tax is collected and then redistributed. In fact, a lot of money flowed out of urban areas into rural areas to rebalance them.

For example, I mention the Naas electoral area, which I was proud to represent and I still represent, albeit as part of a wider constituency. We sat down at the beginning of the 2014 term and considered how we would collect and spend the LPT. The first thing we considered was that we had five rural villages within the district and all of them were lacking in amenities. They had been deprived for some time or they had not caught up. We set about a programme where we would fund the parks department to put a playground into each of those rural villages, one per year, over the five-year term. We did that and Eadestown, Ballymore Eustace, Sallins, Kill and Caragh all have playgrounds now. They are all rural villages and they were all funded to get solid playgrounds. That was an investment in amenities that are up and running and that are used by ordinary working families, as was referred to earlier, every day. I often wonder what an extraordinary working family is but perhaps that is for another day. In any event, people use them. They are the real and tangible fruits of the LPT being collected and spent by local authorities in a solid and meaningful way in consultation with local councillors. That is exactly what we did.

When we had spent that money, we examined where we would go next. I heard local roads improvements mentioned earlier. They are needed, including on the road I live as much as any other road in the country. Again, we consulted our area engineer and invited him into our council meeting as an area committee. We also consulted among ourselves as we all had local knowledge and we asked the area engineer to nominate the roads we felt most needed repair. His technical expertise copper-fastened that and assisted us if there were borderline choices. Again, we put money, through the local property tax, into local road improvements and projects and a series of roads across the district. Every year since, those roads have been resurfaced or repaired. I received a text from a constituent, Mr. Shay Davoren of Ballymore Eustace, this evening to tell me that the road near Tipperkevin where he lives had been resurfaced today again. That was a road that had not seen attention for 30 years prior to these initiatives that we were able to put in place from 2014 on as a result of the LPT bringing funding into the area and the local authority.

We had spent money on roads so we thought about what other projects were deserving of

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funding. As every Deputy will be aware, there are hard-working groups such the Tidy Towns committees, local history and heritage groups, festivals, folk groups and residents associations. We decided that they would probably know how better to spend the moneys than we would in many cases so we looked to increase and augment the grants they got. We did this in consultation with the council's finance department, where there was a list of those who applied for the council grants etc. every year, including heritage, festival and residential grants. That meant there was a degree of scrutiny or rigour about it. We doubled the grant they got, again using LPT moneys.

By the end of the term, we were almost wondering where else we could spend the money. Perhaps we were a well organised unit and we were certainly very collegial, working well together on a cross-party basis. We worked with our area engineer, the council finance department and the county manager. I do not say we were exemplary or that there was anything unique about the group other than that it worked hard and worked well together. That is an example of the LPT being collected and distributed through a local authority directly back to the people in rural areas. Our urban areas benefited as well, including Naas, but people in rural areas got a real and tangible result. They got physical infrastructure in the playgrounds, they got festival grants, they got the roads resurfaced and they were able to tap into that for any amount of services that were required. I was delighted to be able to turn around to the people at the end of five years and say to them that we had delivered for them in our areas. All of us on that area committee were able to do that.

I highlight that as an example of what could and should be done around the country. I do not know why it is a difficulty elsewhere, as has been suggested is the case. If it is a difficulty, perhaps it is not this Chamber it should be addressed in but with the county managers or finance departments of the individual local authorities. The model works well and I see no reason it cannot be rolled out across the country. I was a convert to the local property tax, having seen it work so well for five years across my area of Naas.

Minister for Finance (Deputy Paschal Donohoe): I want to deal with the substance of the amendment before I deal with some of the additional points that were made. The Bill provides for the amendment of the definition of “residential property” in two ways. First, the part of the adjoining land to be valued with the House where that land exceeds 1 acre will be specified to be that part that is most suitable for occupation and enjoyment with the House. Second, the reference to “acre” is being changed to “hectare”.

There seems to be some misunderstanding of this section and of the amendment that has been tabled. The existing definition of “residential property” is being restructured to make it clearer and more readable and this may have contributed to the impression that there is a significant change in approach. Most of the amended definition is contained in the existing definition and, therefore, there will be no change for the vast majority of property owners.

Since the LPT was introduced, the value of a property has included any associated buildings or structures such as sheds, garages and any outdoor areas that are adjoining, such as yards and gardens. However, where the area occupied by the elements other than the House exceeds 1 acre, it is only the area up to 1 acre that must be valued. This applies to all residential properties, irrespective of whether they are located in a rural or an urban area. This is the position and the amendments to the definition of “residential property” do not change this treatment.

What is being addressed in this Bill is that the current definition leaves open the question of

the part of the land that should be valued as the allowable acre where the land exceeds 1 acre. This is at variance with the treatment applied to the capital gains tax exemption for the disposal of a person's principal private residence and the definition of "residential property" for stamp duty purposes.

1 o'clock

In these cases, the part of the acre to be exempted or treated as residential property is the part that is most suitable for occupation with the residence. Typically, that would be the part closest to the home, but not necessarily so, depending on the particular facts and circumstances. The reason for including such a provision in tax law is to prevent any property owner seeking to include part of the adjoining land furthest from the house in the allowable acre, as this is likely to be the least valuable part. In practice, this amendment will only have implications for those property owners whose grounds adjoining their houses are well in excess of 1 acre. The treatment is being changed to align it with capital gains tax and stamp duty.

Statutory references to the measurement of land in acres are not in line with EU standards. The correct current measurement for land is hectares. The hectare equivalent of one acre is 0.4047 ha. The purpose here, then, is to provide clarity in cases where a property exceeds an area of 0.4047 ha, which is equivalent to 1 acre. In other words, therefore, the area of land is not being affected by this change. Charges have been made here tonight which are typical of the approach taken to this amendment. It has been suggested that we are, via this section of the Bill, seeking to expand the area which will be subject to the local property tax regime. That is not the case. What is happening is simply a change in the way of measuring the area. The scale of the area has not changed.

Among other points raised this evening, many speakers referred to the bill for local property tax continuing to be one that many people find difficult to pay. I accept, as well, the suggestion that this is a bill which continues to cause anxiety and worry for many. Again, however, the changes being made to widen the bands and cut the rate of the local property tax are being enacted to ensure that we have done all we can to try to ensure that this will be an affordable bill for as many homeowners as possible. Most homeowners will not see an increase in their local property tax bill due to the changes in this legislation. For those who will see an increase, many will experience an increase of approximately one band. I again accept that for many people this is a bill which is hard to pay. However, we have made these changes to try to do what we can to make the local property tax bill as affordable as possible for many after a period of nearly eight years in which property prices have increased.

Regarding some of the charges made, I emphasise that the area concerned has not changed. Only the unit of measurement has changed. The other changes made regarding the definition of the area or residential property that will be subject to the tax seek to clarify the situation as it is now. Therefore, when I hear charges being made by some Deputies that this is an attack on rural Ireland and on particular forms of accommodation, those making these charges either have not read this section of the Bill or perhaps do not understand it. I appreciate that many elements of this Bill are technical and that is why an explanation is merited. At least some of the Deputies making such a claim here tonight, however, have not bothered to read the section and are quite happy to misinterpret it. They come in here then just to make an unfounded charge. For some Deputies who have done that this evening, that is all this is about.

I heard some Deputies speaking on behalf of the Rural Independent Group saying that they

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are against this charge and that they also want more money from it. What is that to offer to the people on whose behalf they are speaking here this evening? One Deputy said that he hopes people are watching this debate. The hour is either very late or very early and viewers may be few, but I ask those who are watching to consider what these Deputies are offering. They are suggesting that they want to get rid of the local property tax and that they want more money from it at the same time. That is what they are offering.

I am glad that I had the opportunity to be here when Deputy Mattie McGrath made his contribution. He referred to a “noose around the necks”. What kind of language is that to use on an issue like this? What kind of an image is that to use in a debate on taxation? I know how important taxation is. God knows, I know how changes like this affect so many. The reason Deputy Mattie McGrath uses that kind of language, however, is because he has nothing else to offer. I am glad he is here in the Chamber to allow me the opportunity to say that the language he used yesterday, in respect of other legislation, in this House was disgusting, cynical and disgraceful. It is all too typical of Deputy Mattie McGrath, given how little else he has to offer, that he would come into this House and use that kind of language again.

If we want to have a debate, which we do, and do so regularly, concerning the pros and cons of legislation, at least let us try to do that on the basis of some facts. If Deputy Mattie McGrath cannot be bothered to do that, then maybe he might just reflect for a moment on the language he uses and what that language means. The language he uses demeans him, it demeans the argument he is putting forward and it demeans the people he pretends to represent.

Deputy Mattie McGrath: We read and researched this legislation. Then we tabled an amendment to the Bill, which we are entitled to do. We are thankful for having been allowed to speak on it. I stand over our issues in this regard. We are again dancing to European tunes. It is now 0.4047 hectare because of a European desire. The Minister would of course know nothing about this, but the typical cottage and associated acre have strong connotations for people. The charge of this being “a noose around people’s necks” is commonly used about the pressures of paying bills. It is not meant to be anything to do with anyone self-harming or anything else. If the Minister dispensed with his fancy language and fancy spin and went down the country, then he would understand what goes on in rural Ireland. I will not be lectured to, dictated to or insulted by the Minister. The people will deal with him in good time and they are fairly sick and tired of the Government playing to different tunes.

Words were attributed to me that I never uttered. If the Minister had bothered to check the video which exists, and it is still online where everybody can see it, he would know that I never used those words.

An Ceann Comhairle: We cannot go into that matter now.

Deputy Mattie McGrath: The Minister has just got into it.

An Ceann Comhairle: What happened the other day-----

Deputy Mattie McGrath: No, the Minister has just got into it. I would please just like to have one moment. The Minister has gone into this matter and he is regurgitating words attributed to me by journalists. Those are the selfsame journalists who have been paid handsomely during the Covid-19 debate, as well as newspapers and other publications, to do the Government’s spin and narrative for it. The journalists attributed those words to me. Anybody who looks at it, will know that I never used those words. I refer to the A-word and everything else. I

would not utter it and I never did. I will take no lectures from a pompous and arrogant Minister at this hour of the night.

An Ceann Comhairle: Ah-----

Deputy Mattie McGrath: I will stand up for the rural people of Ireland and they will make their decision regarding whether they will vote for me or not, and not the Dublin 4 set.

An Ceann Comhairle: I think, in fairness, on all sides, everybody who comes in here comes in with a mandate-----

Deputy Mattie McGrath: Yes.

An Ceann Comhairle: -----from the people that they represent to try to do the best they can on their behalf. Those people require us and look to us to respect each other. We may have radically different methods of expressing ourselves and use different political language, but I urge people to please let us have a bit of mutual personal respect.

We are dealing with amendment No. 2 in the names of the Deputies from the Rural Independent Group. I see that Deputy Doherty is indicating.

Deputy Pearse Doherty: We will all be glad to get back to the Dáil Chamber in Leinster House where we can all see each other better at such a late hour. Deputy Lawless made a very articulate contribution on how the process works in his local authority, which is good. I am sure councillors were doing what he described before the introduction of the local property tax, providing services such as surfacing roads and ensuring amenities were available to local communities. I know that with my own council and across the board, particularly with those 21 councils depending on the equalisation fund, the grants that had been available were reduced in an amount equal to the property tax collected. That is the reality of what happened.

The legislation we are discussing tonight increases the taxation on 770,000 homes. It is important to remember that, as the line being worked out by the Government is that the majority of households will not see an increase. That is absolutely true. Only 11% of households are estimated to see a decrease and I am sure those people will welcome it. There will be 670,000 households that will see an increase in the local property tax, with another 100,000 households also taken into the scope. It is not a small amount of additional taxation that is to be levied on households.

For some, €100 here or €200 there is not much but some others could be struggling to keep the roof over their own head. They could be struggling to keep bread in the cupboards and food on the table. There are matters we will come to later relating to deferrals and the interest that accumulates and so on but I want to get to the substance of the legislation. This goes to the point I made earlier.

What is happening tonight is absolutely appalling. The Minister knows I engage with pre-legislative scrutiny for Bills because even when one supports legislation - we do not support this Bill - it is important to tease out aspects of that legislation so the record will always stand in what was considered and meant by a certain element or section. Last night, a completely unrelated Bill passed through this House and I had reason to look at Second Stage, Committee Stage and Report Stages in both the Dáil and the Seanad because it is where we see the aspects teased out. All too often, sections are brushed over rather than properly considered.

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In my opening contribution I stated that the definition in this section is very similar to what was in the original Bill. The main change relates to acreage. As the Minister mentioned, the area is still one acre but it is not the acre that immediately surrounds the house and it will be calculated excluding the footprint of the property in question. There has been a change. The earlier elements, relating to land, outhouses, sheds, etc., are now phrased in a different way. The original 2012 Act dealt with all of this in a simple definition of residential property.

There is a reason for this and I ask the Minister to outline to the Dáil that reason. We can all guess or second-guess why the Revenue Commissioners or the Department have suggested there must be a change to the local property tax. It would have been easy to put in the definition again but there is now a different way of calculating the tax. It is not now just the immediate acre around the house and this is to allow other property to be captured, such as a garden shed or outhouse, that may be outside the vicinity. It is therefore a way of increasing the level of taxation on a home. I would like to hear from the Minister on this, as we would normally do in pre-legislative scrutiny. We were not given the opportunity to tease this out in a wider way but what was the rationale behind this change?

Deputy Paschal Donohoe: I thank the Deputy and I will deal with his points. I accept that for many people, a bill of €100 is a lot, and that is why we have put in place the changes that the Deputy acknowledged in the Bill. The Deputy spoke about the future of this tax and the people of his own county of Donegal. On one hand he said he was concerned about the future revenue that the people of Donegal, whom he represents, will get from this tax, but he has also indicated he wants to abolish the tax. I put it to the Deputy there is an inconsistency in that approach. He is worried about the effect on the revenue that would be seen by the people in Donegal but he is not worried enough to keep the tax and he wants to abolish it. It begs the question that if the Deputy is worried about revenue, where will it be found? I know the Deputy has answers to that question.

There is a change being made here and I am advised by the Revenue Commissioners that this change is required to make clearer what area of land will be taxed. I am not making any change here with a view to trying to increase the tax raised on any property subject to this tax.

Deputy Pearse Doherty: I know the Minister fully understands our position because we present it every year in our alternative budget. Local authorities should be funded by central government. When this legislation passed the Oireachtas and came into effect in 2013, the Government gave with one hand by charging property tax on the residents in local authorities and then took with the other hand the grant that had been provided. It is not a case of leaving a local authority starved. The Minister knows this and if we want to have a sensible, honest and fair debate, we should have it rather than trying to misrepresent others.

The issue we have with this tax relates to the equalisation fund. Deputy Lawless made his contribution, as I mentioned. Last week, Oireachtas Members met the senior executive of Donegal County Council and the director of finance, who gave an indication of the finances of the county. We went through all the different programmes that any local authority would have at any given time. It was made very clear that Donegal County Council was in a very difficult position.

With a review of the local property tax we will see an increase of revenue from households that will pay additional tax but that will not benefit the local authority by a cent. I have raised this matter with the Minister time and again. The same scenario will apply to 21 local authori-

ties across the board. There is an increased charge for the residents of the county but there will not be an increase in the amount of money available to the local authority to service those people.

I take the point on the reason Revenue is seeking the change and that is the substance of the amendment. We will deal with some of the other matters later.

Deputy Paschal Donohoe: I am not sure what I said to the Deputy that made him think in any way that I was not making a serious contribution or implying that he does not have some answers to the questions I raise, as I know he does. The net point is still that if this tax was abolished, there would be a decrease in the revenue made available for the Department or local authorities. If this tax was abolished, we would not see the €640 million that would be raised. I acknowledge that for some people there will be a higher tax bill and for many people it will be an unchanged bill that is already difficult to pay. If we abolish the tax, there would be a reduction of €640 million for the Department of Housing, Local Government and Heritage, and that ultimately affects the money that local authorities get. It is a key point in the debate.

An Ceann Comhairle: In fairness to all others who have tabled amendments, we should deal with this amendment.

Amendment put:

<i>The Dáil divided: Tá, 50; Níl, 88; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Andrews, Chris.</i>	<i>Bacik, Ivana.</i>	
<i>Barry, Mick.</i>	<i>Berry, Cathal.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Brophy, Colm.</i>	
<i>Brady, John.</i>	<i>Browne, James.</i>	
<i>Browne, Martin.</i>	<i>Bruton, Richard.</i>	
<i>Buckley, Pat.</i>	<i>Burke, Colm.</i>	
<i>Carthy, Matt.</i>	<i>Burke, Peter.</i>	
<i>Clarke, Sorca.</i>	<i>Butler, Mary.</i>	
<i>Collins, Michael.</i>	<i>Byrne, Thomas.</i>	
<i>Conway-Walsh, Rose.</i>	<i>Cahill, Jackie.</i>	
<i>Cronin, Réada.</i>	<i>Calleary, Dara.</i>	
<i>Crowe, Seán.</i>	<i>Canney, Seán.</i>	
<i>Cullinane, David.</i>	<i>Carey, Joe.</i>	
<i>Daly, Pa.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Doherty, Pearse.</i>	<i>Chambers, Jack.</i>	
<i>Donnelly, Paul.</i>	<i>Collins, Niall.</i>	
<i>Ellis, Dessie.</i>	<i>Costello, Patrick.</i>	
<i>Farrell, Mairéad.</i>	<i>Coveney, Simon.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Cowen, Barry.</i>	
<i>Funchion, Kathleen.</i>	<i>Creed, Michael.</i>	
<i>Gould, Thomas.</i>	<i>Crowe, Cathal.</i>	
<i>Guirke, Johnny.</i>	<i>Devlin, Cormac.</i>	
<i>Harkin, Marian.</i>	<i>Donnelly, Stephen.</i>	

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<i>Healy-Rae, Danny.</i>	<i>Donohoe, Paschal.</i>	
<i>Healy-Rae, Michael.</i>	<i>Duffy, Francis Noel.</i>	
<i>Kenny, Gino.</i>	<i>Durkan, Bernard J.</i>	
<i>Kenny, Martin.</i>	<i>English, Damien.</i>	
<i>Kerrane, Claire.</i>	<i>Farrell, Alan.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Feighan, Frankie.</i>	
<i>McGrath, Mattie.</i>	<i>Fitzpatrick, Peter.</i>	
<i>McNamara, Michael.</i>	<i>Flaherty, Joe.</i>	
<i>Mitchell, Denise.</i>	<i>Flanagan, Charles.</i>	
<i>Munster, Imelda.</i>	<i>Fleming, Sean.</i>	
<i>Murphy, Paul.</i>	<i>Foley, Norma.</i>	
<i>Mythen, Johnny.</i>	<i>Gannon, Gary.</i>	
<i>Nolan, Carol.</i>	<i>Grealish, Noel.</i>	
<i>O'Donoghue, Richard.</i>	<i>Griffin, Brendan.</i>	
<i>O'Reilly, Louise.</i>	<i>Harris, Simon.</i>	
<i>O'Rourke, Darren.</i>	<i>Haughey, Seán.</i>	
<i>Ó Broin, Eoin.</i>	<i>Heydon, Martin.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Higgins, Emer.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Hourigan, Neasa.</i>	
<i>Quinlivan, Maurice.</i>	<i>Howlin, Brendan.</i>	
<i>Ryan, Patricia.</i>	<i>Humphreys, Heather.</i>	
<i>Smith, Bríd.</i>	<i>Kehoe, Paul.</i>	
<i>Stanley, Brian.</i>	<i>Kelly, Alan.</i>	
<i>Tóibín, Peadar.</i>	<i>Lahart, John.</i>	
<i>Tully, Pauline.</i>	<i>Lawless, James.</i>	
<i>Ward, Mark.</i>	<i>Leddin, Brian.</i>	
<i>Wynne, Violet-Anne.</i>	<i>Lowry, Michael.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Catherine.</i>	
	<i>Matthews, Steven.</i>	
	<i>McAuliffe, Paul.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murnane O'Connor, Jennifer.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Verona.</i>	
	<i>Nash, Ged.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Darragh.</i>	

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	<i>O'Brien, Joe.</i>	
	<i>O'Callaghan, Cian.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Shanahan, Matt.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smith, Duncan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Smyth, Ossian.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Whitmore, Jennifer.</i>	

Tellers: Tá, Deputies Danny Healy-Rae and Mattie McGrath; Níl, Deputies Brendan Griffin and Jack Chambers.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Amendment declared lost.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Deputy Michael Collins: I move amendment No. 3:

In page 6, line 27, after "shall" to insert "not".

Amendment put and declared lost.

Deputy Michael Collins: I move amendment No. 4:

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In page 6, to delete lines 29 to 35.

Amendment put and declared lost.

Section 5 agreed to.

Sections 6 to 9, inclusive, agreed to.

SECTION 10

Question proposed: “That section 10 stand part of the Bill.”

Deputy Richard Boyd Barrett: This section removes the exemption for newly-built properties and, as such, we are against it.

Question put and declared carried.

Sections 11 and 12 agreed to.

SECTION 13

Question proposed: “That section 13 stand part of the Bill.”

Deputy Richard Boyd Barrett: This section abolishes the first-time buyer’s exemption from next year so we do not agree with it.

Question put and declared carried.

Section 14 agreed to.

SECTION 15

Question proposed: “That section 15 stand part of the Bill.”

Deputy Richard Boyd Barrett: This section abolishes the exemption for unfinished estates from next year. We are against it.

Question put and declared carried.

Sections 16 and 17 agreed to.

SECTION 18

An Ceann Comhairle: Amendment Nos. 5 to 7, inclusive, are related and will be discussed together.

Deputy Pearse Doherty: I move amendment No. 5:

In page 9, between lines 32 and 33, to insert the following:

“(d) a liable person forms a view that the property has been damaged as a result of the use of defective concrete blocks.”.

Táimid ag plé le section 18 den Bhille agus tá seo ag déileáil le tithe atá impleachtaí ó thaobh mica agus pyrite ag baint leo agus nach dtagann faoin cháin seo sa reachtaíocht seo. An cheist atá agam ná cad iad na coinníollacha a chaithfear dul tríothu le díolúine a fháil ón cháin seo? Nuair a fheictear na coinníollacha sin, tá siad iontach deacair agus tá costas ag baint leo fosta.

Section 18 deals with the exemption for homeowners whose houses have been affected by mica or pyrite. However, when one looks more deeply at the conditions attached to that one can see it is very difficult and, at this point, very costly for people to satisfy these conditions to ensure they are exempt from the local property tax.

In my constituency of Donegal, this is a major issue and Deputy Mac Lochlainn has been campaigning for years on the mica redress scheme and the fact it is not fit for purpose. The families affected face huge challenges to be deemed eligible for the scheme in the first instance, and with the costs involved for them to have their houses restored to a livable condition, even if they are eligible for the scheme. That is why we in this party will continue to campaign with the local mica action group and thousands of people not only in my own home county of Donegal but right across the island of Ireland. It was best reflected in the *Business Post* poll, which showed the people got behind those families, their campaign and their demand, because they can understand the heartbreak those families are going through. The least we can do is ensure that under this legislation, which the Minister knows I do not support, properties affected by mica will not have the local property tax levied on them. These properties are literally crumbling before people’s eyes and are in some cases dangerous to inhabit, but the families have no other option but to do so at this point.

Section 18(10D) states that a residential property that has been damaged as a result of the use of defective concrete blocks in its construction will be exempt from local property tax. That is only if they meet certain conditions, however. These conditions are set out in section 18 and include situations where “the property has been or is being remediated” or, under section 10D(1)(a), if “a confirmation of eligibility in relation to the property has been issued”. What does “confirmation of eligibility” mean? Under section 10D(6), “confirmation of eligibility” has the meaning given to it by the regulations that gave effect to the current and flawed redress scheme where the applicant can only have eligibility confirmed once they have made an application to the local authority that includes an engineer’s report confirming damage caused by mica and pyrite.

To spell that out to the Minister, his colleagues on the Government side and those whose homes have been damaged by mica and pyrite, under this legislation homeowners will be required to submit an engineer’s report. At this point, for these homeowners that means forking out €6,000 for that report. To qualify for the LPT exemption, they would have to stump up €6,000. To put it another way, if homeowners whose houses are crumbling around them as a result of the mica scandal are unable to fork out €6,000 from their own pockets for an engineer’s report, they will be charged the tax. They cannot be deemed eligible otherwise, even though their homes are not safe and a physical inspection of their homes can show they have mica and have lost their value. They will not be liveable unless a 100% redress scheme is delivered.

I hope the Minister can see that this situation does not make any sense. Requiring the engineer’s report to qualify for the LPT exemption when such a report currently costs several thou-

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sand euro, is nonsensical. It is not only that, however. Even if there was no upfront cost, we expect that will be delivered when the working group completes its work. As I said, however, we need much more than that. We need a 100% redress scheme.

It takes significant time to complete stage one of the application process for eligibility to be determined. It can take a lot of effort and cause much frustration for homeowners as questions and queries are being submitted all the time. I will give an example. The best guesstimate is that approximately 6,000 properties have been impacted by mica in our home county of Donegal. Yet, approximately only a couple of hundred applications were made for eligibility for the scheme. The other 5,000 properties and hundreds on top of that would, therefore, be ineligible for this local property tax exemption. In some cases, if they fall into the category of the 770,000 people who would be subject to an increase, they could see their local charge going up.

For that reason, Deputy Mac Lochlainn and I have tabled amendments from Sinn Féin in order that homeowners affected by issues with mica and pyrite can apply for an exemption through self-assessment, with the Revenue Commissioners putting in place guidelines to police it or look at what is required in terms of the application process. Once the Government has introduced a 100% redress scheme for those homeowners, something for which we will continue to fight and argue, the Revenue Commissioners can look back to verify that those who applied for exemptions through self-assessment were eligible. The amendments we have tabled are sensible and necessary to ensure that homeowners affected by mica are not charged the LPT. I urge the Minister to accept these amendments in the spirit they were put forward.

Amendments Nos. 5, to 7, inclusive, will allow homeowners whose houses have been damaged by mica and pyrite to apply for the exemption for the local property tax on a self-assessed basis. Amendment No. 5 basically adds, “a liable person forms a view that the property has been damaged as a result of the use of defective concrete blocks”. Amendment No. 6 will allow for the Revenue Commissioners to draw up the criteria for the application process, including the information the applicant would need to provide. Amendment No. 7 allows for the exemption to last for a period of ten years as opposed to six years under the legislation.

The LPT is self-assessed. That is at the core of this taxation. Anybody who is paying the tax must, therefore, value their property themselves. They must make a determination, using the guidelines outlined by the Revenue Commissioners, by checking properties that sold in their local area and then deciding the value to be placed on their property and the acre that surrounds it. They then submit that to the Revenue Commissioners in good faith and that valuation is placed on the house.

The Revenue Commissioners have the power, however, and have used the power, to ensure that people are not taking a hand and are not abusing this self-assessment system. They have the power to say that a person’s valuation is wrong and should have been different, and therefore, his or her tax liability has increased or he or she must pay additional taxation for years in the past. That is fine; that is how it works.

We are not allowing the principle of self-assessment for homes that are uninhabitable as a result of mica, however. We are not allowing people to say theirs is one of the 6,000 homes in County Donegal or the hundreds in counties Mayo, Clare, Sligo or elsewhere that are affected by mica. Homeowners will make the declaration to the Revenue Commissioners that their home is affected and they are, therefore, exempt, in full knowledge that the Revenue Commissioners have their details and application and have waived this tax with regard to their home.

If people do not apply for that remediation scheme, which all homeowners will do if it is fit for purpose, Revenue has the power at a later stage to claw back the tax that was foregone because of an exemption that may or should not have been provided at that time. That principle applies to the 1.8 million homes across the State. Why should we not, therefore, also take the homeowners whose houses are affected by pyrite and mica at their word? Let us give the Revenue Commissioners, a body about which I have spoken many times with the highest respect because they do their work very well and diligently, the same power they have for every other home to be able to look back and see if the valuation or exemption was the correct one to apply for.

The Minister might at this point provide clarity on the overpayment of the LPT. He will be familiar with the legislation in 2013 that allowed for the correction of an overvaluation or undervaluation. A person could, for instance, decide that his or her house was valued at a certain level and was, therefore, liable for tax band 3 or €315. However, that person may have found out from local knowledge that it was overvalued and he or she should have been in band 1, which was €90. That person can apply to the Revenue Commissioners and have those years from 2013 up until now reimbursed, which is nine years in total of payments, including 2021. We have facilitated people who have made the wrong valuation in the past.

People with mica would have valued their homes in good faith. Many of those homes were valueless, however. After the passage of this legislation, can they still avail of that facility? A homeowner in Buncrana, Carndonagh or Letterkenny may possibly have valued their house according to a €315 tax band. Because they now know it was affected by mica at that point in 2013, however, they should have valued it much lower. Can they now look for that recoupment?

Deputy Rose Conway-Walsh: These amendments are crucially important. Does the Minister think that anybody would profess to have pyrite or mica were they not almost certain they had it in their homes? People do not make up these stories. They do not want to have pyrite or mica. We have asked for years for them to be exempt from property tax because the properties - I will speak for those in County Mayo - were worth zero. How, therefore, can one have a property tax based on value for those homes? Time and time again we have been refused. The Revenue Commissioners are doing their jobs properly but they did not have permission to give the exemption under that. It was totally wrong that these people were watching their houses falling down, and at the same time they had to pay the property tax on them. Those people at a very minimum need to be reimbursed but we cannot ask them to pay €6,000 upfront. Many of the people trying to get the test done at the moment are scrambling to get the money from credit unions or they are borrowing from family members and others just so they can apply for the scheme.

It is vitally important that we do not leave here tonight without having this fixed. I do not like what I am hearing coming from people in Mayo at the meetings on the pyrite situation with the Minister. Even the smallest of issues are not being resolved at this stage and we are in the middle of July. The report is due back at the end of the month. This is one issue on which the Minister can provide clarity. I refer to a self-assessment exemption to be applied retrospectively so that people get reimbursed for the tax.

While I am speaking to the Minister, Mayo County Council does not have any money to rehouse the people who have watched their homes crumbling-----

An Ceann Comhairle: That is a different matter. The Deputy should speak to the amend-

ments.

Deputy Rose Conway-Walsh: I am sorry, a Cheann Comhairle, but it is all related.

Deputy Mattie McGrath: I support the amendments. The situation is very unfair. I cannot understand how it costs €6,000 for the assessment. Families are being devastated and must try to house themselves when their homes are destroyed. It is obvious to anyone involved with a degree of knowledge of building that there are serious defects. The Government should set up a scheme whereby a group of assessors is set up and funded. People are being exploited if they are being charged €6,000. The work is technical enough, but it cannot be that technical. Surely to God, €1,000 would be a lot of money not to mind €6,000. Applicants are forced to come up with the money and then they are charged a property tax on a house that is rendered useless. It is dangerous for people to live in such houses. There are houses in Tipperary that are affected. The problem is bigger than people realise. Issues arise with public buildings and bridges because of the bad mixture that was used. I support the amendments. The Government should consider some kind of group scheme of assessors who would be independent and fair.

Deputy Pádraig Mac Lochlainn: I find it extraordinary and very worrying that the Minister has put in these conditions. When it was confirmed with the campaigning families in Donegal that at long last, after years and years, they were going to be exempt from the property tax, they said it was a positive gesture, but there are more substantive issues. I note the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, is present. I refer to the 100% redress and all of the other imbalances between the scheme that was rightly made available to the campaigning families in Dublin and Leinster after a long campaign but was not extended to Donegal and Mayo.

Let us talk about the defective concrete blocks grant scheme. Under the scheme, one has to source an engineer who takes a core extraction from the house. The sample is sent away to be tested in a laboratory and after it has been analysed, an engineering recommendation is made to Donegal County Council in the case of houses in Donegal. The cost ranges from €5,000 to €7,000. Those costs were rightly taken care of in the pyrite remediation scheme by the Pyrite Resolution Board. People face a charge of between €5,000 and €7,000.

The local property tax is a self-assessment tax. An individual is responsible for assessing the value of his or her home. Surely to God these amendments are entirely reasonable. People would declare that they believe their home to be affected by mica in Donegal or pyrite in Mayo. That means their home cannot be insured. That is not something people want to do, and it is not something anyone would happily or readily do. It is a big declaration to make. We are saying that if a person self-declares that his or her home is impacted by this, he or she should not be liable for the property tax. That is only fair that it would be the case.

People are really hurting in Donegal and Mayo. People are also hurting in counties Clare and Sligo, who are not yet able to benefit from the scheme. They have been failed by the State in its oversight responsibilities and in more recent years in market surveillance. The concrete block is the core component of the family home in the vast majority of houses in this State. I cannot think of a more important item that a person or a builder could purchase than concrete blocks to build a home. Is there a more important purchase? Could there have been a more important product that the State was ensuring was built to the best possible standard? We abandoned people to self-regulation, light-touch regulation and no regulation. The State abandoned people and failed them. After years of campaigning, it put in place a scheme for families in

Dublin. The scheme is not perfect, but it is a scheme they were entitled to. After years in Donegal and following an independent expert panel report we ended up with the present scheme. I know the Minister for Housing, Local Government and Heritage has probably advised the Minister for Finance that the working group is going to advance these issues. That is welcome if it happens, but what we need is a 100% fully funded scheme. We need rents to be covered while people are out of their home. We need the upfront costs to be covered. If the advice is to remove the outer leaf of a house and that goes wrong, people must have a State guarantee on it. Fundamentally, we need a fully-funded scheme. I am pleased both the Minister for Finance and the Minister for Housing, Local Government and Heritage are present. The Minister must accept the amendment tabled by Deputy Doherty and me. It is the least he can do. It would be a positive gesture that we trust people to visually self-assess that their home is impacted and that they will be exempt from the property tax. That would be a positive signal if the Minister could do that.

I appeal to both Ministers present, and also to the Minister for Public Expenditure and Reform, Deputy Michael McGrath. This is perfect. The three Ministers, the Minister for Finance, the Minister for Public Expenditure and Reform and the Minister for Housing, Local Government and Heritage are present. I am sure every other Member of this House will join me in this. We appeal to them to put in place a fully funded scheme to make up for the years of State failure, to get these families moving forward. I appeal that we would do that together in a positive way. The deadline is 31 July. If we get to that with really good news, I hope we can come back in September. It starts tonight. It is a positive signal if the Minister accepts the amendment. It is a common-sense amendment and I trust the Minister will do it. He will do what is right up until 31 July and then the State will make some recompense to all of those families that were failed over the years.

An Ceann Comhairle: I thank Deputy Mac Lochlainn very much. It is good to have the three wise men with us in July.

Deputy Michael Healy-Rae: I support the Sinn Féin Deputies tonight. This is a very important subject and a very important amendment. It deserves to be supported because it is not many weeks ago that we met the good people who came here to protest. There were grandparents, parents and young children who were living in homes that were crumbling around them. After every weather event, be it frost or rain, their houses changed overnight and more cracks and more disintegration occurred. There could be nothing more upsetting, worrying or financially detrimental than the house around one falling down.

I met couples who owned a property each, perhaps before they met and married.

2 o'clock

The husband and wife would each have had a property that was falling down. Of course, they were only entitled to one allocation of compensation. That was an awful worry for those people. They deserved 100% compensation for the position in which they found themselves, and it is only right and proper that every Member here should support the Deputies who have spoken correctly and strongly on behalf of their constituents.

We did not want to have to meet such people, and they should not have had to come to Dublin to protest in the first place. They had to do it because they had to stand up for themselves. It was so sad and upsetting to meet those people and hear their life stories and what they have

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gone through, along with the hardship they suffer. I wanted to put my shoulder to the wheel for them tonight.

Deputy Louise O'Reilly: I will be brief but I encourage Ministers, whether wise or not, to accept our amendments. They have already accepted the principle of self-assessment and it should be applicable to all homeowners. Believe me, if people are living in a house with defects, they will know it. They may not be sufficient to qualify for a scheme but they will know if a house is affected by pyrite. It is likely that the neighbours' houses will be affected too. These people know that, in effect, the presence of pyrite renders a house worthless. In circumstances where self-assessment is allowed, it should be extended to take in everybody. The Government has already accepted, in part, the principle of self-assessment, and these amendments just seek to ensure that principle applies to everybody. I cannot see an argument against it and I encourage the Minister to accept the amendments from An Teachta Doherty and An Teachta Mac Lochlainn.

Deputy Michael McNamara: I will briefly speak in favour of the amendment. I thank Sinn Féin for tabling it. Clare does not have a mica problem but it has a pyrite problem. Nobody wants pyrite in their home. Nobody would want to claim that a home is worthless unless it is. This does not detract in any way from what the Minister is seeking to achieve. The amendment is very constructive in nature. It will provide a little help to the families in Clare that unexpectedly have homes that are not worth anything like what they spent on them. They face years of heartache trying to resolve this matter without having to spend money on engineers to show them what they already know in order to avail of the local property tax exemption. I urge the Minister to give serious consideration to the amendment.

Deputy Richard O'Donoghue: I support the Sinn Féin amendment. I am a qualified block-layer by trade and I have helped to build many houses. As previous speakers stated, the block is the main part of a house, along with a foundation and the roof. There are many people in County Limerick who have issues arising from pyrite. I have seen a couple of houses that have it and I will be calling to more next week. These are mainly from the 1980s and 1990s. People did not realise what was wrong with the houses but reporting of the problem has escalated over the past number of years. I have videos on my phone showing cracks in houses that are scary. That is why I support the amendment.

Years ago when houses were built, the blocks were tipped from a lorry. That was instead of getting them off by crane as they do today. Sometimes, if blocks could not be procured in time for the building schedule, people would get them from a different quarry. There are quarries where the owners knew they had a problem so it is now time for them to own up to it and work to rectify the problem. We are talking about homes belonging to people and families. They should be there for the next generation and we must fix them.

There are people with pyrite on one side of their house but not on the other because they used two different suppliers when building. It is very important that all these people are looked after. At minimum, the local property tax should be waived but these people should get their houses and family homes back. They should be able to future-proof it for the next generation.

Deputy Paschal Donohoe: I thank the Deputies for raising a matter that the Government knows is very sensitive because of the anxiety about harm and damage that has been caused not just to homes but to the families who live in them and who have experienced such difficulty over a number of years. It is in recognition of this that the Government put in place a scheme

to try to provide support to families affected by the problem. When the scheme launched, some of the Deputies who spoke this evening welcomed it. I also understand that there are very clear issues that the Government recognises it must respond to. These relate to how we can further support all those people who have been affected by the terrible damage being done to their homes.

On the question that has been raised this evening, as I understand it, this exemption has been structured in a way that is consistent with the existing exemption in place for homes affected by pyrite. The principle of basing the exemption on the regulation issuing from the Department of Housing, Local Government and Heritage is a structure very similar to that in place for homes that have been affected by pyrite.

Opposition Deputies know that this and many other matters are being considered by a working group put in place by the Government. The constituents affected by this problem are present on the group and working with it. There is a process under way to try to bring this to a conclusion. I ask the Deputies to respect that process and allow it to conclude. In the spirit in which the matter was raised, I ask them to consider withdrawing the amendment and allowing the process to conclude. I understand the deadline is 31 July and a third meeting of the group has happened. This will be one of the matters considered.

As the Government considers the future in the context of this issue, we must be conscious of the homes affected by pyrite as well. I am informed that to date exemptions to the value of €166 million have been granted for homes affected by pyrite. It is an exemption in place for other homeowners and the proposal within the finance Bill is structured on that exemption. In the spirit of there being a process in place that considers these matters, and also in the spirit motivating Deputies Doherty and Mac Lochlainn in tabling the amendment, I ask that they withdraw it in order to allow the process to conclude. The Opposition may then form a view on the matter. We are aware of the huge harm that so many people have suffered and we are doing our best on that. We will work together to see how a comprehensive response to this can be further strengthened.

Deputy Pearse Doherty: I will be pressing the amendment. We are discussing the legislation so now is when we either decide to trust the homeowners or not.

Deputy Paschal Donohoe: I do not want this process to be equated with questions of trust. We understand the challenges being faced by homeowners. I do not want it to be inferred in any way that by not accepting this amendment, we have in any way issues with trust with regard to the very serious matters being raised. There are reasons that I have advanced for why this exemption is structured as it is. It is based on how we have dealt with similar issues elsewhere. As I said, there is a process under way to try to consider this that is due to conclude shortly. I would not like it to be inferred that the motivation behind this is in any way about questions of trust. We understand how serious this is and we are doing our best to respond to it.

An Ceann Comhairle: At this point I have to interrupt the Minister because the time permitted for this debate having expired, I am required to put the following question in accordance with an order of the Dáil of 13 July: “That in respect of each of the sections undisposed of, the section is hereby agreed to in Committee; the Title is hereby agreed to in Committee; the Bill is accordingly reported to the House without amendment; Fourth Stage is hereby completed; and the Bill is hereby passed.” Is that matter agreed?

Deputy Richard Boyd Barrett: Not agreed.

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Question put:

<i>The Dáil divided: Tá, 92; Níl, 48; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bacik, Ivana.</i>	<i>Andrews, Chris.</i>	
<i>Berry, Cathal.</i>	<i>Barry, Mick.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Browne, James.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Browne, Martin.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Carthy, Matt.</i>	
<i>Butler, Mary.</i>	<i>Clarke, Sorca.</i>	
<i>Byrne, Thomas.</i>	<i>Collins, Michael.</i>	
<i>Cahill, Jackie.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Calleary, Dara.</i>	<i>Cronin, Réada.</i>	
<i>Canney, Seán.</i>	<i>Crowe, Seán.</i>	
<i>Carey, Joe.</i>	<i>Cullinane, David.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Daly, Pa.</i>	
<i>Chambers, Jack.</i>	<i>Doherty, Pearse.</i>	
<i>Collins, Niall.</i>	<i>Donnelly, Paul.</i>	
<i>Costello, Patrick.</i>	<i>Ellis, Dessie.</i>	
<i>Coveney, Simon.</i>	<i>Farrell, Mairéad.</i>	
<i>Cowen, Barry.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Creed, Michael.</i>	<i>Funchion, Kathleen.</i>	
<i>Crowe, Cathal.</i>	<i>Gould, Thomas.</i>	
<i>Devlin, Cormac.</i>	<i>Guirke, Johnny.</i>	
<i>Donnelly, Stephen.</i>	<i>Healy-Rae, Danny.</i>	
<i>Donohoe, Paschal.</i>	<i>Healy-Rae, Michael.</i>	
<i>Duffy, Francis Noel.</i>	<i>Kenny, Gino.</i>	
<i>Durkan, Bernard J.</i>	<i>Kenny, Martin.</i>	
<i>English, Damien.</i>	<i>Kerrane, Claire.</i>	
<i>Farrell, Alan.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Feighan, Frankie.</i>	<i>McGrath, Mattie.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Mitchell, Denise.</i>	
<i>Flaherty, Joe.</i>	<i>Munster, Imelda.</i>	
<i>Flanagan, Charles.</i>	<i>Murphy, Paul.</i>	
<i>Fleming, Sean.</i>	<i>Mythen, Johnny.</i>	
<i>Foley, Norma.</i>	<i>Nolan, Carol.</i>	
<i>Gannon, Gary.</i>	<i>O'Donoghue, Richard.</i>	
<i>Grealish, Noel.</i>	<i>O'Reilly, Louise.</i>	
<i>Griffin, Brendan.</i>	<i>O'Rourke, Darren.</i>	
<i>Harkin, Marian.</i>	<i>Ó Broin, Eoin.</i>	
<i>Harris, Simon.</i>	<i>Ó Murchú, Ruairí.</i>	

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<i>Haughey, Seán.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Heydon, Martin.</i>	<i>Quinlivan, Maurice.</i>	
<i>Higgins, Emer.</i>	<i>Ryan, Patricia.</i>	
<i>Hourigan, Neasa.</i>	<i>Smith, Bríd.</i>	
<i>Howlin, Brendan.</i>	<i>Stanley, Brian.</i>	
<i>Humphreys, Heather.</i>	<i>Tóibín, Peadar.</i>	
<i>Kehoe, Paul.</i>	<i>Tully, Pauline.</i>	
<i>Kelly, Alan.</i>	<i>Ward, Mark.</i>	
<i>Lahart, John.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Lawless, James.</i>		
<i>Leddin, Brian.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Catherine.</i>		
<i>Matthews, Steven.</i>		
<i>McAuliffe, Paul.</i>		
<i>McConalogue, Charlie.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McNamara, Michael.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Verona.</i>		
<i>Nash, Ged.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		
<i>O'Callaghan, Cian.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		

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<i>Ryan, Eamon.</i>		
<i>Shanahan, Matt.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Duncan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		
<i>Whitmore, Jennifer.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Pádraig Mac Lochlainn and Richard Boyd Barrett.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Question declared carried.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Double Taxation Relief: Motion

Minister for Finance (Deputy Paschal Donohoe): I move:

“That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and Capital Gains) (Federal Republic of Germany) Order 2021,

a copy of which was laid before Dáil Éireann on 7th July, 2021.”

Question put and agreed to.

Double Taxation Relief: Motion

Minister for Finance (Deputy Paschal Donohoe): I move:

“That Dáil Éireann approves the following Order in draft: 2021,

Double Taxation Relief (Taxes on Income and Capital Gains) (Republic of Kosovo)

Order 2021,

a copy of which was laid before Dáil Éireann on 7th July, 2021.”

Question put and agreed to.

Estimates for Public Services 2021

Minister for Public Expenditure and Reform (Deputy Michael McGrath): I move the following Revised Estimates:

Vote 32 - Enterprise, Trade and Employment (Further Revised Estimate)

That a sum not exceeding €1,088,159,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2021, for the salaries and expenses of the Office of the Minister for Enterprise, Trade and Employment, including certain services administered by that Office, for the payment of certain subsidies and grants and for the payment of certain grants under cash-limited schemes and that a sum not exceeding €106,200,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 33 - Tourism, Culture, Arts, Gaeltacht and Media (Further Revised Estimate)

That a sum not exceeding €841,097,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2021, for the salaries and expenses of the Office of the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media including certain services administered by that Office, and for payment of certain subsidies and grants and that a sum not exceeding €16,892,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Votes put and agreed to.

Planning and Development Act 2000 (Section 254 – Overground Telecommunication Cables) Regulations 2021: Motion

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Martin Heydon): I move:

“That Dáil Éireann approves the following Regulations in draft:

Planning and Development Act 2000 (Section 254 – Overground Telecommunication Cables) Regulations 2021,

a copy of which has been laid in draft form before Dáil Éireann on 9th July, 2021.”

Question put and agreed to.

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Mandatory Hotel Quarantine Extension: Motion (Resumed)

The following motion was moved by the Minister of State at the Department of Health, Deputy Anne Rabbitte, on 14 July 2021:

That Dáil Éireann resolves that the relevant period, within the meaning of section 9 of the Health (Amendment) Act 2021 (No. 1 of 2021), shall stand extended for the period beginning on the 1st day of August, 2021 and ending on the 31st day of October, 2021.

An Ceann Comhairle: I must now deal with a postponed division relating to the motion regarding the extension of relevant period within the meaning of section 9 of the Health (Amendment) Act 2021. Yesterday, on the question, “That the motion be agreed to”, a division was claimed and, in accordance with Standing Order 80(2), that division must be taken now.

I must salute Gavan O’Reilly, the intrepid political correspondent of Virgin Media, who today highlighted the irony that the block voting system was introduced as a family-friendly initiative of Dáil Éireann and it is now 2.29 a.m. as we take this business.

Question put:

<i>The Dáil divided: Tá, 90; Níl, 49; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bacik, Ivana.</i>	<i>Andrews, Chris.</i>	
<i>Berry, Cathal.</i>	<i>Barry, Mick.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Browne, James.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Browne, Martin.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Carthy, Matt.</i>	
<i>Butler, Mary.</i>	<i>Clarke, Sorca.</i>	
<i>Byrne, Thomas.</i>	<i>Collins, Michael.</i>	
<i>Cahill, Jackie.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Calleary, Dara.</i>	<i>Cronin, Réada.</i>	
<i>Canney, Seán.</i>	<i>Crowe, Seán.</i>	
<i>Carey, Joe.</i>	<i>Cullinane, David.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Daly, Pa.</i>	
<i>Chambers, Jack.</i>	<i>Doherty, Pearse.</i>	
<i>Collins, Niall.</i>	<i>Donnelly, Paul.</i>	
<i>Costello, Patrick.</i>	<i>Ellis, Dessie.</i>	
<i>Coveney, Simon.</i>	<i>Farrell, Mairéad.</i>	
<i>Cowen, Barry.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Creed, Michael.</i>	<i>Funchion, Kathleen.</i>	
<i>Crowe, Cathal.</i>	<i>Gould, Thomas.</i>	
<i>Devlin, Cormac.</i>	<i>Guirke, Johnny.</i>	
<i>Donnelly, Stephen.</i>	<i>Healy-Rae, Danny.</i>	
<i>Donohoe, Paschal.</i>	<i>Healy-Rae, Michael.</i>	
<i>Duffy, Francis Noel.</i>	<i>Kenny, Gino.</i>	

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<i>Durkan, Bernard J.</i>	<i>Kenny, Martin.</i>	
<i>English, Damien.</i>	<i>Kerrane, Claire.</i>	
<i>Farrell, Alan.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Feighan, Frankie.</i>	<i>McGrath, Mattie.</i>	
<i>Fitzpatrick, Peter.</i>	<i>McNamara, Michael.</i>	
<i>Flaherty, Joe.</i>	<i>Mitchell, Denise.</i>	
<i>Flanagan, Charles.</i>	<i>Munster, Imelda.</i>	
<i>Fleming, Sean.</i>	<i>Murphy, Paul.</i>	
<i>Foley, Norma.</i>	<i>Mythen, Johnny.</i>	
<i>Gannon, Gary.</i>	<i>Nolan, Carol.</i>	
<i>Grealish, Noel.</i>	<i>O'Donoghue, Richard.</i>	
<i>Griffin, Brendan.</i>	<i>O'Reilly, Louise.</i>	
<i>Harkin, Marian.</i>	<i>O'Rourke, Darren.</i>	
<i>Harris, Simon.</i>	<i>Ó Broin, Eoin.</i>	
<i>Haughey, Seán.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Heydon, Martin.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Higgins, Emer.</i>	<i>Quinlivan, Maurice.</i>	
<i>Hourigan, Neasa.</i>	<i>Ryan, Patricia.</i>	
<i>Howlin, Brendan.</i>	<i>Smith, Bríd.</i>	
<i>Humphreys, Heather.</i>	<i>Stanley, Brian.</i>	
<i>Kehoe, Paul.</i>	<i>Tóibín, Peadar.</i>	
<i>Kelly, Alan.</i>	<i>Tully, Pauline.</i>	
<i>Lahart, John.</i>	<i>Ward, Mark.</i>	
<i>Lawless, James.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Leddin, Brian.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Catherine.</i>		
<i>Matthews, Steven.</i>		
<i>McAuliffe, Paul.</i>		
<i>McConalogue, Charlie.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Verona.</i>		
<i>Nash, Ged.</i>		
<i>Naughton, Hildegard.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		

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<i>O'Callaghan, Cian.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ryan, Eamon.</i>		
<i>Shanahan, Matt.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Duncan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		
<i>Whitmore, Jennifer.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Mattie McGrath and Pádraig Mac Lochlainn.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Question declared carried.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Lifting of Covid-19 Restrictions: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Nolan on Wednesday, 14 July 2021:.

“That Dáil Éireann:

notes that under *Bunreacht na hÉireann* (Constitution of Ireland):

— Article 40.1 guarantees that all citizens shall, as human persons, be held equal before the law;

— Article 40.3.1° protects the right to bodily integrity of all citizens;

— Article 40.6.1°.ii guarantees the right of citizens to assemble peaceably, subject to laws to prevent meetings which are a danger to the general public; and

— Article 44.2.1° guarantees to every citizen the right to freedom to practice his or her religion, subject to public order and morality;

and calls on the Minister for Health to, in exercise of the powers conferred on him by sections 5 and 31A (inserted by section 10 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020)) of the Health Act 1947 (No. 28 of 1947):

— allow hospitality businesses across the State to carry on their business, regardless of whether the said business involves the sale of food or beverages for indoor or outdoor consumption, without requiring the occupier, manager, or any other person for the time being in charge of the premises in which the hospitality business is being carried out, to discriminate between customers on the basis of whether or not they have been vaccinated against Covid-19 or SARS-CoV-2 infection;

— allow attendance at sporting and other events, subject only to such non-discriminatory limitations as are necessary and proportionate in the interests of public safety;

— respect the profession and practice of religion, and allow a minister of religion or priest (or any equivalent thereof in any religion) to lead worship or religious services, subject only to such restrictions as are necessary, proportionate, prescribed in the Constitution of Ireland, and respect the autonomy afforded to religious communities in a democratic society; and

— accept that the pursuit of a *de facto* zero-Covid strategy, aimed at the elimination of all Covid-19 variants, would result in permanent and irreversible damage to the economic and social fabric of the State and the integrity of the democratic process.”

An Ceann Comhairle: I must now deal with a postponed division in the name of the Rural Independent Group to the motion regarding the lifting of Covid-19 restrictions. Today on the question, “That the motion be agreed to”, a division was claimed and, in accordance with Standing Order 80(2), that division must be taken now.

Question put:

<i>The Dáil divided: Tá, 44; Níl, 87; Staon, 6.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Barry, Mick.</i>	<i>Bacik, Ivana.</i>
<i>Brady, John.</i>	<i>Berry, Cathal.</i>	<i>Howlin, Brendan.</i>

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<i>Browne, Martin.</i>	<i>Boyd Barrett, Richard.</i>	<i>Kelly, Alan.</i>
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	<i>Nash, Ged.</i>
<i>Carthy, Matt.</i>	<i>Browne, James.</i>	<i>Sherlock, Sean.</i>
<i>Clarke, Sorca.</i>	<i>Bruton, Richard.</i>	<i>Smith, Duncan.</i>
<i>Collins, Michael.</i>	<i>Burke, Colm.</i>	
<i>Conway-Walsh, Rose.</i>	<i>Burke, Peter.</i>	
<i>Cronin, Réada.</i>	<i>Butler, Mary.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Thomas.</i>	
<i>Cullinane, David.</i>	<i>Cahill, Jackie.</i>	
<i>Daly, Pa.</i>	<i>Calleary, Dara.</i>	
<i>Doherty, Pearse.</i>	<i>Canney, Seán.</i>	
<i>Donnelly, Paul.</i>	<i>Carey, Joe.</i>	
<i>Ellis, Dessie.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Farrell, Mairéad.</i>	<i>Chambers, Jack.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Collins, Niall.</i>	
<i>Funchion, Kathleen.</i>	<i>Costello, Patrick.</i>	
<i>Gould, Thomas.</i>	<i>Coveney, Simon.</i>	
<i>Guirke, Johnny.</i>	<i>Cowen, Barry.</i>	
<i>Healy-Rae, Danny.</i>	<i>Creed, Michael.</i>	
<i>Healy-Rae, Michael.</i>	<i>Crowe, Cathal.</i>	
<i>Kenny, Martin.</i>	<i>Devlin, Cormac.</i>	
<i>Kerrane, Claire.</i>	<i>Donnelly, Stephen.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Donohoe, Paschal.</i>	
<i>McGrath, Mattie.</i>	<i>Duffy, Francis Noel.</i>	
<i>McNamara, Michael.</i>	<i>Durkan, Bernard J.</i>	
<i>Mitchell, Denise.</i>	<i>English, Damien.</i>	
<i>Munster, Imelda.</i>	<i>Farrell, Alan.</i>	
<i>Mythen, Johnny.</i>	<i>Feighan, Frankie.</i>	
<i>Nolan, Carol.</i>	<i>Fitzpatrick, Peter.</i>	
<i>O'Donoghue, Richard.</i>	<i>Flaherty, Joe.</i>	
<i>O'Reilly, Louise.</i>	<i>Flanagan, Charles.</i>	
<i>O'Rourke, Darren.</i>	<i>Fleming, Sean.</i>	
<i>Ó Broin, Eoin.</i>	<i>Foley, Norma.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Gannon, Gary.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Griffin, Brendan.</i>	
<i>Quinlivan, Maurice.</i>	<i>Harkin, Marian.</i>	
<i>Ryan, Patricia.</i>	<i>Harris, Simon.</i>	
<i>Stanley, Brian.</i>	<i>Haughey, Seán.</i>	
<i>Tóibín, Peadar.</i>	<i>Heydon, Martin.</i>	
<i>Tully, Pauline.</i>	<i>Higgins, Emer.</i>	
<i>Ward, Mark.</i>	<i>Hourigan, Neasa.</i>	
<i>Wynne, Violet-Anne.</i>	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	

Dáil Éireann

	<i>Kenny, Gino.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Leddin, Brian.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Catherine.</i>	
	<i>Matthews, Steven.</i>	
	<i>McAuliffe, Paul.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murnane O'Connor, Jennifer.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Paul.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Joe.</i>	
	<i>O'Callaghan, Cian.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Shanahan, Matt.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smith, Bríd.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Smyth, Ossian.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Whitmore, Jennifer.</i>	

14 July 2021

Tellers: Tá, Deputies Carol Nolan and Mattie McGrath; Níl, Deputies Gino Kenny and Paul Murphy.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Question declared lost.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

The Dáil adjourned at 2.47 a.m. until 9 a.m. on Thursday, 15 July 2021.