

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

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### Minister for (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 ( ) (No 2) Bill , which provides for the reopening of indoor hospitality under certain conditions and makes minor s 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 Emergency Team, NPHE, 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." NPHE 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 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 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 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 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 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 s from drafting changes and to correct a drafting error in the () (No. 1) Act 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.



### **Minister for Enterprise, Trade and Employment (Deputy Leo Varadkar)**

I welcome the opportunity to speak to the () (No. 2) Bill , which enables us to reopen indoor hospitality, pubs, cafés, restaurants and other licensed venues safely, sustainably and in line with public 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 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 NPHE'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 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 measure. It 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 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 and safety protocols will still apply to indoor hospitality, including physical distancing, mask wearing in designated areas, and hand sanitising. My Department and the and Safety Authority, in conjunction with other 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 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 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 committee has been told there would be no pre-legislative scrutiny even though there was a vote on it. That was rammed through by the Government. There was very little time for any s. I suspect that not a single 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 NPHE. I fully support the work it does. I also appreciate that it gives public 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 experts that give advice. The range of different scenarios NPHE 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 advice. The public 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 advice and then, on the other hand, say to the Opposition that it is not the way to do it. The public 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. Throughout the pandemic, the Government has overly relied on the criminal law rather than public 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 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 . 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 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 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 NPHEAT 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 NPHEAT 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 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 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 . 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 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 advice. I accept the Government has to take on board public 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 care 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. They are doing an incredible and heroic job.

This legislation is not based solely on public 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 and 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 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 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 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 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 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 grounds. That has been a major issue for me. Many families and women who have rang me are very upset about that.

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 stated that while there would be a public benefit, it was judged that the burden, particularly on those not yet offered a full course of vaccination, would be disproportionate to the public 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 s. 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 .

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 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 s 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 s, 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 , and mental 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 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 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 data. Sharing such data with authorities, particularly 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 NPHE. 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 NPHE. 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 NPHE was telling him in that regard. Was that in the context of an unvaccinated, 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 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 officers and the 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 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 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 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.



### **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 verifíer 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 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 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 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 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 ; 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 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 .



### **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 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 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 because they will be open for business and able to attract new students. That will place pressure on the unopened colleges to follow the unexample 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. 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. 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 status. Pregnant women will be locked out simply because they are pregnant. People with 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 status. That is wrong and it is a key reason why I, and I hope many other Deputies, will vote against this Bill.



### **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 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 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 . 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 NPHEAT 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 s 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 s will be guillotined, probably before the second 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 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, I have expressed my frustrations, as other Deputies have, with NPHEA 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 NPHEAT, 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 NPHEAT. 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 ( ) (No. 2) Bill , 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 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 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 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. 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 Service Executive. I understand 300 HSE staff are to be assigned to the work and the 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 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 s, 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 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.

### **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.

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 afterthought 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 NPHEA or on its recommendation and that is probably because it has lost the argument and is trying to recover some credibility with NPHEA 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 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 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 s.



### **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 stopping 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 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 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 , 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 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.

We have seen remarkable solidarity and compliance with 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 (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 and the public advice that we have.

As the House is aware, clear and concerning public 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 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 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 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 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 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 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 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.