



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Déardaoin, 2 Nollaig 2021*

*Thursday, 2 December 2021*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 8.20 a.m.

*Paidir.  
Prayer.*

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

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

I am here to today to address the House on the Health (Amendment) (No. 3) Bill 2021. The purpose of the Bill is to strengthen Ireland’s ability to respond to the ongoing and emerging threat to public health from Covid-19 and specifically, as colleagues will be aware, the new Omicron variant that has emerged. The Bill is being introduced in the context of the emergence of this new variant. It strikes a fair and proportionate balance between the protection of public health and the common good in the situation we face, on the one hand, and the limited restriction of individual rights on the other. It is of note that the UK introduced hotel quarantine very quickly in response to the emergence and the potential risk, which is still being evaluated, of the new variant. The Irish Government has decided at this point to reintroduce the legal basis for hotel quarantine should it be deemed necessary to reintroduce hotel quarantine in response to the threat posed by the Omicron variant.

Unfortunately, the threat of the emergence of variants of the disease has not gone away. The coronavirus has served up something none of us wanted to see. The World Health Organization designated the variant B.1.1.529, named Omicron, a variant of concern on 26 November. This owes to the constellation of 32 spike protein mutations which suggest the potential for increased transmissibility and immune escape. We are waiting to see more emerge from the scientific and medical communities on those very important questions.

Yesterday, as the House will be aware, the Health Protection Surveillance Centre was notified of one confirmed case of Omicron in Ireland, and my expectation is that we will see more. The Government has implemented a number of measures to minimise potential risk posed by the spread of this variant. These actions are intended to limit the spread of the variant while we await further evidence relating to its transmissibility and the impact it has on disease severity, vaccines and treatments.

From 29 November, additional restrictions have applied to travel from seven scheduled countries; namely, Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa and Zimbabwe. We also announced that from 3 December people travelling to Ireland, regardless of vaccination, recovery status or travel history, will be required to complete a pre-departure Covid test. Work to introduce regulations giving effect to this requirement is progressing. The requirement to complete a Covid-19 passenger locator form prior to travel remains in place.

Unfortunately, these measures may not be enough. We all hope they will be. With the increasing public health concern about the impact of the Omicron variant, in particular its potential impact on vaccination effectiveness, hotel quarantine may be necessary for a limited time in the interests of the protection of public health and to control transmission. Travel measures such as hotel quarantine give us time to further increase vaccination rates, including boosters, and time to deploy some very promising antiviral drugs that are in the pipeline. We know that the system of hotel quarantine we had in place worked. During the period of hotel quarantine earlier this year, 17,846 tests took place on residents. Some 593 residents in hotel quarantine tested positive for Covid-19. These data do not take account of cases which were avoided in the community as a result of hotel quarantine or, probably the biggest benefit, incoming travellers who delayed travel to Ireland as a result of the imposition of quarantine. Essentially, once we brought in hotel quarantine, the number of incoming travellers from the countries about which we were most concerned fell very dramatically.

Many of the measures we have introduced, though challenging, have worked. As a nation, we should be very proud of the solidarity that has marked the approach in Ireland and from people here. We have one of the highest vaccination rates in Europe, and our booster campaign is going well. Every death, it goes without saying, is an individual tragedy and one too many. It is worth noting that the latest data from the ECDC show that Ireland has the fifth lowest overall mortality rate out of the 27 EU countries plus the United Kingdom.

The Bill before the House would permit the reintroduction of hotel quarantine should it be required. By having the legislative provisions in place, we will be in a better position to react quickly should a decision to move forward be taken. The legislation will be commenced if and when it is appropriate to do so. The provisions of this Bill are fundamentally the same as those contained in the previous legislation permitting hotel quarantine, but there are some changes we propose to make in response to lessons learnt during the previous experience, and I will talk through those changes.

The Bill is divided into five sections. Sections 1 and 2 set out definitions and interpretative provisions.

Section 3 is the main body of the Bill and inserts new sections 38N to 38Z, inclusive, into the 1947 Act. This section specifically provides for the reintroduction of mandatory hotel quarantine and related matters. Travellers who have been in a “designated state” within the 14 days prior to their arrival in Ireland will be obliged to undergo a 14-day period of quarantine. The Bill includes a provision to allow exit from quarantine before the completion of 14 days if travellers return a “not-detected” Covid test on arrival and a further such test on day ten of quarantine. There are a limited number of other circumstances under which travellers may leave quarantine, including, for example, for medical treatment or other humanitarian reasons. The Bill also contains provision for travellers who arrive without the relevant pre-travel Covid test to be obliged to enter hotel quarantine. Unlike the previous system, however, there is a provision which allows the Minister to designate classes of people for whom failure to present

a valid pre-travel test result will mean an obligation to enter hotel quarantine. Essentially, this allows for a greater degree of flexibility to focus on those who present the greatest risk.

Colleagues will recall that in the summer, the Health (Amendment) (No. 2) Act 2021 contained some amendments to the original legislation in this area. These provisions are included in this Bill as well and allow the Minister to prescribe alternative testing to PCR testing prior to arrival in the State. Also provided for is an updated approach to dealing with any travellers who arrive in the State not in compliance with pre-travel testing requirements. Another important development is to provide that a public health doctor can permit a traveller in hotel quarantine who has tested positive for Covid-19 to be released after the initial ten-day period of quarantine where the doctor believes that the traveller does not pose a risk of infection.

Colleagues will be aware that some travellers might have spent some time in hotel quarantine and then tested positive, which could extend quite considerably the total time spent in quarantine. Travellers will be required to pre-book their accommodation in designated facilities, as before. Appropriate provision is made for unaccompanied minors or those seeking international protection, as before. As before, the Bill includes provision for travellers to appeal a decision that they be subject to mandatory quarantine. Section 38N(25) includes categories of travellers who are exempt from the requirement to quarantine, such as those requiring urgent medical treatment, drivers of heavy goods vehicles, maritime or air crew or elected officials travelling for official reasons. There is also provision for other groups to be exempted by regulation, as was the case previously.

Section 38O sets out the power to return travellers to quarantine if they have left inappropriately.

Section 38P sets out offences associated with the Bill and establishes the relevant penalties.

Section 38Q sets out the power and the process for the Minister to designate the states relevant to mandatory hotel quarantine, and section 38R makes provision for the designation of facilities and to require travellers to pay for quarantine.

Section 38S sets out the regulation-making powers of the Minister and sets guiding principles for use in that process.

Sections 38T and 38U provide the authority for the Minister to make arrangements for transport and accommodation and related matters for quarantine purposes.

Sections 38V and 38W set out requirements and obligations related to record-keeping and data protection.

Section 38X allows the Minister to make arrangements with other Ministers to carry out some of the functions associated with the requirement to quarantine as they relate to the designation of facilities for quarantine, making service contracts, and data protection.

Section 38Y establishes a requirement of travel organisers, such as airlines, to inform a traveller of their obligation to pre-book their quarantine, to check that those bookings have been made and, potentially, to refuse to allow travel where a booking has not been made.

Section 38Z provides for another important change that is new in this Bill. There will be a provision to facilitate travellers to seek clarity before travelling on the possibility of not being required to complete hotel quarantine. This could be for medical reasons, by virtue of having

to care for a dependent person, or for other humanitarian reasons. Travellers will also be able to seek clarity that they will be permitted to leave quarantine temporarily for medical or humanitarian reasons. As colleagues are aware, on the previous occasion there was considerable concern about some travellers coming in who were likely to be exempt for the reasons we have discussed previously but who could not start an appeal until they were in the hotel. In the most urgent cases we made provision for those appeals to be heard very quickly and same-day decisions were made. We want to go further with this and provide such that travellers can, where possible, get an answer before they travel as to whether they will need to enter hotel quarantine.

Section 4 of the Bill makes minor consequential amendments to section 42 of 1947 Act. Section 5 sets out the Short Title and operation of the Bill and establishes that the quarantine-related provisions of the Bill will fall three months from its passing, unless, as before, resolutions extending them are passed in both Houses of the Oireachtas. This sunset clause is an important feature of the Bill and reflects the exceptional nature of its provisions, which are required in the context of Covid-19. Of course, we are here today because the previous sunset clauses took effect and the legislation fell. We need to legislate again, which is the point today.

As I said earlier, I believe the Bill strikes a fair and proportionate balance between the protection of public health and the common good in the situation we face on the one hand, and the limited restriction of individual rights on the other. Should it be deemed necessary to respond more comprehensively to the importation of this new variant, we must be able to act quickly. Having the legislation on the Statute Book for a temporary period of time will allow for the rapid response we all hope will not be required. I hope we agree that given what we are facing, a rapid response may be necessary.

**Deputy David Cullinane:** Sinn Féin has tabled a number of amendments to the Bill, as the Minister may have seen. When previous incarnations of the Bill were brought before the Dáil we supported them and we will also support this Bill. At the same time, it is important that the Minister listens to what the Opposition is saying on the need for engagement and the need for proper oversight, accountability and transparency when all of these decisions are being made. I welcome the fact that at least we are dealing with primary legislation and we can set out all of our views and tease out the implications of the legislation being proposed, as opposed to tabling motions on emergency powers, which has happened in the past, whereby we cannot amend or have proper debate and scrutiny. Regulations are made without any regard to the Opposition.

I will repeat something I have said a number of times in the context of where we are now. Nobody wants additional public health measures. Nobody wants additional restrictions. Each and every restriction introduced is extreme in its own right. While we need to put in place public health measures for travel, we always have to be careful and balance out the measures we introduce and the impact they have on citizens. We all know that because of the profile of the disease now and the potential threat of the new variant and possibly other variants, we may have to look at mandatory hotel quarantine at some point in the future. If that is the public health advice, and if it needs to be implemented, measures will have to be introduced very quickly by the Government.

Every time regulations have been introduced I can say without exception the first I have learned of them is when they have been put on the website. Often, the media contacts us waiting for our response to what those regulations mean. We can be sitting in front of laptops refreshing the HSE website waiting for the regulations. There is no email, no heads-up or no sense of what time the regulations might be published. This was raised in the health committee

recently. It simply is not good enough. I do not believe that if the Minister was standing where I am, he would see it as an acceptable way of working with the Opposition on introducing very difficult measures. There are very strong feelings, as the Minister knows, on any and every public health measure. It is very important that as much as we can, we have maximum transparency, maximum accountability, proper debate and proper scrutiny. I have to say, once again, as I stand here that this has not happened. We have had very few briefings for the Opposition from the Minister, the Chief Medical Officer or the Department of Health. We have had very few briefings at the Oireachtas health committee. Many members of the health committee feel that in recent times we have been treated with contempt with regard to legislation being brought forward and permission being sought for the waiving of pre-legislative scrutiny. On occasions I gave consent for it and on other occasions I did not, depending on the Bill. I supported waiving pre-legislative scrutiny on this Bill because of the urgency. Overall, what I see as a lack of respect to the Opposition is not good enough. I say this at this late hour because we could be looking at more restrictions in future and nobody wants them. We will certainly be looking for proper engagement on public health measures on travel. We all have to evaluate properly any decision made.

The reason I support the Bill is because of the threat the new variant may potentially cause. I have been at pains to point out, as have others in recent days and weeks since we first found out about the variant, that we have to listen to the science and the medical experts. We have to wait and get the expert opinion as to precisely how difficult and challenging the variant will be. There is little point in speculating. We are learning more about it every day and over the coming weeks we will learn even more. It is also appropriate that we respond as quickly as possible. In responding, what we need to do is not move ahead of public health advice or fall behind public health advice when it comes to international travel. We had many debates on international travel in the past where my party was very strong in supporting mandatory hotel quarantine where it was necessary. Equally, every time it was introduced I always said it is an extreme measure that should only be introduced and used in exceptional circumstances when absolutely necessary and for only as long as is necessary. The same logic should apply here. I have some questions on the Bill and I spoke to the Minister privately about some concerns I have about testing requirements pre-departure. I will get to these in a few moments and the Minister may have some answers to them. It is important that we put this legislation in a wider context with regard to where we are with Covid.

The response from the Government generally with regard to many of the tools that the State has at its disposal, and that the Minister for Health has to deploy, has not been adequate. Mistakes have been made. I mentioned the lack of consultation certainly with the Opposition and colleagues in the Dáil and Seanad. I fully stand over this. There has also been an appalling lack of consultation with stakeholders in many areas. The most recent example of this has been the decision to ask children aged between nine and 11 to wear face masks. It is the public health advice and I accept it. The difficulty is that this was a decision made very quickly with no consultation whatsoever with teachers, teaching unions or the National Parents Council. It was simply brought in. As usual, there were mixed messages in the early stages when it was first introduced. It was landed on the laps of school principals and teachers. The direction given to schools was seen as an overly confrontational approach, which I believe is unnecessary. We need to be very careful when dealing with public health measures, particularly when they impact children, that we do not take a confrontational approach and that we take a commonsense approach. In my view, this is what should have been taken in this instance.

When there is no engagement and when something like this is landed on schools, teachers and parents at the eleventh hour without any consultation or engagement, it causes concern and presents challenges. The Minister needs to re-examine the way this particular piece of advice was given and re-examine exactly what instruction is being given to schools. He needs also to ensure there are sufficient flexibilities within that advice to acknowledge this will be very difficult for schools, parents and teachers.

I return to what I have said over the past while. We have talked for some time about personal responsibility and about how the vast majority will do the right thing most of the time. I think they will do the right thing on all these issues, but we have to ensure we do not take a confrontational approach that could create unnecessary tensions and difficulties for everybody. That needs to be examined by the Government. I do not want to see any situation, and I am sure the Minister does not either, where a child could be refused entry to school. That would be an appalling issue that would create significant problems for the Minister and his Government and for the child and schools generally. We need to be careful about how we approach that issue.

I raise also the issue of antigen testing, one solution being considered for international travel. If someone has been fully vaccinated and is returning to this country, a lab-based antigen test will suffice. I accept and welcome that. It shows we are finally using antigen testing, albeit not in all the settings in which I would want it to be used. Even so, I was flabbergasted when I heard the Minister's interview earlier in the week in which he said that because the market had adjusted the price of antigen tests and some retailers had reduced their price, that was it and the State was off the hook. He indicated that the State, and he as Minister for Health, had no responsibility to consider costs and subsidising the roll-out and use of antigen tests.

I have often accused Ministers and Governments of being out of touch, and statements like that prove me right. The advice from the Government is that if someone in a family of five or six contracts Covid and tests positive, all the members of that family have to restrict their movements and, possibly, go on to self-isolate. They will be asked to take three antigen tests over a five-day period. Let us consider the cost of that for a family of five or six, and that may happen a couple of times within a household, as has happened. That is a lot of money for a lot of families who do not have it. It fits in with the wider issues relating to the cost of living and all the other issues families face.

When we talk about rolling out antigen testing, we have to look at the success of the vaccine roll-out and the general success of PCR testing, despite the great pressures on the system currently. Again, I am seeking to have the capacity of those centres in some areas beefed up, given the wait times. The success of the booster jab, PCR testing and the vaccine roll-out is, in part, down to the fact they were free and cost was not an impediment. There was very good engagement and very high levels of uptake of people using the walk-in testing centres and being vaccinated. We should take the same approach to antigen testing. I cannot understand why the Minister and his Government did not simply do the right thing, make antigen tests freely available and hardwire antigen testing as an additional tool into our overall response to combat Covid.

I reiterate the advice I have been given, and that I have been giving the public, such that they should not use antigen testing when they are symptomatic. If they are symptomatic, they should restrict their movements, get a PCR test and await the outcome of that test. If they are asymptomatic and working in high-risk environment, or have put themselves in such an environment or are in one, they should use antigen testing regularly. That is the advice I have been

given and it is the advice I am giving others. It is how I believe antigen testing should be used, and the tests should be made freely available. That is the type of response people want to see. They want strong leadership and to see we are deploying all the resources available to us as a State as best we can.

We all accept there is a level of fatigue and tiredness. We are almost two years into this pandemic and great sacrifices have been made by the public. There has been a great cost, socially and economically, to society in general. People's mental health has been deeply impacted. Every time we have to move backwards and reconsider public health measures, it increases that tension and level of fatigue people feel. It is really important in that context that the Government get it right. If it does not and if people see that a clumsy approach is being taken by the Minister for Health, the Cabinet or the Government, whereby we do not get right antigen testing or the roll-out of the booster jab, or if we fail in respect of ventilation in schools, that is something parents cannot get their heads around. We were told by the Government for weeks and months that schools were the safest environment and that we could stop contact tracing in schools because they were so safe. Schools are not being resourced to install HEPA filters or any type of ventilation. Schools were asked to open the windows, when it was 2°C or 3°C, with children freezing in classrooms, yet that was acceptable. We did not provide those resources and then, almost overnight, children and schools became the problem. They now have to wear masks, they cannot exercise and all the mixed messages we have seen in respect of that advice have been ridiculous.

Finally, the requirement for pre-departure PCR testing is an issue I raised with the Minister yesterday. In his closing remarks, he might clarify this. If someone has been fully vaccinated, he or she will be asked to carry out a lab-based antigen test and that is a requirement to get back into the country. If someone is unvaccinated, he or she will have to get a PCR test. The difficulty with somebody who may be unvaccinated and currently outside the country is that if he or she had Covid one, two or three months ago, it still might turn up in a lab-based antigen test. If he or she does not have a negative PCR test, will he or she be denied entry back into the State even if he or she can produce proof of recovery, which people were able to do in the past? It is unclear what somebody in those circumstances should do. What is the timeframe between when a person has had Covid and has recovered, and how long will it take it to work itself out of the system whereby it will not come up in a PCR test? I am not sure whether the Minister has that information but if he does, he might share it with the House.

**Deputy Darren O'Rourke:** Mandatory hotel quarantine is an important tool in our defence against the virus, particularly when the number of cases is low or, as is the case now, when dangerous variants break out. Sinn Féin will support this legislation and has tabled a number of amendments, as my colleague Deputy Cullinane outlined. The emergence of the Omicron variant is a concern and we must take appropriate measures in response. My party will support the reintroduction of mandatory hotel quarantine in exceptional circumstances for a limited period if expressly warranted by public health experts and officials, and we await that advice. Anyone who has listened to Dr. Mike Ryan or Dr. Maria Van Kerkhove of the WHO, or to the doctors and scientists in South Africa who identified the Omicron variant, will have heard that travel bans or restrictions are not the answer in and of themselves, although they might have a place, and nor is economic isolation. The answer, ultimately, is vaccination and public health measures.

In July, Dr. Mike Ryan described vaccine inequity throughout the world as an abomination. He stated:



2 December 2021

We've developed highly effective vaccinations, and what's our next move? To distribute them in an inequitable fashion so that we can stop the tragedy of the pandemic in some countries, and we will allow that pandemic to continue in so many others. It's a tragedy and it's an abomination that today there are frontline workers going to work in Covid wards in many countries that still have not been vaccinated. That is a disgrace.

No one is safe until everyone is safe, and the Government and its leaders are complicit in their role. In recent days, the former President and the chair of the Elders, Mary Robinson, lent her voice to the same subject. She stated:

The coronavirus pandemic is far from over. In the wake of the discovery of the Omicron variant and the risk it represents, the World Trade Organization's (WTO) deadlock over a TRIPS intellectual property waiver on COVID-19 vaccines and treatments is simply unconscionable.

Epidemiologists warned us time and again that allowing the virus to spread around the world is a recipe for new mutations to develop and that they will indiscriminately harm us all. This waiver, which has now dominated WTO talks for over a year, is a necessary global solution to end the pandemic. Yet one powerful voice at the WTO has continued to undermine this effort ...

The European Union represents the biggest roadblock to this effective solution to ramp up the supply of lifesaving vaccines, treatments and tests, hasten the end of the pandemic and put solidarity at the heart of the world's response.

*9 o'clock*

The Government is complicit in this opposition to a TRIPS waiver. Former President Robinson wrote:

By temporarily removing legal barriers preventing developing countries from producing billions of vaccines and treatments through qualified manufacturers, the waiver would suspend the monopoly control of pharmaceutical corporations, which guarantees them eye-watering profits while sacrificing lives. It would unlock the strong manufacturing capability and capacity that exists worldwide to upscale vaccine production, which is still being underutilized.

Led by South Africa and India, the initiative is already supported by over a hundred countries worldwide, not to mention over 175 former world leaders and Nobel Laureates, prominent jurists, the World Health Organization (WHO), the Pope and millions of people.

I have no doubt that millions of people in Ireland also support the initiative. Former President Robinson went on to state:

United States President Joe Biden reiterated his support for a waiver just days ago, and has urged progress in response to the new variant. Yet the EU continues to meet this lifesaving proposal with intransigence.

It is shameful, disgraceful and disgusting. It must change.

**Deputy Duncan Smith:** We will support the legislation, but we will also support our own amendment and a number of other amendments that have been tabled by Sinn Féin and the So-

cial Democrats. Mandatory hotel quarantine is a tool in our response to Covid-19. We want as many arrows in our quiver on this. However, given the experience we had with mandatory hotel quarantine, and more importantly, given where we are with the virus now, I have significant concerns about it being applied in the current circumstances. The virus is running rampant in every community around the country at the moment. If we have not had the virus, we all know many people who have had it or have it. There is no feeling that there is a national suppression strategy that is working. Our testing regime is under stress. Our vaccine roll-out is not operating as strongly as it was in the summer. We are playing catch-up with the booster campaign. People are still circulating and living their lives in a way that is bringing them into contact with each other and that is spreading the virus. That is the reality; that is a fact.

We have seen reports that since it was announced that people should work from home a few weeks ago, there has only been a 1% decrease in traffic at key points. That is just one indicator, but we could all take an agricultural estimate that things have not actually changed that much in terms of activity over the past number of weeks. The measures that have been brought in do not seem to be having the desired impact in bringing case numbers down. When I talk about case numbers, I am not just talking about cases; I am talking about hospitalisations and ICU numbers. We have plateaued at an incredibly high level. Any unexpected deviation in the virus will have an impact and could collapse our health service. The service is already under a type of pressure that is unimaginable for anyone who is not working in it or is not a patient. A few weeks ago, the health service was the centre of our discussion in the Dáil. Last week, the discussion was about PCR testing; this week, is it about antigen testing and mandatory hotel quarantine. In the intervening couple of weeks, our health service has not improved. The pressure on staff and front-line workers has not lessened; it has worsened, if that is even imaginable.

We are going to need to start making some very hard choices. Mandatory hotel quarantine may be one of them, but many others will have to be made along the way. With schools, for example, the fact is that kids are wearing masks, coats and scarves, with windows open in classrooms, yet we do not have an investment strategy for HEPA filtration. HEPA filtration is not going to solve everything in and of itself, but it is proven that it improves airflow and reduces the ability of the virus to spread in enclosed spaces. HEPA filters have worked on aeroplanes, where they have been used for many years. There is no more enclosed environment than an aeroplane. We need to be looking at this before we begin to implement mandatory hotel quarantine.

There were extreme views on mandatory hotel quarantine. People either think it was the best thing in the world and worked or that it was an absolute disaster. It was neither. It did have an impact and caught some cases. There is no doubt about that. I have big concerns about how it was applied. Perhaps the other Opposition Members present recall getting calls almost every weekend from a couple of media outlets for comment on the latest state that had been added to the mandatory hotel quarantine list. It was almost always a state from the global south. It was never a state in Europe, and it certainly was not the UK. I remember the week of so-called freedom day in the UK, when it was opening up and there were D-Day-like celebrations. The UK's virus numbers remain off the charts. We added Cuba to the list that week. The other states that were on the list that week included Burundi, Cape Verde, Eritrea, Ethiopia, French Guyana, Haiti, Kenya, Lesotho, Malawi, the Maldives, Oman, Sudan and Tanzania. We could see a pattern emerging. Any time we would ask for details on why a particular state had been added to the list, we were never given the answers.

Last week, the Omicron variant emerged and was sequenced in South Africa. Straightway,

the punishment and the restrictions were applied to that region, even though Omicron is everywhere. It is here, it is in the US, the UK, Europe, Asia and Israel; it is everywhere. Hopefully, we do not need to bring in measures such as mandatory hotel quarantine again. Hopefully, we can use our powers within this House and our own domestic powers to suppress this virus. There are many more things that we can do. However, as a very privileged, rich country, when we bring in a mandatory hotel quarantine strategy and apply it in such a manner that seems to be directed towards the global south and poorer nations, that reflects badly on us. It is a shame. When we tie that in with what is going on with the TRIPS waiver and the work and advocacy that we need to do, it reflects poorly on us. We pride ourselves, as a State, on advocating for states that are oppressed, and on our charity and helping those in need. There is no greater need, at the moment, than the TRIPS waiver. Instead of actively imposing travel restrictions, we should do more to get vaccines into the arms of those who need them all over the world. Until that happens, none of us will be safe and no country will be safe. We are never going to be able to hermetically seal our State, or indeed, any state. With a virus as airborne and transmissible as Covid-19, we need to get real and to approach things slightly differently.

I understand that the legislation is being introduced to put the framework in place, as we put the framework in place for other restrictions. However, this cannot be used as a distracting measure. It does suck up a lot of media and political attention. If it is implemented, while it will have some utility, it will not have as much utility as a PCR testing system that is firing on all cylinders and does not have two-day waiting times.

We are going to have to start making very hard choices, and mandatory hotel quarantine may be one of them. Many other hard choices are going to have to be made along the way. With schools, for example, we have kids with masks on, coats and scarves on, with windows open in classrooms, but we do not have an investment strategy for HEPA filtration system. It does not have as much of an impact as a properly rolled out and subsidised antigen testing regime that is being used effectively in environments where it should be used.

Regarding antigen tests, last week I asked the Taoiseach whether he saw a role for them being used regularly in households in 2022. I did not refer to serial, but rather regular, use. He said he believed there was a role for them. The Minister said earlier this week that he had dropped the Government plan to subsidise tests. That is a mistake and I would like him to revisit that because the costs of tests are still high for a household of two or more people if they are doing serial or regular testing.

Antigen testing has worked very well throughout this year in areas such as construction on big building sites where, twice a week, workers have to take an antigen test. Case numbers were low and if anyone was found to have Covid, it would not impact the work of a site or the ongoing operation of a project. The person concerned would isolate and then return to work when he or she was well. Given the numbers and the rate of community and household transmission, we will need to do that in households.

If we are to catch the virus early, we need a proper education campaign on antigen testing. We need to stop using language describing them as a snake oil product or a silver bullet. They are certainly neither of those, but there is a role in the middle if we have proper consistent communication, education and, most importantly, affordability and access. For people on low pay or in receipt of social welfare, even at the lowest price of €2.99 per test for a family of two, three or four, it is still a massive imposition on a weekly household budget. There are no two ways about it; it is the role of the State to tackle that. It is as simple as that. The market is not going

to meet the public health need for antigen testing.

I mentioned HEPA filters in schools. The Opposition has put forward proposals for filters earnestly and in good faith. If they were used, we would have some faith that everything necessary was being done.

We have to get back to what we were talking about a couple of weeks ago in a more focused manner, namely, our health service, front-line workers and ICU and hospitalisation capacity. We are plateauing at too high a level in terms of hospitalisations. That is impacting on non-Covid care. Too many operations and procedures are being cancelled, and that is having a cumulative effect. Waiting lists in this country have always been at crisis level, but they are now almost beyond that. We can barely comprehend how long the waiting lists are because of the impact of this virus. We cannot continue to operate as if this is the new normal. We need to start making hard decisions. Whether it is Omicron or something else, there will be another unexpected turn with this virus because this is not going to be the last wave. We have to start listening to the WHO. It has said the virus will be with us until at least 2023, so we have to plan accordingly. The message I want to get across is that we need longer term investment.

This is not easy. We are doing 220,000 PCR tests a week, which is a huge number. However, it is not enough and we need to do more. We need to get antigen testing and the booster programme working. I know things are ramping up and drop-in clinics have opened. We saw long queues of traffic because there is a real desire for people to get the booster vaccine. People are as scared of this virus now as they were in February, March and April 2020.

Despite the figures being put forward by the Minister and the Government, our booster campaign is behind and the virus is still too far ahead of us. If we need to redeploy staff and resources in the short term this side of Christmas to enable us to redouble our efforts and go beyond what we did during the summer for the regular vaccine roll-out, that should be done. We need to have confidence that the vaccine programme is working.

The Labour Party has tabled an amendment on mandatory hotel quarantine which I will mention, even though we are on Second Stage. The Bill is being guillotined and we do not know what way the debate will go later today. In case we do not get to our amendment, I want to put it on record. The Minister may come back to it in his reply to Second Stage or we may get to it this evening. People ordinarily resident in the State who are returning, having travelled to another state for an unavoidable, imperative and time-sensitive medical reason or a termination of pregnancy where the reason is certified by a person who is a registered medical practitioner or person holding an equivalent qualification outside of the State, need to be dealt with in the Bill. We cannot have any ambiguity there.

Through advocacy groups and people who have contacted us, we know that women have been turned away at airports because of this. If people are travelling at this time, it is usually because they are later on in pregnancy and have been given tragic emergency news. People are travelling at very short notice. To impose added PCR testing, mandatory hotel quarantine or other measures on top of the traumatic experiences women have to go through is immoral and unjustified. I want to put that on the record, but I hope to come back to it on Committee Stage. I hope we reach the amendment and the Opposition has an opportunity to examine the issue. It is to be hoped it will support the amendment.

I will leave it there for the time being. I look forward to what I hope will be a more robust

debate this evening. I am disappointed that it is being truncated into one day. In my relatively short period in the Dáil, taking all Stages in one day has never worked. I hope we have a better quality of debate which, ultimately, has to be led by the Minister in terms of making sure we get through amendments. I know the Opposition will play its part.

**Deputy Jennifer Murnane O'Connor:** In October the mandatory hotel quarantine system was no longer considered necessary and was wound down and mandatory home quarantine requirements were removed. Now, we need them again. Omicron is among us and we have to do what we can to protect the whole of society. When the power to make regulations was introduced it was not expected that the Covid-19 pandemic would last for so long, restrictions would be so intrusive or things would change and we would have to react.

Our recovery and fight against the Covid-19 pandemic is challenging because of the Delta and Omicron variants. I do not underestimate their risks. The unknown is what is difficult for all of us. This Bill makes an exceptional provision in the public interest to protect us against the grave risk to human life and public health posed by the spread of the disease known as Covid-19 and its variants. I am conscious that we initially introduced such a measure on a temporary basis, but we removed it when we were able to. We now need to reintroduce it. We do so to protect lives, and I am fully supportive of that.

The rate of Covid-19 in children aged between five and 12 has risen by 240% in November alone, which is worrying. These are small children and public health measures and the usual mask wearing, advertising and social distancing will help. I know we need such measures to protect us all. We need to protect our children in the same way as we protect older and vaccinated people.

The booster roll-out is absolutely brilliant. In my area, Carlow-Kilkenny, there will be walk-in booster clinics from the end of next week. Some 93% of adults have been vaccinated. That is really important and shows the Government's commitment to protecting people.

I have received a lot of calls about mask wearing and the fact we have said it is not mandatory for children aged nine and upwards, yet schools are being told they can send home children without masks who do not have a medical certificate. We need clarification on that. I spoke to the Minister for Education, Deputy Norma Foley, yesterday. The advice on wearing masks comes from health professionals and NPHE, but I ask that there be more communication with schools and we ensure that there is no issue where a child has a medical need. We should be able to come to a solution through the doctors and the schools. I would like to ask about proper ventilation and filtration systems. They will go a long way to keeping our schools open. I have been speaking to a lot of parents who have said to me that it is so important that we keep our schools open. I acknowledge that is a priority for the Minister and for the Minister, Deputy Foley.

None of us wants to be back here today introducing new restrictions. Unfortunately, we see that the daily case figures are over 4,000. All of us here in government have a duty of care to make sure that we protect lives. We all want to protect the lives of children and adults. We want to protect everyone. No one wants to be back here again. I welcome these provisions. It is unfortunate that we are here again. We have to make sure that we protect everyone.

Returning to schools, we must reinstate contact tracing and other public health supports for our school communities. At the moment there are a lot of changes within the school system. I

compliment the schools. They have done a marvellous job. The teachers, principals and parents have been outstanding. We have to try to keep everything as normal as possible. Keeping the schools open is definitely a priority for us. I ask that there be more communication with the schools and refer again to information, particularly when there is a medical issue.

**Deputy Aengus Ó Snodaigh:** Ní raibh mé ag súil le bheith istigh chomh luath seo tar éis an oíche aréir. Tá mé beagáinín scattered sa mhéid atá le rá agam. My colleague indicated we would be supporting the Bill but we have tabled a number of amendments. They are similar to amendments we have tabled in other instances where this type of emergency measure was brought in. I am in the Dáil long enough to understand how the Dáil works and how it should work. When we are bringing in measures that impact on people's rights there has to be some sort of oversight. I am a firm believer that we often do not need to bring in measures such as this. If there is a specific emergency we should be able to rely on the fact that the Dáil can be recalled. The Dáil should not be recalled at a moment's notice except in the case of an emergency. Sometimes we bring in legislation just in case something happens and we might need the provisions. That has been part of the problem with the measures to do with Covid. We are a Legislature and we need to take steps to ensure that we have proper oversight and are fully informed of all steps and all legislation that is introduced, especially where it concerns people's rights. The party is favourable towards and has called for mandatory hotel quarantine in the past.

We support this measure but sometimes it is hard to support measures when they are taken in the round with other measures. It is hard to take it when we have low confidence in the approach of the Government in respect of many of the issues to do with Covid. One of the reasons I am out of breath is that I was taking a call from a distraught mother who has been told that her two children are not allowed into school without an exemption from her doctor. I had informed her that this was possibly going to be the case. She went to her doctor who is refusing to issue certificates. Where is the regulatory impact assessment? Decisions taken by the Government are now starting to affect parents and their children. It is not just willy-nilly. These are not people who have issues just with a mask. One of the children has asthma and another has had an operation on his nose. They cannot wear masks for the whole day. They are not refusing to wear masks but they cannot wear them. There is a need for the message from the Government, which is supposed to be based on public health advice, to be clear and understood properly not by parents and kids but by those who are implementing the measures. In this instance, where is the contact with the doctors? Where is their understanding of what they are being asked to do? Where is the form that goes to the doctors around the country who are now being approached in droves by parents of kids with issues? Similar to other provisions, the Minister needs to ensure that this is not extended for too long.

**Deputy Róisín Shortall:** I do not have any problem with the reintroduction of these measures and the Social Democrats will be supporting the legislation. I have a number of queries about this and other announcements the Minister has made in recent days. I want to make a few general comments as well. I hope there will be support across the House for the legislation. It strikes a reasonable balance between protecting public health and the need to ensure that we limit the risk of the importation of the new strain of the virus. We must act in a measured way. We all hope there will not be any need to commence this legislation but it is wise to get it onto the Statute Book so that in the event that things go in the wrong direction, there will be a facility to address the issue.

I welcome the fact that the UK moved very swiftly on travel. It is in marked contrast to last

Christmas, when we found ourselves in this situation with the Delta variant and the critical time that was lost, which had awful consequences for us in this country, the UK and further afield. I do not have a difficulty with the Bill and the Social Democrats will be supporting it.

The Minister has made some good changes to the previous arrangements which are welcome, particularly in respect of the application for exemption prior to travel. That is sensible and practical. The Minister also talks about the grounds on which people will be exempted. The first is for medical or other exceptional reasons, including providing care to a vulnerable person. What is the definition of that going to be? It seems extremely loose. Lots of people are travelling for reasons such as visiting an elderly relative, seeing grandchildren or whatever. There is a need to be clearer about that because it could cover a multitude. What are the definitions and criteria that will apply?

There are other questions about the criteria that will apply, who sets them in a general sense and who oversees this. None of that is very clear. The Minister often signals things. Things are mentioned that seem to make sense but then there are questions about enforcement. The matter of who enforces and the criteria that apply are often quite loose. It would be very welcome if there was further clarity on that. On practice generally and legislation, while I completely accept that there is urgency about this as we are coming up to the recess, it is always good practice to have pre-legislative scrutiny. If there was a request, as there was in this case from the Department to waive it, the least the health committee could have expected would be to have a briefing on it. No briefing was provided. It would have afforded an opportunity for us to get clarity. That was a mistake. We all appreciate the urgency of this matter but people need to be treated with respect in here. They need to be given adequate opportunity to ask questions. I endorse the point that has been made earlier about the infrequency of briefings. In the main, it has to be accepted that the Opposition is supportive of Government regarding steps that have to be taken to control the pandemic. Most parties on this side of the House have been exceptionally supportive. If anything, we have been calling for better enforcement or stricter application of the rules and, generally, to do things that are not being done. It is not that we are saying “don’t do this”. We are saying “do it better”. From that point of view, it is a missed opportunity not to work more closely with the Opposition, or to provide the kind of regular briefing that we used to get. Certainly, in the last Government, in the first six months of the pandemic, we used to get briefings at least every week and sometimes twice a week. They happen rarely now. I think we had two since the summer. I am just making the point we should be working on a cross-party basis. The response would be all the stronger for that. It would also send out a much clearer message. Not all wisdom resides on the Minister’s side of the House. People on this side of the House also propose actions. It would be encouraging and much more effective if some of the ideas from this side were taken on board and if there were closer co-operation.

In that regard, one of the amendments that I tabled asks for notice to be given about the introduction of regulations. It has been difficult to keep track of what is going on. The legislation tomorrow and, to some extent to this piece of legislation, are enabling pieces of legislation. When regulations follow on, they will have an impact on people’s lives, on what people can do and what people cannot do. It is only reasonable that people are given some notice of when regulations are to come in. I have tabled an amendment asking that we would be notified 48 hours in advance of regulations, and that we would be told when the regulations are being laid before the House. That would be good practice. We know from past experience that when regulations were introduced, or when they were talked about, the gardaí were expected to implement and enforce them, but the regulations had not even been signed. Again, this idea

of making an announcement without the follow through or without keeping people in the loop is not good practice. I would hope that the Minister might consider some of those amendments about providing notice at least.

Along with this piece of legislation, the Minister made an announcement in the last few days. It came out somehow, but it was not a very clear announcement. The Minister has repeated it here now today. He said: “We have also announced that from 3 December, people traveling to Ireland, regardless of vaccination, recovery status or travel history, will be required to complete a pre-departure Covid-19 test. Work to introduce regulations giving effect to this requirement is underway.” What does that entail? We have heard that the Minister is talking about the possibility of an antigen test within 48 hours of travel or a requirement to have a PCR test within 72 hours. The 72-hour window is too long.

This question was put to the Minister on “Prime Time” the other night. The Minister was asked about what happens if a person gets their test three days before travelling, and then they go out clubbing that night, go to a football match, or mix with large numbers of people over the following two or three days before they go away. Surely, then, there would be risks involved in traveling, because the person will not know the virus status in those circumstances. Therefore, 72 hours seems like a long time for a requirement for a negative PCR test. My main concern relates to the other aspect of that, the requirement for a PCR test or an antigen test within 48 hours. I cannot understand the science behind this or the evidence that supports this measure. The Minister, NPHET, and others in government have been telling people for the last 18-plus months that antigen tests are not reliable. They kept on saying that. The Minister has now come to the position where he accepts that antigen tests are very reliable for positive results. Now, late in the day, there are recommendations on using antigen tests. A positive result from an antigen test is regarded as being 80% reliable. However, the Minister keeps repeating - and nobody argues with him - that a negative result from an antigen test is completely unreliable. Yet, he is saying an antigen test is an acceptable measure to provide assurance that a person who is traveling is not infected with the virus. That does not make sense any sense whatsoever. The fact that the antigen test would be done professionally does not make a difference. If one does one antigen test before travel that gives a negative result, that result does not mean very much. How can the Minister defend that measure? This has to be about real measures that actually make a difference.

Yesterday, I listened to Assistant Professor Gerald Barry, a virologist from UCD on “Morning Ireland”. He was very critical of these proposals. He described them as a box-ticking exercise. We are introducing travel restrictions, but as long as one has a negative antigen test within 48 hours or a PCR test within 72 hours, that is fine. Professor Barry said that the science does not support that at all. Other people have made that comment as well. Will the Minister address that in his wrap-up? How does that provide any protection? I cannot understand that. Professor Barry went on to say that this does not stand up to any kind of scrutiny. He finds it hard to understand why the Minister is doing this.

Professor Barry also said that we should be much better performers in testing. We know that tests are not available for large numbers of people. We should, of course, be doing sequencing. The scientific community has been calling for this for a long time. Currently, we are only sequencing 10% of tests. It would be much more effective to up that number, so that we can track down cases of the new variant. We would be on top of what kinds of variants we have in this country, as well as what is the spread and so on. All I can say is that this does not make any kind of sense. When the Minister is giving advice, it has to make sense to people. It is not just



about “we’re going to take this action and that action”. The actions have to mean something and they have to be effective. Can the Minister please address that specific issue?

I want to go on to talk about the general issue of antigen tests. I raised this earlier in the week. I raised it with the Taoiseach as well at Leaders’ Questions. It was a mistake for the Minister to promise to introduce a subsidised scheme for antigen tests because they are a very useful tool and then do a U-turn on that. The Minister said the market has delivered. The market has not delivered. Some places have cut-price antigen tests available. In lots of places, they are not easily available. The first question is on affordability. If somebody does not live beside a discount supermarket, how do they access affordable tests? Many people buy them in a pharmacy. In some places, antigen tests are still being sold for €7 or €8. The fact that some supermarkets on particular weekends get into the business does not mean that antigen tests are generally available at affordable prices. Even €4 for an antigen test is expensive for a family of four. People are advised to do the right thing if they are out mixing, if they are in college or at school and so on. They are advised to do two antigen tests a week. For a family of four, that can amount to €30 a week and that is a fair deal of money if they are on a low income. The tests are not generally available at an affordable price. That is the first point.

The second point is that the Minister seems to have washed his hands of any question of standards as regards antigen tests. If there is competition in the market, the big danger is that there will be a race to the bottom in terms of making the tests very cheap but we have no guarantee about quality whatsoever. I examined and researched this over recent days. There is no standard set in this country for diagnostic testing. There is no regulation of that whatsoever. There is very tight regulation of medicines, and that is only right, but there is no regulation of diagnostic tests, including antigen tests. We have no idea about the quality of the tests available and the Minister seems to have walked away from any responsibility for that. The concern is that the Government will now be encouraging people to use antigen tests but some of those tests are hopeless and completely misleading.

Looking at this from a European perspective, in the last five months alone the health directorate of the European Commission rejected 160 tests that were looking to come on the market. We do not know where those tests are now because there is no regulation. It removed some of the tests from a previously approved list. There is no requirement to have approved tests for sale here so there could be any kind of cheap ineffective tests on the market, in a situation where the Minister is saying the market will deliver. That is a serious abdication of his responsibility to ensure proper standards for people. I ask the Minister to address that. It may have been an off-the-cuff remark or a knee-jerk reaction because there was an estimate of what free or subsidised antigen testing might cost. In the context of the overall situation where we are trying to encourage people to do the right thing, the Minister needs to revisit that. I believe that very strongly.

The other question relates to things that have not been done properly. Many of us and others outside this House have been calling for very practical things to be done so people can be encouraged and supported in taking steps that are achievable and can greatly reduce the risk of spread of the virus. The outstanding question is what is happening in schools, or what is not happening. The Minister has been told by the expert group on ventilation that ventilation is a key issue and must be centrally addressed in order to reduce risk. The first of those two expert group reports came out in January and the second came out in March, but they have been largely ignored. The first one was ignored by NPHE and the second was ignored by the high level officials group. They were just buried. The public health messaging on the steps people can take

avoided referencing ventilation until the last few months. Ads were continuing to go out and there were new ads on the radio and there was no mention, or hardly any, of ventilation. It is a clear thing. We have known for a very long time that Covid is an airborne virus and it should have been front and centre. It is just unbelievable that those comments were made yesterday by NPHET about measures to clean the air and HEPA filters. It underlines the need to have a broader range of expertise within NPHET, as it is quite limited. We must ensure it has the kind of scientific expertise that understands air filtration. It is very disappointing that this was not addressed at an earlier stage. People who have expertise in the area should have been drafted onto NPHET from that point of view.

NPHET has a very narrow focus. It is very much male-dominated and the voice of public health advice is very much male-dominated. I spoke about this over a year ago. The weakness of that is that sometimes people operate from a theoretical perspective. The announcement on mask-wearing in primary schools was coming from that perspective, without any understanding that you cannot make an announcement after 6 o'clock in the evening and expect parents to be prepared to implement that at 8 o'clock the next morning. It just shows a lack of understanding of how families operate. That caused a lot of concern. There is a need for a much wider perspective to be taken in terms of the advice. We need a much more practical approach to mask-wearing and having good quality masks, because there has been very little information on that and the Government should be setting the standard there. There are lots of things people can do with CO2 monitors, air purifiers and so on and the Government should be supporting them in doing that. Antigen testing is the stand-out issue there and I think the Minister made a mistake on it this week.

**Deputy Ruairí Ó Murchú:** We will be supporting this legislation, although we will be tabling a number of amendments. There has already been much discussion this morning on the need for a greater level of interaction between the Government and the Opposition, whether in dealing with legislation and proposals or the conditions prevailing at the time. It is about all the information being known. In fairness, there has been serious constructive engagement across this floor and in other forums on the operation of Leinster House. We need to see a greater element of that, accepting that there is a need to move quickly.

We need to look in the whole at how we deal with the pandemic. We had all hoped to be beyond this period but we are not. It is unfortunately part of the lexicon at this stage. We are where we are. There has been a failure to deal with certain sets of circumstances and there has been a failure to move quickly enough on antigen testing. There may have been particular reasons people did not want to engage in the conversation at an earlier stage but there had been huge acceptance of it across Europe and wherever else. I am glad we are making moves on that. Some of the chaos around schools was due to the proclamations, guidelines, declarations or whatever you want to call them from NPHET and then there was an absence of a narrative directly from the Government. We cannot have that sort of problem. People want to do the best they can but they need clear instructions. They do not want that element of confusion. I say that while accepting that this is an incredibly difficult situation to deal with.

We hope mandatory hotel quarantine will not need to be engaged. We are in the mouth of Omicron and there is the possibility of future variants. The fact is, as Mike Ryan has said, that travel bans will not deal with this. This is about our failure to vaccinate people across the world. This Government has to play its part with the TRIPS waiver. We have to push, particularly at European Council and Commission level but also at every other forum, to have a real conversation about this. A huge amount of public money has gone into the pharmaceutical

industry. It is about delivering for people and none of us are safe until all of us are safe. That is the biggest thing that we need to get ahead of.

**Deputy Gino Kenny:** Hopefully we will not have to use or implement these powers. Everyone in this House understands the legislation that we have passed over the past 20 months to tackle this constantly evolving virus, but Members would not be honest if they said they were not uncomfortable with some of the powers that have been provided, regardless of whether we opposed or sanctioned them. Those powers have been draconian in the face of a pandemic. People have lost their liberty and there have been travel restrictions. If we had told people two years ago that there would be these powers, they would have thought we had lost our minds, but the constant evolution of this virus has changed the nature of things, not only in Ireland, but across the world. The virus is on the counteroffensive at the moment in various jurisdictions and people have to act in whatever way they must.

One of the narratives of the past 20 months has been that of social solidarity across the world - people coming together and health systems being challenged by the virus. However, there has also been inequality in the vaccine roll-out globally. It is not abstract to ask whether the rich nations of the world, if they cannot at this stage give vaccines *en masse* to humanity, will ever do it. We are at war with a virus, and in such a war, all rules go out the door. All of humanity, regardless of where in the world, needs access to the vaccines. If we do not give the developing world access, the virus will evolve, as has happened in the case of the Omicron variant.

I was struck by what Mr. António Guterres, Secretary-General of the United Nations, said yesterday. He hit out at the travel apartheid in respect of some of the states in southern Africa. People living in those countries will immediately not be able to travel to Europe or some other jurisdictions. Countries have acted arbitrarily. People Before Profit has supported mandatory hotel quarantining, but we will not in this instance because of its arbitrary nature and the blanket travel ban. Mandatory hotel quarantining is not warranted on the basis that has been provided. It sends out the wrong message to countries, particularly South Africa where scientists identified the variant. A blanket travel ban was applied to those countries. What does it say to scientists in the developing world who identify variants if, just days after, their countries are punished? There are question marks over how wealthier countries have acted in this regard. That is why we will not support the Bill.

**Deputy Michael Creed:** I welcome the opportunity to contribute briefly on this legislation. I am starting from the position that I believe that everyone in the House, including the members of the Government, all of the outside bodies, such as NPHE and the National Immunisation Advisory Committee, NIAC, and departmental officials are endeavouring to do their best, but that does not mean that we are infallible. Despite our best efforts, this virus has been challenging, not just for us, but globally, and the responses we have had to take at various times have needed to change. The messaging around changing advices is not widely appreciated, but it would be equally to the detriment of public health if we did not change advices as the circumstances around the virus changed. While people are undoubtedly depressed with the recent developments, it is incumbent on us to keep public health to the fore and to support measures that are clearly focused in that regard. Without doubt, the first and foremost duty of the Government is protecting public health.

Having made the point that none of us is infallible, I wish to raise a specific issue or two with the Minister concerning the most recent decisions in particular. International travel had resumed and people were looking forward to it, but there are a cohort of people who are out of

the country and have been caught mid-stream by the changing advices. I understand that the regulations are yet to be finalised, but surely there is a case to be made for people who departed the country for a week's holidays or a fortnight's holidays and are now attempting to return to be exempted from those regulations, as they departed in good faith under a set of circumstances and regulations that changed while they were abroad. That is not an unreasonable request, and whether it can be accommodated within the regulations that are being drawn up is worth considering.

In the language used to communicate the changes as regards people returning from abroad - I am not referring to people who are returning from southern African countries that are now on a red list, but from the UK, EU countries and elsewhere - there is a requirement for a clear PCR test or a "professionally administered antigen test", which I believe is the term. As much as I can, I have tried to navigate Government websites to find out what a "professionally administered antigen test" is. If someone is in Heathrow, Orly, Schiphol or Frankfurt and is trying to get back into the country, who will administer an approved antigen test? At this short notice, does the Government already have an approved list of professional antigen testers that my constituents or I can access as they seek to return to Ireland? As I understand it, a self-administered antigen test is not fit for purpose. In his reply, the Minister might address what an approved antigen test is, who administers it and whether there is a list. Would it be done in a Boots pharmacy in Heathrow Airport or would people have to go to the Harley Street Clinic in London? Who will administer the approved tests in the various jurisdictions from which people will be flying? This is a reasonable question. This provision should also only be applied to people who have departed the country in full knowledge of what the regulations are.

I am not convinced by another change. I anticipate that, in the coming weeks, there will be large numbers of people who have planned their return home for Christmas from far away places only to be confronted at transit airports with the reality of failing PCR or antigen tests. The floor of this Chamber will be dominated by Deputies representing their constituents who are in Heathrow, Amsterdam or Frankfurt having tried to come home from New York, Sydney, Ontario or wherever. Since they will not have clear tests, they will by regulation and by decision of this Government be forced to stay out of this country for Christmas. That is undesirable and I am not convinced that it is a proportionate response. Will the Minister address this issue when replying to the debate?

In the context of the broader challenge we face, I have twice attempted to raise another challenge with the Minister by way of parliamentary question.

*10 o'clock*

I refer to the challenge facing service providers, in particular in the disability area, of re-opening services currently because of associated issues to do with the Covid challenge. One service provider said to me recently that for the first time in a while, money was not the issue in terms of their endeavours to reopen, but staff availability was. I want the Minister to consider that in terms of the other side of coin. I refer to people who have been locked out of disability services. I want to focus in particular on disability services in the context of this issue and I hope the Minister can reply to it. People have been locked out of disability services for 18 to 20 months. I can give the Minister an example from my constituency of an elderly gentleman who looks after his adult daughter. He is farming in rural Ireland. The man, who was in a distressed state, said his daughter is quite agitated and that she had not attended a service in almost 20 months. He must work the land, and with the best intention in the world, while he is out, he

locks the door when he leaves the house and leaves his adult daughter alone in it. I am all in favour of HIQA standards. HIQA has been critical to raising the standards and quality of care.

**An Leas-Cheann Comhairle:** I thank the Deputy.

**Deputy Michael Creed:** I will conclude on this point. Would the Minister consider waiving HIQA standards? We have done so on previous occasions. Macroom district hospital is being rebuilt to new standards at the moment, but we did get a dispensation.

**An Leas-Cheann Comhairle:** Deputy Creed is way over time.

**Deputy Michael Creed:** I am not talking about a diminution of standards but a temporary waiving of standards, by agreement with all stakeholders, so that some services could be restored, which is better than no service at all.

**Deputy Pat Buckley:** I too welcome the opportunity to speak on the Bill today. I am pleased to see both the Minister for Health, Deputy Donnelly, and the Minister of State, Deputy Butler, are present. We have tabled a number of amendments to the Bill. I do not think they are life-changing, but they could mean an awful lot when it comes to accountability, clarity and information tracing and sharing.

I wish to touch on a few points. We are well aware there is a pandemic, that it is new, and that everybody is learning. As other speakers have said, various Departments are trying to work together. The main focus is on trying to quell and control this new virus. What is more important is to get the information out to schools, principals and families. There has been a lot of panic and mixed messaging on foot of statements that were made.

The previous speaker who mentioned disability services is correct. People who require those services have suffered traumatically since Covid arrived because the services have practically shut down. The Minister of State with responsibility for mental health and older people, Deputy Butler, is present. Mental health services are going backwards. Businesses do not know what they are doing next week or the following week.

I tabled a parliamentary question on PCR tests last week. I inquired about getting pharmacists involved at local level. The reply I received from the Department is that it would much prefer a person to travel from Youghal in County Cork to Cork city to a designated centre than for the person to stay in the town. The majority of these people use public transport. I do not think it is a very good model. I believe more services should be provided locally. If we are to tackle the virus, we must tackle it locally as well and put services in place.

Returning to the Bill, I appeal to the Minister to take our amendments on board. It is not a test of who is better, it is about making sure that things are going well. We will all work together in the House. It is about getting clarity and accountability and making sure the system is working properly.

The Minister of State, Deputy Butler, will hate me for it, but I am here and she is also here. I was reading the latest minutes of a meeting in Cork County Council regarding the Owenacurra centre. It is ironic we still do not have clarity in Midleton on the centre. In the middle of a pandemic, we do not know if the long-term respite beds will remain or where the mental health day care services will go. I spoke to a number of patients last Monday. I will conclude on this point and put the situation in context. One gentleman said to me it was great to be out that morning.

He said he had got his bottles of water. He said he can still get the bus and the train, and he can go for coffee. He asked where he would go if they were to take him from the Owenacurra centre. He said it was his forever home and he wants to die there. He asked me if I had an answer for him. I could not give the man an answer. I appeal to the Minister of State to please make sure those services remain in Midleton, County Cork.

**Deputy Seán Canney:** I wish to share time with Deputy Shanahan, if he comes in.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Deputy Seán Canney:** I welcome the opportunity to speak on this Bill. Everybody tells the Minister stories about what is not right in terms of what we are doing. What has happened in the past two years has never happened before. It is unprecedented. The Government makes decisions, and the House supports it on the basis we are doing the right thing on the day. There are a few things we need to look at. All rules have gone out the door. We have had the implementation of rules, regulations and restrictions that are unprecedented. Two years ago, if we conducted a general election campaign on the implementation of these policies, we would have been told we were entirely off the wall to consider introducing all these restrictions. Some people are concerned we are taking more power than we should be taking. The reality is the vaccine has power. It has no other agenda, and it has no conscience, so we must work accordingly.

I compliment everybody on what has been achieved in the past two years for the safety of the population. The vaccination roll-out is something we can all be proud of. I encourage those who still have not got the vaccine to go for it. The booster programme is up and running also and it is going well. When people get vaccinated or get a booster, they feel that bit safer and more secure and they have a bit more confidence. That is what we need to give.

Deputy Creed referred to an issue in his constituency. Such issues arise in every constituency. Some in society are feeling the brunt of this situation who do not have a voice. I refer to people with disabilities and those in school with special needs. It has been horrible for them, their parents, and families over the past two years. We must make a special effort to seek out those people and make sure they are not left to survive on their own.

It is like going back in time to hear about a person who has to lock the door on his daughter so he can go out and do his farming. That should not be the case. We must do something about this kind of thing. When I say “we” I mean we must act collectively. It is important that where we come across such situations, we should try to deal with them through existing services.

In my constituency, a day service in Loughrea that was catering for approximately 30 people has not reopened since the arrival of Covid. The service was located in the St. Brendan’s home and it has now been incorporated into the nursing home. It is proving difficult to create a space that will be safe. I know the Minister is aware of it. We could perhaps make an extra push to ensure a service is provided. It is 30 people a day, five days a week and there are 165 people in a catchment area from Athenry and around Loughrea and Gort. They miss this service, which acts as a lifeline for them. We must look at the way we do things for what I call the forgotten people. It is not that they are forgotten, but we appreciate that Ministers cannot think of everything.

It is important we use all the tools available to us. I know there has been a struggle with trying to get antigen testing over the line and to get the experts to provide coherent messaging on that. What was even more disturbing this morning was the debate on national radio about

whether there should be filters in schools. We have one set of people from NPHEA making their suggestions and giving their advice and there is then another expert committee giving its advice and both are contradictory. This is being debated where there is an argument as to who is the best person to deliver the advice to the Minister. The Minister is in a hard place when this is what is coming at him. No more than many other things, the message we are giving out has to be very clear and the kites are being flown at times to see how people will react.

The same has happened on the schools and the masks for children from third class upwards in that there has been a mixed message and confusion as to how this will be done. Is it mandatory and up to the parents or the teachers and the school principal to decide? What responsibilities do the schools have if people do not put on or refuse to put on their mask and how do we deal with that? A very significant burden is being placed on our schools and school principals and we need to give them more guidance immediately so that they can implement as best they can the restrictions and the measures that we need to put in place. I am receiving calls from distressed parents or a teacher asking how they should deal with this or that. It is important therefore to have clear messaging and guidance.

Returning to the situation where people have gone abroad, how do we deal with where they are trying to get back? Last Saturday evening, all of a sudden all hell broke loose and now we have a situation where we have to bring in this legislation. How are we going to ensure that we can deal with the exception and with people in order to have the flexibilities? Where will this professionally-taken antigen test take place, how will it be made accessible and where is the information on this?

With the Minister of State, Deputy Butler, here, I wish to commend the nursing homes around the country for the great work they have done. In particular, now that they are in the position of having another exposure and risk, it is important that we continue to support them at the HSE level to ensure that nursing homes are safe. Back at the start of this pandemic, the exposure of nursing homes was perhaps not treated seriously and that is something that we should learn from. We now need to refocus on nursing homes and give them the supports they require, especially as we come up to Christmas where there is a greater demand for visitors to come into these homes. How will they deal with and manage that demand to ensure that the people in these nursing homes are kept safe?

It is important to also say that special needs schools need to be kept open right through this situation. When I say “need to be”, we have heard stories on this. As a member of the Oireachtas Joint Committee on Disability Matters, we have seen and heard first-hand from witnesses the trauma that families have been through in the first lockdown. Again, these families were left in abeyance because we did not know how to deal with it. We have had that experience and we need to ensure now that the special needs schools are kept open and functional so that these families of special needs children have the comfort of knowing that the schools will remain open. A statement needs to be made on that as a matter of urgency.

The other area that I have a concern about is the economic well-being of our hospitality sector, our live music industry and all that goes with that. Right now, there is not a lockdown on pubs or restaurants but there is by stealth, because people are being advised not to go to restaurants or pubs. The proprietors and owners of these premises are facing constant phone calls cancelling bookings which is causing this closing by stealth. They need to be supported in a way that they will survive this Christmas that they were all looking forward to in order to make up some of the ground they have lost. Recognising the supports that have been there for

business and for everybody over the past two years, it is important that we do not walk away from them right now. There are many small family pubs and restaurants which are on the brink and we need to publicly state that we will support them and give them that support until we get over this hump and hopefully into the new year where we will see a new dawn.

Finally, it is important to repeat that we have fantastic people working in our health service. They have been under severe pressure for so long and are constantly under pressure. People talked about the loss and challenge of trying to get staff to manage disability services and to do all of the things that we need to do in society to protect our people. Our health workers have done Trojan work and are heroes to us.

The general public in this country have also contributed so much to try to save and create a healthy environment that we can all live in. We need to keep reassuring people, recognise the effort that everybody is making and to encourage them to do more. This House has been unified in its approach to things. We may argue about how we do things and hindsight, I inform the Minister, is a great thing but on the day-to-day issues we are doing very well in dealing with the crises as they arrive and come at us in a wave. There are many heroes in this country at this stage. We need to continue to encourage people to do the right thing and to ensure that we have a clear and concise message at all times. We need one voice and not many experts expounding the virtues of what they think on the public airwaves and creating confusion. I believe that that and I thank the Cathaoirleach Gníomhach.

**Acting Chairman (Deputy Bernard J. Durkan):** The next speakers from the Rural Independent Group are Deputies Danny Healy-Rae and Michael Collins.

**Deputy Danny Healy-Rae:** I do not see the other Deputy but he will probably arrive. I thank the Cathaoirleach Gníomhach for this opportunity to speak. The first thing I wish to raise with the Minister is the issue of masks which have been ordered in for children in schools. Many parents are very hurt and concerned because even yesterday morning and this morning, many mothers have spoken to me to say that they cannot get the exemption letter from their doctors. As the Members may know, doctors in Kerry are very busy and sick elderly people are even waiting for appointments. It can take anything up to a week to be seen by a doctor if one has an ailment in Kerry. Many of our GPs are very busy. They will not give a letter exempting a child from wearing a mask because of asthma and all of the other ailments. One child has breathing difficulties and had Covid-19 a number of weeks ago. I do not know if the Minister is listening and if he is not I have no business talking then.

**Deputy Stephen Donnelly:** To clarify out of respect for the Deputy, we are discussing exactly the point that he has raised so that we can give him the best possible answer.

**Deputy Danny Healy-Rae:** That is all right but this is very serious. The Government has not spoken to the GPs and I am being told that no one has given them direction. They are only hearing about these requests on the radio, the media, the television, or whatever and that is not fair to that profession. These are professional people doing a professional job and they are at the pin of their collar to look after their communities and sick people. The Minister for Education said clearly yesterday on Radio Kerry that children over nine years of age cannot go into school unless they are wearing a mask or they have a letter of exemption. That is where the trouble is because the parents are not able to get the letter of exemption. If they can get one it takes time to get it. An understanding has to be arrived at with the GPs to ensure that children and parents are not disenfranchised because children's health has to be prioritised. Their need



for education has to be recognised as well.

I am in a difficult spot because I wanted to raise more things, although they might have been raised already. The following matter was not raised by Members. I want to ensure that families can go into hospitals and nursing homes to visit their sick relatives. Many elderly people have died after spending a number of weeks in hospitals and nursing homes without visitors. There must be some way that visitors can dress up in the same manner as the nurses and go in. Exceptions must be made to provide for visitors to go in and see the people who are in nursing homes or hospitals. That has to be done. It is unfair that people who gave their lives to this country and brought us to where we are die alone, are sick alone or stay in nursing homes alone without visitors. I do not want us to arrive at that situation because that is unfair on these people. I will leave it at that and I will be listening to the replies of the Minister and the Minister of State.

**Deputy Catherine Connolly:** I welcome this opportunity and I often claim there is no debate but we got time today to debate this Bill. However, I deplore the fact that the Bill only became available to Deputies late on Tuesday night. We had yesterday to look at it and it is up for discussion this morning. I could not possibly get through that Bill and analyse it in the manner that it deserves in that time so that is unacceptable. It should have been teased out in a committee.

I am probably one of the few who does not welcome this Bill. I always preface my comments by saying it is a serious virus with variants which were eminently foreseeable from the start. I gave my permission to draconian legislation, and I use every opportunity because sometimes I only have two or three minutes although on this occasion I have longer, to say I reluctantly gave that permission and agreed with the Government because we were facing a serious threat. I did so on the basis of a contract of information with the Government that it would come back proactively on a regular basis, which never happened. We have reacted over and over.

I want to put what I have read of the Bill into perspective. I look at the human rights aspect of this and I will put it in the perspective of the Irish Council for Civil Liberties, ICCL. Mandatory hotel quarantine was introduced on 26 March and came to an end at about 25 April. I want to examine the human rights issues because Members have overwhelmingly welcomed the Bill, which I understand. However, I do not understand the failure to put in context the constant encroachment on human rights without any analysis or assessment whatsoever. The ICCL stated:

Mandatory hotel quarantine undoubtedly amounts to a form of State detention. Persons who travel into Ireland from designated States [and this is going back to April] **must** make a booking and so on.

The main point is that it is “a form of State detention”. If a person is deprived of his or her liberty we have law and judicial pronouncements on this going back a long time. In the context of the mental health tribunal, Justice Dunne stated in the Supreme Court in 2019 that: “It has always been a hallmark of a constitutional democracy such as ours that the deprivation of the liberty of an individual is not to be lightly undertaken.” When we do that it must be a last resort and proportionate because other ways have failed. The ICCL went on to state:

Ireland has strong constitutional protections for individual liberty. The detention of persons by the State must adhere to very strict rules in order not to fall foul of these protections. In its current form [and this is going back to April], mandatory hotel quarantine fails

to meet these standards and encroaches unnecessarily on the right to liberty. The present system has significant deficiencies which call into question the ongoing legality of the system as a whole, and the necessity and proportionality of the detention of certain categories of persons.

That document, dated April 2021, goes on to talk about the inadequate appeal system, stating that it:

Fails to meet essential standards for an effective review of detention. ICCL is concerned at reports of conditions and the behaviour of staff in MHQ [mandatory hotel quarantine] and the failure to put in place an independent inspection system. For all of these reasons, ICCL believes the present MHQ [mandatory hotel quarantine] system is not compatible with the Constitution and with Ireland's human rights obligations.

The ICCL is not a way-out radical organisation; it was moderate in its statement in April.

Some changes were made, although not enough were made in my opinion. Mandatory hotel quarantine lapsed in September and rightly so. The Government is coming forward to be ready in case the situation gets worse and I understand that. However, I have no analysis before me of what the Department has done to examine the mandatory hotel quarantine system to date. We know from some of the content of the Minister's speech, from a reply to a parliamentary question asked by my colleague, Deputy Pringle, and from other Deputies that at its peak eight hotels were in use and that the busiest day was 9 May 2021, when 1,008 persons were in accommodation in mandatory hotel quarantine. Some 10,398 people entered mandatory hotel quarantine accommodation. We know from today's information how many tests were done. The Minister said that 17,846 tests took place on residents and of those 10,398 people, only 593 residents tested positive. I understand that the Minister goes on to say that does not take into account how the community was saved from transmission by that but it is extraordinary that so few of those 10,398 people tested positive.

I know the Minister has five minutes at the end of the debate so I would love him to answer why a human rights assessment has not been done. I realise we are back in a crisis situation with high figures in Ireland again in recent weeks. I come back to the new variant from southern Africa which has given the impetus to this but there have been many months in which a human rights assessment should have been carried out so that we could learn. I realise that a review was carried out and low costs have come forward but we still do not know the cost of the last six months of mandatory hotel quarantine.

I refer to appeals. We have no idea why some appeals succeeded and others did not. We have no idea if it was consistent, what themes emerged as appeal issues or anything like that so that we can learn from the process. Looking back, we know that it was very inconsistent. The Irish Council for Civil Liberties pointed out that it was "not clear that the appeals process was effectively or consistently applying the criteria contained within the Act". For example, a man who flew in from Israel to be with his dying father who was in intensive care and was expected to pass shortly, was denied two appeals for an exemption on humanitarian ground six. It is difficult to imagine what could constitute a humanitarian appeal if being with one's dying parent does not. I recognise that this case was dealt with and I am not asking the Minister to go back into the detail of it in his response. That is over and various appeals were made subsequent to the two appeals that failed. What I am asking is what we have learned. What mechanisms have been put in place to improve the appeals system so that similar situations do not arise again? I

am really disappointed that this type of information is not before us this morning. From day one, when I agreed to the original legislation, I did so in the knowledge that what I was agreeing to was draconian and represented the most severe encroachment on basic human rights. I did so because of a threat but almost two years down the road, I expect a completely different approach to legislation from the Government that is based on proportionality and analysis.

Every time that I stand up in this House, whether it is for 20 minutes or two minutes, I am conscious of Galway and I always use it as an example. In Connemara I know two people, well into their seventies, who cannot get home care. Why is that? It is because there is no home care available from the private company upon which the HSE relies to provide such care. There are also issues with the pandemic. I understand those practical issues but what I do not understand is the failure of the Minister to come proactively before the Dáil to explain the situation on the ground; to explain that we have not opened our respite and day centres, that we have huge difficulties with providing home care and to provide an analysis of that. I have my own views on it. I foresaw this happening because I sat on a health forum for ten years of my life, every two months and rarely missed a meeting. I saw the dismantling of our health system and the privatisation and commodification of it on every level. Sometimes I am utterly filled with frustration when I listen to the level of the debate from all sides in relation to the health system when it was the absolute policy of various Governments, but particularly by Fianna Fáil and the Progressive Democrats, to privatise the health service and break it down. As I have said previously, back in 2006 language such as “the beds are being refurbished” was used. I had heard of houses being refurbished, but never beds. A new language started to creep in.

Back to the present day and the topic we are discussing this morning. I make my comments in the context of a crisis being used to further encroach on human rights without any analysis and the easy acceptance of this by a lot of Deputies. The latest crisis or threat comes from omicron. I am sure the Minister will not take this very well but that is actually an anagram of moronic. I nearly forgot the word anagram in my tiredness because it was 2 a.m. when I got to bed. I looked up the word moronic. I do not want to insult anybody but it means idiotic or stupid and to me, that is what has characterised the Government’s approach generally, not just the approach of the Minister for Health, to the Covid pandemic crisis over the last two years. We had a situation a few weeks ago where we were talking about nightclubs. We saw images of young people and older people on the streets with no social distancing. Our time was consumed with debating whether nightclubs should open and whether people should wear masks inside when at the same time, day centres and respite centres were not open and people were at home without care. There was no analysis of that. Instead, the Government’s time was taken up with whether people could go into nightclubs. There has been no analysis in relation to ventilation although many Deputies, including Deputy Shortall this morning, have raised it repeatedly. The message is always to wash our hands, which we all do to the point of damage at this stage because it is the right thing to do but there is absolutely no mention of ventilation in any of the announcements.

This legislation was published on Tuesday. I got to look at it today and while I was sitting in the Chair on occasion. It will be guillotined later and passed through even though there is no emergency today. The Oireachtas Library and Research Service managed to produce, under pressure, a briefing paper. Once again, for the umpteenth time, I want to thank them for their work. The service clarified that it was not publishing a Bill digest because of the timeframe between the Bill’s publication on 1 December and the Second Stage debate on 2 December. The Minister is introducing this legislation so that he will be able to act in the future but he has not

given the House time to analyse, reflect or discuss. There are one or two good points in the Bill which I welcome. I welcome that there will be a ministerial mechanism available to allow a person to leave mandatory hotel quarantine. I also welcome the pre-application process and the clarifying of same. What I do not welcome is the fact that the Minister will have more power and will be able to decide what is right and designate same in writing, without any discussion in the Dáil. Forgive me for flicking through papers but that is reflective of the way we have been led into this debate. The Minister will be able to designate in writing and make certain orders under this Act. In the past, regulations have been published way after the event. Deputies have been left with no information, with staff scrambling to try to understand the regulations and we are doing that all over again. I see no provision for hardship cases in this. This is a very costly business but I see nothing in the Bill about hardship cases, even though this has been raised many times.

The constant confusion and obfuscation in relation to PCR and antigen testing is simply unacceptable. Reference is made to three days for a PCR test and two days for an antigen test. I heard the interview, mentioned by others, with an assistant professor from UCD, a virologist, who had huge difficulty understanding the science behind this. We are told all of the time to respect the scientific advice but this man, this academic said that he had great difficulty understanding it. Each and every one of us must try to read, listen and come to our own conclusions and make our own decisions, as best we can, in the knowledge that we must protect ourselves and each other. Instead of that type of debate, what we have is a demonisation of people who, for many reasons - they are not a homogenous group - have decided not to be vaccinated. We have unacceptably gone down the road of “them and us” or “us and them”. Now we are looking at children, with an announcement that they must wear masks. Whether that is right or wrong, I have the greatest difficulty with it. I am delighted, although delight may not be the best word, that my sons are older and I do not have to make those decisions for them. The flippant way that we are referring to this, that it will do them no harm, is simply appalling. It is unacceptable to me. It is so wrong that these decisions are being made in this manner.

Tiredness has got to me, actually, from last night. I only use that as an example. I would say tiredness has got to all the Deputies given what has been done with the Clár Oibre for the Dáil, the number of items put in and the late sittings and the early sitting this morning. It is difficult to deal with this. However, I want to use my voice to say I am unhappy with the continued encroachment on our human rights without any analysis or the Government framing the debate within that and an acknowledgement that, when we do so, it must be temporary, proportionate and, when it is discriminatory, it must be based on fact, targeted and for a short time.

I refer to the latest variant. The word is moronic. We have punished South Africa for being good and for analysing the virus and sharing that knowledge with us rather than embracing them. We now know that virus is in Ireland and other countries, not necessarily from South Africa or any country at all. To say we have gone down the demonisation route might be too strong but certainly it is a punishment route in our approach to dealing with Covid. For all those reasons, I will not be supporting this legislation.

**Minister for Health (Deputy Stephen Donnelly):** I thank Deputies for their contributions to this morning’s very productive debate. I acknowledge the very broad support across the House for the Bill while acknowledging there are Deputies who will not be supporting it for the reasons they have outlined. It was always going to be the case that any extension to legislation providing for mandatory quarantine or its reintroduction would only be proposed on the basis of strong public health rationale. The Bill before us permits the reintroduction of hotel quarantine.

A decision on whether to proceed with making hotel quarantine operational will be taken in line with public health needs, but I strongly believe that having the system ready to go if we need it is the right decision now, based on the level of uncertainty and how quickly things are moving. Given the emergence of the new variant of concern, Omicron, however we say it, and its impact on vaccine effectiveness, we need to be able to reduce its transmission so that we can safeguard the community. There are a large number of measures in place domestically around transmission reduction. They have been pointed at the Delta wave but they are also there for any additional variants. The measure we are discussing relates to the importation of cases.

It is also very important the House reflects the values and standards we have set for ourselves in constitutional and EU law. The Bill was drafted in close co-operation with the Attorney General in such a way to ensure the necessary measures it may introduce are justified on the basis of evidence, that they are proportional to the dangers posed, that they are targeted towards those specific dangers, and that they are limited both in scope and time. All those requirements and safeguards are very important.

Earlier, Deputy Duncan Smith raised the process of designation of states. As before, it will be a dynamic process in response to epidemiological changes around the world. Ultimately decisions by the Minister for Health on the designation of states are taken in line with and with the support of very robust evidence, as per the Bill. States are also removed from the list where the evidence supports that. We saw that previously.

In parallel with the legislative process, cross-governmental work is ongoing to put in place the practical measures necessary for the implementation of the measures that are set out in the Bill. Obviously, a significant amount of operational work is required, including ongoing work on the procurement of services for accommodation, food, medical and transport services and to put in place the procedures, protocols and protections necessary to ensure the smooth and safe operation of the system.

There are other issues. I am sorry I do not have much time but there is considerable time on Committee Stage later which will give us the opportunity to address some of these matters-----

**Deputy David Cullinane:** What about testing arrangements?

**Deputy Stephen Donnelly:** -----but in the short time I have I will try to address some of the issues. One that Deputy Cullinane raised, which I think he is mentioning now, is incoming testing protocols. I do not think that is related to this Bill but to regulations coming in for broader testing. The short answer is the PCR test applies for those who are unvaccinated. The antigen test for 48 hours applies to those who are vaccinated and-or recovered. That covers the issue. If you are unvaccinated but you have confirmed Covid in, say, the past two or three months, you will have a Covid certificate because of that and then, as with someone who is vaccinated, you just use the antigen test. The public health advice I have is that is the pathway that works internationally.

There was a question of whether we could have exemptions for people who have already left the State, for example, who have travelled to a listed country when, say, quarantine comes in. These things can be examined. Last time, it was felt that would not be appropriate as their presence meant they had incurred the risk we were trying to manage.

I am out of time but I have taken note of the questions which, no doubt, will be raised again on Committee Stage, when we can give it all the time we can to address them.

Question put and declared carried.

*Sitting suspended at 10.47 a.m. and resumed at 12 noon.*

### **Ceisteanna ó Cheannairí - Leaders' Questions**

**An Ceann Comhairle:** Before we resume for Leaders' Questions, Members and all in attendance are asked to exercise personal responsibility in respect of protecting themselves and others from the risk of contracting Covid-19. Members are strongly advised to practice good hand hygiene and observe the chequerboard seating arrangement. They should also maintain an appropriate level of social distancing during and after the sitting. Masks, preferably of medical grade, should be worn at all times during the sitting, except when speaking. I ask for Members' full co-operation, as usual, in this regard. I thank Members.

**Deputy Eoin Ó Broin:** House prices, as the Tánaiste knows, are out of control and homeownership continues to be in decline. He and his partners have been in government for ten years and during that period, house prices have increased by 42%. In Dublin city the increase is a shocking 88%. Thanks to Fine Gael housing policy it is now more difficult to buy a home than ever before. Fine Gael claims to be the party of homeownership and to represent people who get up early in the morning to go to work. However, under its watch fewer working people than ever can afford to put a roof over their heads. Couples are paying sky-high rents while struggling to save for a deposit. Single people, even those on good incomes, are completely locked out of the market. Those who are separated or divorced and have lost the family home are facing the steep climb of a 20% deposit. Families who lost their home after the crash are facing a future of insecure and expensive renting. Despite the Fine Gael's promise of making homeownership a reality it has done the very opposite. Pro-developer help-to-buy tax breaks and shared equity loans have pushed up house prices. Not a single affordable home was delivered through any central Government scheme while the Tánaiste was Taoiseach. Just a handful of affordable homes to be delivered this year. Budget 2022 included an embarrassingly low level of investment in affordable homes to buy next year.

As if all this was not bad enough, we now learn that house prices in Dublin are set to increase by as much as 25% in the coming years. Dublin City Council, as part of its development plan review, commissioned KPMG to assess both the future need and cost of housing in the city. The report revealed by Killian Woods in the *Business Post* last Sunday was truly frightening. Average house prices are set to rise every year from now until 2028 to a staggering €575,000. You would need an income of €148,000 to buy a home at that price. Even if you availed of the full shared equity loan payment of €90,000 you would still need a household income of €122,000 to afford that home. At these prices, the vast majority of people will not be able to buy a home in the capital. Meanwhile, the same report says rents in Dublin will continue to soar. By 2028 the median rent could be as high as €2,412 per month, according to the report. For this to be affordable, you would need a take-home pay of over €7,000 per month. This report is based on the most up-to-date data from the Central Statistics Office, CSO, and the Economic and Social Research Institute, ESRI. It was published after the Tánaiste and his colleagues announced their new housing plan and proves beyond any doubt their housing policy is a failure.

My questions are very simple. Do the Tánaiste and the Government accept the findings of this significant KPMG report and what are they going to do, that they are not already proposing, to bring house prices down so working people can afford to put a roof over their heads in the

capital in the years to come?

**The Tánaiste:** I thank the Deputy. I am afraid I have not had a chance to see the report yet. I have seen some media coverage of it but I have not read it myself. It is not my practice to comment on a report until I have had a chance to read it or at least read the executive summary, which I have not at this stage. It seems the premise of the Deputy's question is the report must be correct and therefore things are definitely going to turn out that way. I definitely do not accept that. How things turn out will depend on a number of factors, including what happens with our economy with respect to wages, employment and many other things and also what happens with housing policy. So I am not sure whether that report is predictive or not but it certainly does not have to be.

One thing I absolutely agree with the Deputy on is that house prices in Ireland are very high. They are too high and are out of reach for very many people who are not able build a home. The most effective thing we can do to bring prices under control is additional supply. Supply on its own will not bring down house prices but we will not bring down prices without additional supply because there is a very high demand for housing in a country with a growing population and a population in which new households are being formed all the time. Supply is therefore the crucial element of bringing house prices under control but not the only element. We need additional supply because of the huge deficit of housing we have due to our having had a prolonged period where very few homes were built due to the collapse of the banking system and the construction sector over ten years ago. We need homes of all types. We need social housing for people on the housing list. That also helps free up homes for others to rent and buy. We need public housing, such as cost rental, which is now happening for the first time. Government-led affordable housing schemes which were not happening years ago are happening now. There is additional private housing as well. We need homes of all types, including one-beds, two-beds and more but we especially need one- and two-beds, given the shape of our population relative to the type of housing available.

It is encouraging we are seeing an increase in housing supply in the past 12 months, notwithstanding the fact we are experiencing a pandemic and there have been restrictions on supplies and construction. About 30,000 new homes have gone to construction in the past year. That is really encouraging because we know from reports we need to get to around 35,000 or 40,000 additional homes per year for supply to meet demand. It seems we are getting there. It will be a while before we get there but it seems we are getting there. I know the Deputy will want to join me in recognising the fact we have seen a very big increase in the supply of new homes in recent years, notwithstanding the objections of some to many of those developments.

This Government is committed to homeownership, as is my party. We have set a target of trying to get back to 70% homeownership in the State. Sinn Féin does not agree with that target. If it does then I am sure Deputy Ó Broin will say so. How do we do it? There is the help-to-buy scheme, which he opposes. I disagree with him. Between 20,000 and 30,000 young people, families, couples and single people who have been helped to get their deposit with that scheme would not agree with the Deputy. It would be a shame if a Sinn Féin-led Government were to take that away because we think it has helped many people to buy their first home. The shared equity loan scheme is going to become a reality. The Deputy may oppose it but people in his constituency and mine will vote with their feet in their hundreds and take up this scheme. Instead of paying a lot of rent every month they are going to be paying a mortgage towards a home they can buy. Another area is the Rebuilding Ireland home loan or the local authority home loan. This gives people a mortgage when they cannot get one from the banks. Again, that

is a very successful scheme and one we need to expand. The fourth aspect is of course supply. Ultimately, we will not get house prices under control or increase homeownership unless we have adequate supply. That is why I appeal once again to the Deputy's party to stop opposing housing developments and to support them, because that is what people need.

**Deputy Eoin Ó Broin:** I thank the Tánaiste. What he does not seem to understand is the KPMG report is based on this Government meeting the targets outlined in its recent housing plan. What the report, which is based on the most up-to-date information from the CSO and ESRI and all the Government's target projections for social, affordable and private housing, is saying very clearly to the Government is that even if all that happens house prices are still going to increase by 25%. I appreciate it is not the Tánaiste's portfolio but I am genuinely surprised somebody who prepares Leaders' Questions did not give him some indication of whether the report is worthy of consideration or not.

The central problem here is the Government is not doing the one thing it needs to do. It is not investing enough in the direct delivery of genuinely affordable homes. Next year, only €130 million will be invested by this Government in affordable homes. Its target is 1,250. We need about 8,000 genuinely affordable homes every year to reverse the trend in this report. It gives me little comfort, and I suspect it gives the people who are desperate to own their own home little comfort, that while the Tánaiste claims to be on their side everything the Government is doing, as confirmed in this KPMG report, shows house prices will continue to rise. Will the Government at least consider reviewing and increasing the direct investment in affordable homes so the paltry targets in its new housing plan can be revised upwards?

**The Tánaiste:** Government investment in housing happens in many different ways. There is investment in forms of public housing like, for example, cost rental, which the Deputy did not mention in his remarks. That is now a reality and a scheme people can avail of. We need much more of that. The Deputy will see affordable housing schemes led by Government being rolled out across the country over the next few months. The first have happened already. There is also investment in social housing. I welcome that it is now widely acknowledged that we are seeing record levels of investment in social housing by this Government. It was not that long ago, in 2015 or 2016, when only 600 new social homes were being built in the country every year. That was when my party came into Government and Deputy Simon Coveney took over the Department of Housing, Planning, Community and Local Government. Under this Government, approximately 10,000 new social homes are being provided every year, possibly even more. That is a step change. We are seeing housing waiting lists go down and hundreds of people and families receiving social housing every month. That is not just for their benefit. It is to their benefit as it takes them off the housing list, but it also has a wider societal benefit because it frees up other homes for people to rent and buy. It is, therefore, an investment that assists everyone.

**Deputy Catherine Murphy:** We are all braced to see if the National Public Health Emergency Team, NPHE, recommend further restrictions later today to suppress Covid. Media reports suggest that the level of socialising during the Christmas period could be the target of that advice. We are told this could extend to new limits on the numbers allowed in hospitality settings, reduced booking sizes and even reduced opening hours. This amounts to death by a thousand cuts for the hospitality and entertainment sectors. The late night sector has already been, in effect, shut down after just about three weeks of being open. The hospitality, entertainment and tourism sectors are struggling to cope with the wave of cancellations after NPHE and the Government appealed to people to reduce their social contacts.



While the advice was undoubtedly necessary to stem the steep increase in Covid cases, it came with a very real cost. Previously, when public health advice put limits on the ability of businesses to trade, the Government stepped in with business supports. This was in recognition of the fact that businesses were acting to their financial detriment in an effort to protect public health. However, the situation we now find ourselves in is different. The public has heeded the advice and restrictions are being announced, but the supports to cushion the financial blow of these restrictions are either being withdrawn or eroded. There is an inherent hypocrisy in this on the part of the Government. Restrictions are still deemed necessary to suppress Covid transmission, but supports for workers and businesses are being phased out.

The Tánaiste enthuses about personal responsibility as a means of suppressing Covid, but what about the Government's responsibility? The pandemic unemployment payment, PUP, has long been closed to new entrants and has already been cut twice to its current level of €250. The employment wage subsidy scheme, EWSS, which has been a vital lifeline for business, has now been slashed. Wage subsidies that were paid to nearly 30,000 employees were cut yesterday just a few weeks before Christmas. Previously, there were four rates of €203, €250, €303 and €350 a week, but these have now been reduced to two flat rates of €150 and €203.

Why did the Government proceed with these cuts, given the restrictions are still being announced? Why is there not a targeted approach? Is there now some kind of Darwinian survival-of-the-fittest approach towards the businesses that can withstand this new fourth wave and what it will bring to some of the ones that will survive? Will the Tánaiste commit to restoring EWSS rates for those businesses that can demonstrate they need continued support and PUP for those workers who have lost their jobs because of public health advice?

**The Tánaiste:** I thank the Deputy for her questions. As she knows, NPHEAT will meet today. It will formulate its advice after that meeting and a letter will be written to the Minister for Health. Once the Government has received advice from NPHEAT, it will consider it and make a decision on its implementation. As part of those considerations, we will have to make decisions regarding the pandemic unemployment payment, the employment wage subsidy scheme and other financial supports that businesses may need. It is prudent to see what the advice will be and how it will impact on people and businesses before deciding what our response will be in respect of financial support for workers and business. I do not want to pre-empt the outcome of that meeting, which has not even happened yet.

It is important to say the pandemic unemployment payment has given people vital income support throughout this pandemic. I was present the day it was invented, along with then Minister for Employment Affairs and Social Protection, Regina Doherty, and then Minister for Finance and Public Expenditure and Reform, Paschal Donohoe. I am glad we did it. It made a big difference and was very necessary. At peak, 650,000 people were in receipt of it; we are down to approximately 60,000 people now. If it is the case that people end up being laid off or are made redundant over the course of the next few weeks, and I am not saying that will happen, we will need to respond to that. It would not be fair to say to those people, some of whom are potentially being laid off for the second or third time, that all we have for them is the traditional jobseeker's payment. That is my view.

We have to give close consideration to what we may do about the employment wage subsidy scheme. It should be borne in mind that 2.4 million people are now at work in Ireland, which is close to more than ever before, believe it or not. Most business owners I encounter tell me they are struggling to find staff. That is the economic context in which we are now operating.

Most of the companies that benefit from the wage subsidy scheme are not in the hospitality, arts and entertainment sectors. We have to bear that in mind too. It would appear that one of the difficulties with the employment wage subsidy scheme is that it cannot be broken down on a sectoral basis. We will get more information from the Revenue Commissioners on that.

It is important that anything we do is targeted at workers who may be affected and at businesses in the affected sectors. It should not necessarily be a cross-economy approach for sectors that may not need these financial supports anymore, which are ultimately very expensive and at cost to the taxpayer. The employment wage subsidy scheme, for example, costs €400 million a month, which is a huge amount of money. We need to make sure anything we do is targeted at the businesses and sectors that need support and not those that do not.

**Deputy Catherine Murphy:** People, in their droves, heeded the advice from NPHE and the Government to reduce their contacts. People have been cancelling, for example, Christmas parties, going to events and so on. One of the people who contacted me, and I am sure people in the same situation are contacting the Tánaiste, told me that 80% of his or her bookings have vanished, with the expectation that another 20% will go in the coming days. This individual said it is a very stressful time for his or her employees. This person is talking about possibly having to close the business and whether it will survive Christmas. This was going to be the month that would help that business over the lean months in early new year. The person who contacted me talked about the increases in utility bills, food costs, overheads such as insurance, and all of that.

I am not saying these payments should not be targeted. There needs to be targeted supports for these sectors, which enrich our towns, villages and tourism offering. In essence, the problem is we cannot afford to lose these businesses but they cannot afford to keep the doors open either. Will the Tánaiste commit to giving particular consideration to those industries that are already seeing a serious hit, even without the advice coming from NPHE?

**The Tánaiste:** I am happy to give that commitment to the Deputy today. How we realise that commitment and what form it takes will depend on the advice we receive today from NPHE. It did not make sense to the Government to announce a set of financial supports for businesses on Tuesday, only to receive advice from NPHE on Thursday and then change supports again on Friday. It made sense to wait to see what the advice from NPHE is today. We will do that.

I acknowledge the truth in what the Deputy said, which is that even though we have not closed any businesses, people are voting with their feet. A huge number of bookings have been cancelled in restaurants and bars, as have a large number of parties and events. People are even cancelling trips away, in the country and abroad. That is having a significant economic impact on those businesses and workers. For the hospitality sector, Christmas is the harvest. It is the time businesses essentially make money to get them through a tough period, usually in the early part of the new year. The Government recognises that, but exactly what we do regarding EWSS, PUP, the Covid restrictions support scheme, CRSS, commercial rates and all those things has to be targeted. We are at the point where we will be able to make decisions in the next couple of days.

**Deputy Seán Canney:** The LEADER programme is a key rural development for supporting the economic, social and environmental development of our communities and provides the resources necessary for rural communities to support their own development and create capac-

ity at local level. For more than 30 years, this LEADER programme, delivered by the local development companies, has maximised the drawdown of the money available and the impact of the EU funds to create jobs in rural Ireland and develop rural communities in keeping with the LEADER approach. This programme has been evaluated as an excellent and successful funding mechanism by the European Union institutions.

The aim of the LEADER programme 2023 to 2027, as identified in the draft CAP strategic plan, is to continue to support community-led local development and this approach to rural development, by animating and funding initiatives that emerge at local level to address local challenges and needs. It is very worrying to think that the draft CAP strategic plan, which is now out there in the domain, is allocating an indicative budget of €180 million. This is a reduction of €250 million from the previous programme and €425 million from the 2013 programme.

Many rural communities have benefitted enormously from this LEADER programme. We are flying in the face of rural development and the rural future if we reduce the LEADER funding, when we have highlighted it in Our Rural Future as a key enabler to developing rural Ireland. Many people have benefitted and many jobs have been created throughout the country from this. Even in the Tánaiste's time as Minister for Social Protection, he saw some of the great work that was being done as he travelled the country.

It is important we look at this funding and how much money we are now giving out, bearing in mind that inflation has not been taken into account. If one adds up what is happening here, we are less than halving the funding available in the next five years from what was available in 2009 to 2013. It is worrying and a wrong indication to be giving. I ask the Tánaiste to look at the funding and look to make sure we are providing an adequate source of funding to a scheme that is successful, has the management skills from the local development companies on the ground, has built up the expertise and is creating real changes in our communities.

**The Tánaiste:** I thank Deputy Canney for raising the important issue of LEADER programmes. All of us in this House are fully aware of the value and impact of the LEADER programme in towns, villages and parishes across Ireland and especially rural Ireland. Having had the opportunity to travel to most parts of the country, from Caherlistrane to Cahersiveen, I have seen first-hand the positive impact LEADER funding has on communities and I am pleased to see that a small, rural part of my constituency, the Westmanstown and Strawberry Beds area, will be included in the LEADER programme for the next period.

As we know, it is a locally-led, bottom-up scheme which meets the needs of local communities and businesses. The bottom-up approach has formed part of the policy framework for rural development in Ireland since its inception in the early 1990s and will continue to be an important element of Ireland's new Common Agricultural Policy strategic plan. The Department of Rural and Community Development, under the leadership of the Minister, Deputy Humphreys, is engaged in designing a new LEADER programme as part of the CAP strategic plan, CSP, for 2023 to 2027 and stakeholder consultation will be an important element of this.

In the 2014 to 2020 CAP programme period, €250 million was allocated to LEADER. From the period 2021 to 2027, this funding allocation will be maintained. This is comprised of €70 million being provided from the transitional period from 2021-22 and the recently announced indicative allocation of €180 million for the period 2022 to 2027. Rather than a decrease in LEADER funding, the Department of Rural and Community Development would strongly argue we are ring-fencing funding at €250 million and that is evidence of the Government's

continued commitment to the programme.

The Government will continue to invest in rural Ireland and rural development. Capital funding allocations for the Department of Rural and Community Development have seen an increase from €88 million in 2018, when the Department was formed, to €205 million in 2025, under the national development plan. It is important to acknowledge we can fund rural development through many programmes and not just LEADER and that more than doubling of funding from 2018 to 2025 is in an indication of that.

**Deputy Seán Canney:** The Tánaiste is taking some figures and telling me that €250 million is available in the programme, but when one takes the yearly average over seven years, the average annual allocation in the proposed CAP will be €36 million. In 2014 to 2020, it was €50 million per annum. The Tánaiste said he is including the two transition years so it is a seven-year span. Effectively, we are in reduction mode. What will that mean? It will mean that rural communities will be deprived of critical capacity-building supports and funding for vital enterprise, tourism and community-led projects. More than 5,000 projects have been supported in the most recent programme period. Weaker communities and certain groups will be left behind, including youth, women, older people and many social enterprises, which LEADER has been able to support to date. We need to look at the figures of how much will be given per annum over the next five years.

**The Tánaiste:** Some €70 million has been allocated to the transitional programme for LEADER for 2021-22. This transitional funding is in place due to delays at EU level in agreeing the new regulations for the CAP period running to 2027 and it has been ensured there is no gap in LEADER funding or provision due to the delay in agreeing the new CAP. An additional indicative indication of €180 million for LEADER has recently been announced, bringing the total allocation for 2021 to 2027 to €250 million. The Department of Rural and Community Development continues to invest heavily in rural Ireland and rural development and it is important we acknowledge that rural programmes are funded from many different schemes. LEADER is one, a very important one, but just one of those schemes. The budget for 2022 sees an increase in funding for rural development in the round, with some €200 million in funding being allocated to the Department's programmes. These include town and village renewal, CLÁR, ARAS, LEADER, the walks scheme and of course, the rural development fund. Under the national development plan, Project Ireland 2040, capital funding for the Department will be almost €600 million for the period running from 2023 to 2025, the remainder of this Government's term in office.

**Deputy Danny Healy-Rae:** I am glad to get the opportunity today to raise this and ask the Tánaiste for increased funding to deal with local improvement scheme applications in Kerry next year. It is only just around the corner. Some 678 schemes are on the list and were applied for in 2018. More than 90 of them are on a list since 2007 and were included in the 2018 scheme. These are public roads which were never taken in charge by the local authority. They are not private roads. Some 20 or more homes are on many of these roads and nine or more farmers are using them on a daily basis to access their homes.

We got an increased allocation of approximately €480,000 last year which brought us up to €1,187,099. We got 19 roads done last year, to a high standard, by Kerry County Council, which does a very good job. However, there has been no element of funding for emergency hardship schemes which was always made available through the local improvement scheme, LIS. The people who live on these roads pay all their taxes; road, property, PAYE and income

tax. They pay their way and they have no public transport. Farmers pay water charges and have to pay more to get their cars through the NCT because of damage and more wear and tear on bad roads. All I ask on behalf of the people of Kerry is fair play. Smaller counties with fewer applications are getting more funding to do their roads. I will not name them as I do not want to put any other county down to put Kerry up. I ask for fairness for the people of Kerry.

I ask the Government to be fair to people in these rural areas. People living on these roads are entitled to good roads to their door, the same as people in Dublin 4. These roads are not private; they are public. There are carers, nurses and doctors using them to get to people who are sick on a daily basis or several times a day to keep people living at home. This is a serious matter. They have no option other than to use these roads. They want to stay living in these places as long as they can but we must do our bit to help them. Over the years, the Department made 80% of the funding available. They will pay their contribution. They have never refused to do so. I thank the Tánaiste.

**The Tánaiste:** I thank the Deputy. The local improvement scheme is an important transport scheme. It provides for the improvement of roads all over the country which are not formally taken in charge by the local authority but which, were they in urban areas, probably would be because they access multiple households and, in some cases, multiple farms and businesses. A total of €10.5 million was provided for the scheme in 2021, which was double the allocation seen, for example, ten years ago. An extra €10.5 million was also granted during the year. Kerry County Council got an increase based on what it applied for when invited.

I cannot give any commitments for next year but I will talk to the Minister, Deputy Humphreys, about this. I know Deputies Danny Healy-Rae, Michael Healy-Rae, Griffin and Foley are all *ad idem* that they would like to see additional funding for the LIS in Kerry and across the country through the course of 2022.

I undertake to speak to the Ministers, Deputy Humphreys and Michael McGrath, about that because we will see unspent capital funding by many Departments this year and probably next year. The LIS is a good scheme to divert money into during the course of the year. If a Department cannot spend its capital allocation for some reason, perhaps because a big project is delayed or there is some issue like that, the LIS is the perfect scheme to divert money into so allocations do not go unspent. I think that will happen next year.

**Deputy Danny Healy-Rae:** I thank the Tánaiste. In the past, we did 111 roads in two consecutive years. Kerry County Council has the capacity to deal with any funding that is left over and all the Deputies from Kerry will work together. I have raised this matter several times. If we only get 19 roads done every year, it will take us 35 or 36 years to get through the 678 roads left on the list. There are places like Kilcummin, Gneeveguilla, Scartaglin, Currow, Currans, Farranfore and Firies and all around south Kerry with multiple roads to be dealt with. These people need fair play. They pay everything they are asked to pay. I named out all the taxes they pay. They need assistance and fair play. Urban areas have all different modes of transport and fine roads but these people are left behind. Since 2007, there are 90 of these. If we have to wait 38 years, I will not be around. Deputy Griffin might, but many of us here will not be there if it takes that long. I ask for fair play. Other counties are doing better and we have to come up the line.

**An Ceann Comhairle:** I thought for a minute the Deputy was going to name all 638 roads.

**Deputy Eoin Ó Broin:** Do not tempt fate.

**Deputy Danny Healy-Rae:** I know most of them.

**An Ceann Comhairle:** I would say you do.

**The Tánaiste:** There was a prolonged period during the recession when the LIS was suspended. Things have changed and the budget last year was €10 million, with an additional €10 million. It was probably the highest budget for the LIS in many years. I am not sure why Kerry did not get more roads done. I do not know the intricacies and details of that.

**Deputy Danny Healy-Rae:** We did not get the money.

**The Tánaiste:** It is important that local authorities make submissions for additional money. There will be a budget for the LIS next year. It is important that the work gets started in the spring or summer and is not left until the end of the year when sometimes it is too late. I envisage through the course of 2022 that if we see there are underspends in particular Departments and those Departments are not able to proceed with certain capital works, this is an ideal scheme, among others, to put additional money into. I encourage local authorities to get ready for that and have projects ready to bid for additional funding, should it become available.

**Deputy Danny Healy-Rae:** I thank the Tánaiste and I thank Deputy Ring for reactivating the scheme.

**An Ceann Comhairle:** That concludes Leaders' Questions more or less on time, so congratulations to everyone.

### **Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation**

**Deputy Eoin Ó Broin:** The programme for Government committed to examining the issue of latent building defects within the first year. A working group was set up and the expectation was that it would report to the Government in June of this year. Unfortunately, that deadline has been missed. As a consequence, tens of thousands of homeowners across the State will tonight sleep in homes with significant fire safety and other structural defects. In many cases, they face bills of between €15,000 and €60,000 to fix problems they did not cause and, in almost all cases, they cannot afford to pay to remedy. Will the Tánaiste give an indication of when he expects the working group to report to the Government on its deliberations? More important, when will the Government put in place a latent defects redress scheme for these struggling families?

**The Tánaiste:** I thank the Deputy. This is an important issue in my constituency as well as his. Many people, particularly living in apartments and high-density developments, face enormous bills which they often cannot afford to repair their homes and are stuck in a terrible limbo, even leaving aside the safety issues. The inability to sell on or move on until these defects are fixed is a huge problem for people living in high-density developments, in particular. I do not have a date for the publication of the report but I will raise it with the Minister, Deputy Darragh O'Brien, to let him know the Deputy raised it in the Chamber and ask him to contact the Deputy on it.

**Deputy Duncan Smith:** I return to an issue that was raised by Deputy Kelly yesterday during Questions on Promised Legislation and which I raised this morning with the Minister for

Health. It relates to the Health (Amendment) (No. 3) Bill, which is before us today. We have concerns regarding the definition of “exempted traveller” and how that is being interpreted in reality. We would like an explicit statement from the Tánaiste, the Minister or the Government in relation to women having to travel to seek a termination. In our experience, many women have been stopped from travelling this year. They have not been included in the definition of “exempted traveller”. We have an amendment before the House this evening which we will push to a vote but we seek clarification from the Government that women in possession of a medical certificate from a registered medical practitioner or person holding an equivalent qualification outside the State to the effect that she has an unavoidable, imperative and time-sensitive reason for travelling and complies with any request of a relevant person will be included in the definition. Can the Tánaiste be clear on that, please?

**The Tánaiste:** I will follow that up with the Minister for Health during the day. The point behind mandatory hotel quarantine, of which I am not a big fan, is that people are quarantined for ten to 14 days because they may be carrying a new variant of the virus. Unfortunately, while testing is very accurate, it is not 100%. That is the purpose of mandatory hotel quarantine and, for that reason, the definition of exempted travellers is narrow. It tends to be just people involved in, for example, being cabin crew, pilots or hauliers. However, it can be wider than that. People who have to travel abroad to seek medical treatment that is not available in the country, in my mind, fit into an appropriate category. I will raise it with the Minister and I am sure he will come back to the Deputy on it.

**Deputy Holly Cairns:** Briefly, on that issue, I suppose it highlights the need for the repeal review to happen.

Large trawlers of over 18 m are operating in inshore waters. This is an unsustainable practice. It is a significant issue for inshore fishers, the marine tourism sector and those concerned about coastal ecosystems. I am still regularly getting reports of those large vessels operating extremely close to the shore around west Cork and beyond. As the Tánaiste will know, this form of fishing is supposed to be banned. The Government banned it, but due to several court rulings against the Department it is now permitted. I acknowledge that the Minister with responsibility for the marine has previously appealed the court decision but, in essence, we are back to square one. What is the Government’s plan to address this issue and will it immediately establish a process to put in place a statutory instrument banning this form of fishing?

**The Tánaiste:** I thank the Deputy. I am not sure if legislation or a statutory instrument is pending, but I will ask the Minister, Deputy McConalogue, to contact the Deputy directly.

**Deputy Bríd Smith:** I am aware that the Tánaiste, the Taoiseach, the Minister for Health, all members of the Cabinet and every Member of this House has received expert legal counsel from senior counsel, Stephen Dodd, in regard to the national maternity hospital and the possibility of it being constitutional for the State to compulsorily purchase the lands on which it sits. The senior counsel argues that the matter is of such importance to the State, there is a legitimate State interest in achieving certainty which can only be secured by the State having full control through ownership of the relevant land and assets currently in the ownership of the Religious Sisters of Charity. Is the Tánaiste aware of the legal opinion? Has the Government discussed it and when will we see movement on this issue?

**The Tánaiste:** I am aware of it, but I have not yet had an opportunity to read it from cover to cover as it is about 60 pages long. The argument is that it could be legally possible for the

State to purchase that land by CPO. I do not doubt that. I have said in this House previously that compulsory purchase of the land is an option, but it is an option that has consequences. It could delay the project and that would have a negative impact on women, children and staff and it might also result in the loss of co-operation with the project on the part of St. Vincent's Hospital. We need to bear in mind that this is not a new stand-alone hospital, or a new hospital that is just connected by a corridor through the air; this is a new hospital that will be integrated floor-by-floor with St. Vincent's Hospital. Even if the CPO was pursued, and it could be pursued, you would have to consider what the unintended consequences might be in terms of delaying the project or losing the co-operation of St. Vincent's Hospital, which is essential to the integration of the two hospitals.

**Deputy Seán Canney:** I note the Minister of State, Deputy Butler, is in the Chamber. I want to raise the temporary assistance payment scheme, TAPS, which was in place for the nursing homes. In light of the intensified infection prevention measures now required in nursing homes, especially during this month in the lead-up to Christmas and beyond where additional precautions and staff will be required, will the Minister consider the reintroduction of TAPS as a temporary measure to get the nursing homes over the particular threat over the festive season of December and January, which is a lonely time within the nursing home setting such that people would like to visit? I would welcome the Minister of State's thoughts.

**Minister of State at the Department of Health (Deputy Mary Butler):** I thank the Deputy for the question and his continued support of the nursing home sector. As he will know, the temporary assistance payment scheme was established in April 2020 as a temporary measure to support nursing homes during the pandemic. This scheme was extended twice. It was announced in September 2020 that the funding would cease.

Funding of €134.5 million has been made available to date to the nursing home sector. There are outbreaks in 52 nursing homes, out of an approximately 575 nursing homes. The outbreak assistance payment is and will continue to be made available up to the end of the year to the nursing homes currently experiencing an outbreak, of which, as I mentioned, there are 52. The Deputy will be aware that there is another suite of measures available to nursing homes, including 23 Covid response teams on the ground, personal protective equipment, support for staff accommodation and access to infection prevention and control training, all of which are free of charge. We also have the serial testing programme.

**Deputy Michael Collins:** Numerous school bus operators nationally and from west Cork have contacted me in the past two weeks. They are concerned that Bus Éireann has decided that all school bus services will return to pre-Covid operations and that all extra buses provided during Covid to allow for social distancing of children will no longer be provided. Many of these school bus operators are very worried that if services operate as they did pre-Covid there will be a danger to bus drivers and students. In a week where primary school children are being forced to wear masks in school regardless of what ailments they have, and more draconian measures are being considered in this country, will the Government work with Bus Éireann to ensure that services put in place owing to Covid, and which have operated throughout Covid, remain in place for the next number of months at least?

**Minister of State at the Department of Education (Deputy Josepha Madigan):** I thank the Deputy for the question. The most important aspect in regard to education is that the schools remain open. In that regard, it is imperative that infection and prevention control measures remain in place on school transport. My understanding in regard to school transport is



that it has reverted to 100% capacity. There are bus escorts in the area of special education, which is under my remit. Full personal protective equipment is provided sanitisation protocols are in place and there is no difficulty in terms of funding. I will bring this matter to the attention of the Minister, Deputy Foley, as it is under her remit.

**Deputy Thomas Pringle:** On Tuesday last, with much fanfare, the Government announced the so-called enhanced mica redress scheme, which is a dubious title, to say the least. There is a promise of primary legislation to follow in terms of implementation of that scheme. While I welcome the inclusion of elements of rental, storage and, vitally, mental health support, for which I have repeatedly called, the elephant in the room is the sliding scale, which was part of the announcement made by the Minister, Deputy Darragh O'Brien. He failed to mention this element during his engagement with the mica campaigners hours beforehand. That was one of the most disingenuous stunts I have witnessed in my time in politics.

The Tánaiste and the Taoiseach can attempt to spin however they like, but the scheme is not 100%. I would appreciate if they would stop saying it is. It will cost the average homeowner in Donegal over €50,000 to participate in this scheme. The sliding scale has no rational basis. The scheme has to deliver for people. The scheme as outlined on Tuesday will not work. Will the Government commit to omitting the illogical sliding scale from any proposed legislation?

**The Tánaiste:** The Minister, Deputy Darragh O'Brien, is considering this matter at the moment. Deputies Carey and McHugh and others have made a similar case to that being made now by Deputy Pringle in regard to the sliding scale. The whole idea of having a cap per square foot, in terms of cost, is a sensible one so that we can contain costs and make sure the money is spent most efficiently. It is based on an independent index compiled by the Society of Chartered Surveyors Ireland. If a house is damaged or destroyed by lightening or knocked down for some reason, this is the amount the insurance company will pay out per square foot. It is an objective index. It is updated every year and we would expect it to be increased in the spring in line with construction inflation. The logic behind the sliding scale is one of economies of scale, that is, that a smaller building costs more to build per square foot than a larger building does. People who work in the building trade - I note Deputy Canney is nodding - will know that a smaller building costs more to build per square foot than a larger one because of economies of scale. That is the logic behind it.

**Deputy Paul McAuliffe:** At yesterday's meeting of the Fianna Fáil Parliamentary Party, the Minister, Deputy Michael McGrath, informed us that more than 90% of people who had initially claimed the pandemic unemployment payment, PUP, have now signed off that payment. There was also a great deal of discussion around the reduction in the employment wage subsidy scheme, EWSS, in particular for the hospitality sector. While the Government is no longer in the business of restricting particular activities, it is recommending to people that they reduce their social activities and this is inevitably impacting on those businesses. Is the Tánaiste, with his colleagues in government, considering extending the EWSS, perhaps in a more targeted way, to affect those sectors I have outlined?

**The Tánaiste:** I want to acknowledge that even though the Government has not closed any hospitality businesses, hotels, restaurants or bars, nor have we advised against international travel, the reality is that the public health advice has caused people to behave in a certain way, which is the way we have asked them to behave. I hate the word "behave"; perhaps "act" is a better word. That has had a negative impact on the hospitality sector, tourism, aviation and events such as pantomimes. In a large number of areas, people are experiencing very signifi-

cant cancellations. That is a real worry because, for a lot of those sectors, December and the Christmas period is their harvest time. It is the time they make money that helps them get through the rougher parts of the year. I understand that and we want to help those sectors.

I should point out, however, that the EWSS costs the Irish people €400 million a month. Most of the companies on that scheme are not in the hospitality, aviation or arts and entertainment sectors. Anything we need to do has to be targeted.

**An Ceann Comhairle:** Thank you very much, Tánaiste. The time is up.

**The Tánaiste:** The EWSS may not be the best way to do it, but we will do something for sure.

**Deputy Alan Dillon:** On a similar matter, our hotels, restaurants and bars have been heavily impacted by recent changes to public health measures. I am aware of many businesses throughout Mayo that have had their Christmas trading significantly reduced, with high levels of cancellations, following those changes. It is one thing to see a change in public behaviour but the reduction in the EWSS is rubbing salt into the wound. Even extending the full rate of the scheme would be an incredible sign of support for this sector. I acknowledge the work of the Tánaiste and the Minister for Finance on the implementation of the hugely important supports for businesses. I understand any decision in this regarding is pending and will follow a review of the public health restrictions with the Chief Medical Officer, CMO, and NPHE. We seriously need to revisit the temporary extension of the EWSS and look at restoring the full rate or introducing sector-specific supports.

**The Tánaiste:** What has happened is that people have heeded the advice they received from the CMO and the Government. They are reducing their social contacts and, as a result, they are cancelling bookings in restaurants and pubs, attendance at events in bars and travel. In many ways, that sector, which has been the worst, hardest and longest hit, is now, once again, taking a hit for the team. That is why we need to support it and it is why we will do so. I point out to the House, however, that the EWSS costs €400 million a month. It is the biggest intervention in the Irish economy since the bank guarantee. It is a much better one, by the way, but a huge one nonetheless. Most companies in receipt of the EWSS are not in the hospitality, entertainment, arts, events or aviation sectors. If we are going to do something, it needs to be targeted.

**An Ceann Comhairle:** Thank you, Tánaiste.

**The Tánaiste:** We need to make sure there is no dead weight and that is what we are working on at the moment.

**Deputy Pádraig Mac Lochlainn:** The Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, confirmed at a committee meeting this morning, in response to questions from my colleague, Deputy Ó Broin, that there will be no more money in the budget for the defective concrete blocks scheme for next year. That budget is €40 million. The Tánaiste knows the urgency of the situation in Donegal, Mayo and other counties, where houses are crumbling down around people. We need to have more money available in the budget for next year. He needs to send a clear signal of the urgency with which the Government is treating this issue and that the scheme will be expeditiously introduced. I totally agree with Deputy Pringle's point earlier that there is no logic to the sliding scale. We need to see the proper amount of money in the budget. We need to get on with the urgent cases, in particular, where houses are falling down right now. Will the Tánaiste give us assurances on that?

**The Tánaiste:** I can do so. There is an initial allocation in the budget of €40 million for next year and, if that is needed and spent, then more can be found. We are not going to have a situation whereby we set up a scheme in the first few months of next year, get it up and running in the spring and summer and then tell people in the autumn it is being suspended. That is not going to happen. If we get to the point where the €40 million is spent, at that point additional money can be allocated, and that can be done through a variety of resources from within the Department of Housing, Local Government and Heritage or a Supplementary Estimate, if that is required. None of the €40 million has yet been spent.

**Deputy John Brady:** Last week, we got the good news that Squirrel's Scramble Adventure Tree Park in Wicklow is to reopen in the springtime, following a decision it had to take to close due to escalating insurance costs. The company managed to secure insurance cover in a situation where the previous quote was €88,000. However, without Government action, this is only, as I understand it, a stay of execution. While a number of Government Deputies in Wicklow were quick to welcome the announcement, the irony is that the adventure park had to close in the first instance due to Government inaction in tackling the insurance industry. We need to see movement to change the Occupiers' Liability Act, which can be done by way of a simple amendment to ensure the issue of duty of care is managed in a fair and proportionate way.

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

**Deputy John Brady:** I have been given assurances by the Minister of State, Deputy Fleming, that the Minister for Justice, Deputy McEntee, is giving priority to this issue.

**An Ceann Comhairle:** The time is up, Deputy, please.

**Deputy John Brady:** Can the Tánaiste give an update as to when priority will be given and when we will see the legislation and changes?

**The Tánaiste:** I saw reports on the television news a few months ago about this adventure centre in County Wicklow closing. I had not heard that it has been able to secure insurance and can now reopen. That is really good news and very welcome. Having reopened, we want it stay opened, and having affordable and available insurance is going to be part of that. The first and biggest step in terms of insurance reform is the new personal injury guidelines, which have considerably brought down the awards people are paid when they incur an injury. That will help to bring down costs. The reform of the Occupiers' Liability Act is the next big step, and the Minister for Justice is working on that. We anticipate legislation to rebalance the duty of care in the new year. That is not taking away employers' or businesspeople's responsibility to protect their customers, but it does put a bit more responsibility on individuals to look after themselves and not get injured, which, unfortunately, some people find to be quite easy to do.

**Deputy Cormac Devlin:** Ireland's vaccination campaign has been a great national success. Almost all adults have been vaccinated and we have the highest rate in Europe. Great credit is due to everybody involved, particularly front-line staff in the HSE centres, nurses, GPs and pharmacists. The national immunisation advisory committee's recommendation that every adult should be offered a third dose of vaccine is very welcome. We have seen the impact of boosters in both the UK and Israel. Almost 880,000 people in this country have received a booster, which is very positive news. However, we have seen issues with long queues at some HSE centres, which it is hoped will be resolved very quickly. People with underlying conditions are currently eligible to receive their booster dose from their GP. However, this may

not be an option for them as many GPs are not offering boosters to those aged under 70 years. Many people cannot access the HSE walk-in clinics and they report having difficulty making bookings at pharmacies. This is making it very challenging for people with underlying conditions, some of which are quite serious, to access the booster programme. Will the Tánaiste raise this matter with the Minister for Health? How does he see the booster campaign progressing over the coming weeks?

**The Tánaiste:** I certainly will raise this matter with the Minister for Health, whom I will see today or tomorrow when we discuss the new advice from NPHE. I really welcome the fact that Deputy Devlin used the term “third dose”. I really think we should stop using the term “booster dose”. It is increasingly clear that this is a three-course primary vaccination, as is the case with many other vaccines. The use of the word “booster” implies it is in some way discretionary. Getting the third dose does not restore immunity to the level it was at after getting the second dose; it actually brings it to a higher level again. The early indication from Israel and elsewhere is that it is more durable and wanes more slowly. A total of 800,000 people have had their third dose. We expect to get to more than 1 million within the next week or so. I really encourage people to take up the offer of the third dose and see it as the third dose they need to get to protect them against this virus and not as a booster that is discretionary.

**Deputy Brendan Griffin:** I want to add my voice to those of other speakers calling for additional supports for tourism and hospitality businesses. Throughout the country, those businesses are really hurting and struggling because of the situation at the moment. In my constituency, Kerry, even in the traditionally very busy locations like Killarney, Dingle and Tralee, businesses are really struggling since the EWSS was reduced earlier in the week. It needs to be restored. I am calling for a targeted approach for tourism and hospitality businesses to restore support to at least the equivalent of the payment that was previous available under the EWSS. They need it now more than ever before because they really are struggling. They have been through a torrid time and need the support of the Government. They are very grateful for what has been done to date but they need that continued support to weather this storm.

**Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Deputy Catherine Martin):** We are very aware of the decimation of the tourism and hospitality sectors due to Covid-19 and the necessary restrictions.

*1 o'clock*

As the Tánaiste has referenced, it is the messaging and not necessarily the restrictions right now that are causing an issue for them. We are awaiting NPHE’s advice to Government and then will give consideration to supports, if needed. I would also like to inform the Deputy that the Tánaiste and I will co-chair a meeting with the tourism, hospitality and live events sector next Monday. It is right, following NPHE’s advice and consideration of supports. We will liaise closely with them.

**Deputy Marc Ó Cathasaigh:** The programme for Government commits to mandating Irish Water to develop plans to ensure security of supply and sufficient capacity in drinking and wastewater networks to allow for balanced regional development. We know that to unlock development outside of our cities, we need to get the basics right. That means quality broadband, good public realm, sustainable transport and, crucially, good water quality. The Tánaiste knows the Waterford coastline better than most. Residents of Bunmahon, a beautiful coastal town at the centre of the Copper Coast UNESCO Global Geopark have been told that they will have

to wait beyond 2024 before even being considered for inclusion in Irish Water's capital investment plan, even though their wastewater system is creaking at the seams. I could say something similar about Tramore pier, Dungarvan Bay and Waterford Estuary. They all have water quality issues and all need significant investment. Does the budget for Irish Water's capital investment plan need to be expanded to meet these needs in County Waterford and elsewhere?

**The Tánaiste:** I thank the Deputy for raising this important matter. I will certainly take it up with the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien. We may well need to expand the capital budget of Irish Water so it can get more work done around the country. It has been expanded already. Initial indications suggest that Irish Water will underspend its capital budget by €100 million this year, which is a substantial underspend. Perhaps there are good reasons for that, related to Covid-19 and planning delays. There is a certain difficulty in continuing to increase budgets for agencies that cannot spend their budgets. There may be good reasons for it but we would need to explore that before increasing the budget again.

**Deputy Neale Richmond:** I would like to raise the issue of services at Carmona School in Glenageary, which services not only my constituency of Dublin-Rathdown, but also the constituencies of Dún Laoghaire, Wicklow and parts of Dublin Bay South. Many families utilise the school but the services are quite simply not being met. Physiotherapy services are not suitable. Services are not on-site five days a week. There has been no speech and language therapy since February 2021. The occupational therapist is only on-site three days a week. Despite repeated promises made by the Taoiseach and the Minister of State, Deputy Rabbitte, in this Chamber, the HSE simply has not intervened to bring these services up to the levels that were promised to the school community. I ask the Tánaiste to intervene and to ensure that the HSE keeps its promise.

**The Tánaiste:** I thank the Deputy for raising this important issue. I received a briefing about it a week or so ago, but it is probably out of date at this stage. I will certainly talk to Minister of State, Deputy Rabbitte about it, as she is the Minister of State with responsibility in this area. I will ask that she takes whatever necessary action is required to maintain and retain these important services for the people of south Dublin.

**Deputy Paul Murphy:** On 16 October, a fire broke out at the Glashaus building in Tallaght. People were trapped for half an hour on balconies. They were terrified for their lives. Thankfully, there were no casualties, but there could have been. People were waiting for 20 minutes for the aerial platform to arrive from Tara Street. Since then, I have been asking questions about this. What has emerged is that there are three appropriate aerial appliances in Dublin, two of which are in Tara Street and one in Dún Laoghaire. There are high-rise developments in Tallaght and other parts of Dublin and we simply do not have the equipment locally that is necessary to rescue people in the event of fires. It has also emerged that a review is under way, which I welcome. Does the Tánaiste agree that where there are high-rise developments, there should be appropriate equipment to deal with fires?

**An Ceann Comhairle:** This could be a Topical Issue matter.

**The Tánaiste:** I am not an expert in the field at all, but what the Deputy said is concerning. The pattern of development in Dublin is unusual. It is almost as a low-rise city in the centre and it is increasingly becoming high-rise city around the M50 ring, which runs through the Deputy's constituency and mine. Logic would suggest that some of the equipment would be in the M50

area to the west of the city. However, I am not an expert on the issue at all and I do not want to speak beyond my knowledge. I will take this up the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, because I imagine this is the kind of thing that could happen in my constituency too.

**Deputy Christopher O'Sullivan:** It is 2 December and Christmas is in full swing. As the Tánaiste will be well aware, Santa Claus, Mrs. Claus and the team of elves are absolutely flat-out in their workshop in Lapland trying to make toys for the children of Ireland and children right across the globe. He will also be aware, in his role as Minister for Enterprise, Trade and Employment, that there is an issue with the supply chain in Ireland, the UK, Europe and right across the globe. I want him to reassure the children of Ireland that the supply chain issue will not affect Santa Claus and his team in Lapland and that we can secure a safe supply of goods and raw materials for Santa in his workshop so that he and his team can make toys for the children right across Ireland who have, for the most part, been absolutely excellent this year. I would like the Tánaiste to reassure them that they will have their toys on Christmas morning.

**An Ceann Comhairle:** I thank the Deputy for raising that important matter. Has the Tánaiste sent his own letter yet?

**Deputy Peadar Tóibín:** What list are you on?

**The Tánaiste:** I have not yet sent my letter, a Cheann Comhairle.

On the Deputy's question, I want to give him an assurance, and an assurance to the families and children of Ireland, that this matter is in hand. Santa, his wife and his staff are fully vaccinated and they will be exempt from any travel restrictions that have to be imposed between now and then. My Department will leave no stone unturned in doing absolutely everything we can to make sure that there is no disruption to supply chains, or any kind of trade rules or issues that could disrupt delivery of presents on Christmas Eve, which is only three weeks away.

**An Ceann Comhairle:** There are three Deputies remaining and they have 30 seconds each.

**Deputy Peadar Tóibín:** The Taoiseach is running at €600,000 raffle with a licence that is meant for a charity. Is it not cynical and extreme that Fianna Fáil, a party that reaped €3.4 million from the State last year, is now applying specifically under a charities licence to raise funds? A charities licence is for people who are in real need. You could not make this up. I ask the Tánaiste a simple question. Is Fianna Fáil a charity? Is it wrong for Fianna Fáil to use charities legislation to raise funds as a political party?

**Deputy Imelda Munster:** I want to raise the issue of serious deficiencies in the Passport Office in the processing first-time passports for babies. When my office contacted the Oireachtas urgent queries service to address the issue, we were told that they did not have access to the email sent to the Minister's passport email address. My question is what is the purpose of the Oireachtas query service, if it does not have access? Why is the target date for a passport application pushed back by 40 days every time a new document is needed to rectify minor issues in the application? That seems to prolong the process.

**Deputy Réada Cronin:** I have constituents who are young families and single people who have moved to north Kildare and they cannot access a GP. Some of them are young mothers who cannot get vaccinations for their children or babies. Within 5 km of where I live, five GPs have recently retired. I have submitted parliamentary questions on this, but the replies tell me

that GPs are a private matter and not the job of the Government. However, in the programme for Government, the Government promised to deliver care in the community and to strengthen general practice. The market seems unable to look after this. I hope the Tánaiste will agree that this is an urgent public health matter. With waiting lists so long and emergency departments so busy, GPs are the Holy Grail at the moment in primary healthcare. What is the Government doing to address this?

**Minister of State at the Department of Social Protection (Deputy Joe O'Brien):** On the initial question from Deputy Toibin, charities legislation is not being used. Any organisation can make an application to the District Court under gambling legislation and many do. Lots of sports clubs do so as well.

**Deputy Peadar Tóibín:** For a maximum of €10. It is a maximum of €10, but if it is a charity, it goes to €20.

**An Ceann Comhairle:** Please, Deputy.

**Deputy Joe O'Brien:** That is the brief answer to it. Charities legislation is not involved.

**The Tánaiste:** On Deputy Munster's query, there are ongoing delays at the Passport Office that we are all familiar when it comes to the processing of passports. The Department of Foreign Affairs is taking on additional staff, although there are some issues with people working from home, which is making a little bit more difficult. However, additional staff are being taken on to speed the process up. We encourage people to use the online service where they can. It seems to be working more quickly than the passport express service. There is a particular issue around new applications for children and babies, and I understand they cannot be expedited for various reasons. That is acknowledged.

On Deputy Cronin's question, there are parts of the country where people are struggling to find a GP because of retirements and other issues. The Government response is twofold. First, we are training more GPs than we have ever done before and second, we are allowing work permits and visas for GPs from other parts of the world who want to work and practice here. We are also giving consideration to introducing salaried GPs. That has not been done yet but it is under consideration. It could perhaps be done in more rural and remote parts of the country where someone would receive a salaried position from the HSE rather than being a sole trader, which is the current model. That model works very well in most of the country but does not always work well everywhere.

### **Protected Disclosures (Amendment) Bill 2021: First Stage**

**Deputy Mairéad Farrell:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Protected Disclosures Act 2014 and to provide for related matters.

I am delighted to be introducing this Bill with my colleague Deputy Buckley. I will first say a few words on what motivated us to craft this Bill. In 2014, this State introduced the Protected Disclosures Act. This was badly needed in a State such as this, where transparency and accountability are words that are regularly invoked but seldom made a reality. Often, when people in this society try to reveal wrongdoing, there is a reflexive reaction on the part of those

in authority to think of the reputation of the organisation first and crush those who are trying to blow the whistle. In many ways whistleblowers can be seen as the ethical spirit within an organisation pushing back. They are people who try to reveal wrongdoing in the public interest and, as a consequence, often pay a very high price.

Unfortunately, the protected disclosure regime has a number of weaknesses. Compounding this were our concerns that the Government's new amending Bill could weaken protections even further. That is why an Teachta Buckley and I have brought forward this Bill. It was crafted in consultation with legal practitioners, academics lecturing on whistleblowing and whistleblowers themselves. It will do a number of things we believe will help protect those who try to reveal wrongdoing, support the public interest and help them win the redress they often deserve. It will broaden the definition of penalisation to include hindering or attempting to hinder further reporting and vexatious proceedings against a discloser. Where an employee alleges penalisation as a result of making a protected disclosure, the burden of proof will now lie with the employer to demonstrate this is not the case. The Bill also broadens the definition of employee to include those working in volunteer organisations, associated persons and journalists. It will make an offence any attempt to hinder or penalise any person for making a protected disclosure. It will provide free legal aid and psychological services for whistleblowers. It removes the limitations on financial compensation that whistleblowers can win by way of redress.

Importantly, the Bill will further empower the Minister to gather all documents relevant to a protected disclosure made to him or her, regarding his or her Department or bodies under its aegis, and to pass this information on to the Attorney General in connection with the conduct of legal proceedings on behalf of the State. It will also require the Minister to lay before the Oireachtas an annual statistical protected disclosures report. Last, it satisfies the mandatory reporting requirements and other sections of the EU's whistleblowing directive. As one of the world's greatest whistleblowers Edward Snowden once said, "The sad truth is that societies that demand whistleblowers be martyrs often find themselves without either, and always when it matters the most."

**Deputy Pat Buckley:** I too am delighted to introduce this Bill with my colleague Deputy Farrell. I will be brief because she has explained a lot of this already. In my own experience over a number of years in my previous role as spokesperson on mental health, I received a number of protected disclosures and the law was very weak. I raised this issue on numerous occasions with three separate Ministers and a Taoiseach and the reply I got at the time was, "It is a protected disclosure; what do you want me to do with it?" This amending Bill strengthens this whole area and provides clarity. The biggest crux of the issue, both here and in Europe, has been that there has been no guarantee that whoever makes a protected disclosure will be protected. There is also no real mechanism to see whether the issue that is reported is resolved. There is no way of following that up.

From my own experience and Deputy Farrell from hers, the majority of people who make a protected disclosure do it for the betterment and good of their own selves, their companies and society, yet they are punished the most. I have seen people being suspended from work on a number of occasions, and that made me very angry. Deputy Farrell mentioned this Bill would include vexatious proceedings and other statements. The way people in this country have been treated when trying to protect society and tell the truth is that they get absolutely hammered. I appeal to this House and the Upper House to look at this Bill in an empathic way when this goes to the next Stage because these people should never be punished for doing the right thing. I have dealt with so many protected disclosures over the years and this regime has never been



amended. A person in a mental institution was left in that situation a number of years ago and the case was never dealt with. The person who made that protected disclosure lost their job and had to go to court three and a half years later just to get what they were entitled to. I am confident and hopeful our Bill will pass all Stages. This Bill will do the right thing for this country, its people and society.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Mairéad Farrell:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

*Sitting suspended at 1.17 p.m. and resumed at 2 p.m.*

### **Finance (European Stability Mechanism and Single Resolution Fund) Bill 2021 [Seanad]: Report and Final Stages**

**Acting Chairman (Deputy Cathal Crowe):** As there are no amendments on Report Stage we proceed to Fifth Stage.

Bill received for final consideration.

Question proposed: "That the Bill do now Pass."

**Deputy Pearse Doherty:** I welcome that we will be dealing with the Final Stage of this legislation. As we discussed during the debate on the Finance Bill, the purpose of this Bill is to ratify agreements to the European Stability Mechanism, ESM, treaty and the Single Resolution Fund, SRF, intergovernmental agreement. This is required to fulfil the agreement that was reached by the Eurogroup on 30 November of last year. The Minister has described this as "a crucial stepping stone on our path to strengthen the Economic Monetary Union". I am aware he has a stake in this as president of the Eurogroup and as chairperson of the ESM board of governors.

We have raised some issues with the Bill in respect of the provisions relating to the SRF, which will now require funding through levies on all participating banks. I welcome this lesson has been learned. I only wish it had been learned earlier, requiring as it does bondholders to be burned and banks to fund their own recapitalisation, the latter being a requirement we in Sinn Féin have called for for some time.

The legislation approves reforms of the ESM, which was established in 2012 as a permanent fund to provide loans to financially distressed member states. We have the bitter lived experience of assistance that was provided subject to strict conditionality, with the then Government entering into a financial assistance programme with the European financial stability facility,

EFSF, and the International Monetary Fund, IMF, in November 2010. The memorandum of understanding was etched into the lives of many Irish people and its impacts are still felt by many. It was a treatment that made the patient sicker.

The agreement we are debating alters the ESM's precautionary conditioned credit line, PCCL. These are reforms we in Sinn Féin cannot support because they are simply unworkable. Under the eligibility criteria of the PCCL provided in Annex III of this legislation, a member state can only access the credit line if it satisfies conditions that are now redundant and defunct. It makes no sense that we would pass legislation with redundant and defunct criteria tied to the fiscal rules. For example, a state applying for this credit line would have to have a debt-to-GDP ratio of less than 60%. At this time, 14 EU countries have ratios above this limit. If an applying state does not satisfy this criterion, it must have reduced the differential by one 20th in each of the previous two years. I gave the example of Italy on Committee Stage, but we could take many other countries. A country with a current stock of debt of 156% of GDP in each of the two years prior to its application would have to reduce its debt by approximately 5%. That is a significant contraction during a period of likely economic downturn. This means implementing austerity policies that are now roundly rejected by anyone with economic sense. How can we support such criteria?

The Minister has promised - I take him at his word in this regard - that there will be reforms of the fiscal rules in the coming period and that they will be reflected in the eligibility criteria of the credit line once they are implemented. I understand his point entirely, but with respect, that is not the legislation before us today. Rather, that is a promise of something in the future. Today, we are dealing with a Bill that contains criteria that are defunct. On these grounds, including the maintenance of the memorandum of understanding under the enhanced conditions credit line and the policy implications for member states, we in Sinn Féin cannot support this Bill.

Question put and declared carried.

**Acting Chairman (Deputy Cathal Crowe):** A message shall be sent to the Seanad acquainting it accordingly.

### **Houses of the Oireachtas Commission (Amendment) Bill 2021: Committee and Remaining Stages**

**Acting Chairman (Deputy Cathal Crowe):** Amendment No. 1 has been ruled out of order, which has been communicated to Deputy Pringle.

Amendment No. 1 not moved.

Section 1 agreed to.

#### NEW SECTIONS

**Acting Chairman (Deputy Cathal Crowe):** Amendment No. 2 has been deemed out of order.

Amendment No. 2 not moved.

**Deputy Thomas Pringle:** I move amendment No. 3:

In page 3, between lines 23 and 24, to insert the following:

**“Report on remuneration of Oireachtas political staff**

2. The Minister shall, within 6 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining—

(a) progress in relation to resolving the pay claim submitted on behalf of secretarial assistants working in the Oireachtas,

(b) progress in relation to the recognition of the work of secretarial assistants as being beyond both the title and description of the role,

(c) the potential for the transfer of functions in respect of pay of political staff from the Department of Public Expenditure and Reform to the Commission, and

(d) engagement the Minister has had with union representatives of political staff in respect of their pay claim.”.

The way that this country’s national Parliament treats its staff is an embarrassment and it is shameful we even have to discuss this. It is unacceptable we have put our staff in a position where they are constantly having to fight for a fair wage and fair recognition, as if they do not already have enough to do in supporting us Members. Each Member of the Oireachtas would be lost without the staff who support him or her and we would all do well to remember this as we continue to debate the Bill.

Despite the many pay rises Government Deputies have given themselves, our secretarial staff in the Oireachtas still get paid below the living wage. Secretarial assistants, SAs, on the first point of the scale earn €24,423 per annum, which is a mere €11.75 per hour while the living wage is €12.90. How can we expect staff to work in Leinster House and live in Dublin on such an incredibly low wage? It is not possible. We are forcing our staff to take up additional jobs despite the fact they already work full time in a workplace that is an environment of long hours and overtime. We are forcing staff to live with their families due to the fact they are unable to afford the astronomical Dublin rents on such a low income. This rules out all potential staff who do not have the option of living at home. It also rules out those who are from outside of Dublin. How can we be a representative Parliament when our staff are not representative of different backgrounds and areas? It is incredibly important we allow staff of all backgrounds the opportunity to work here for Irish politics to be fair, equal and representative of all citizens of the country. It is also important to give a voice to those in rural areas, such as my county of Donegal, to take the focus away from Dublin-centric policies.

A survey carried out by the Oireachtas HR unit found that Seanad secretarial assistants who are currently on this low income are performing similar work to Dáil parliamentary assistants, PAs. The survey identified work such as research, speech writing, drafting newsletters, and preparing materials on legislation and for committees as work which Seanad SAs regularly do for Senators as well as work that Dáil PAs undertake. The work of Senators is parliamentary and not constituency-based, and their staff should reflect this.

I call on the Minister for Public Expenditure and Reform to recognise Seanad SAs for what they are, which is parliamentary assistants. I also call on the Minister to scrap the title of secretarial assistant and rename the role to adequately reflect the work. We must scrap the secretarial

assistant's pay scale and pay our SAs properly.

In 2018, SIPTU lodged a pay claim on behalf of SAs. This year, SAs were offered a pay increase of 1% in October, 1% in February and then 1% in October 2022. This offer is nothing short of insulting. It would bring the salary to €25,162 per year, or €12.09 per hour, which is still below the living wage. It does not pay them adequately nor does it address or recognise how the role has changed drastically since its inception nor the fact that Dáil and Seanad SAs have different roles.

Neither does the pay recognise the fact that Oireachtas staff are considered to be on temporary contracts and therefore struggle to apply for loans and mortgages. The sad truth is, financially and security-wise, a job in the Oireachtas has little to offer. The staff that are here and in these roles are doing so because they are passionate about the work, yet we price them out of their roles because financially they are unable to stay, meaning we lose out on a wealth of knowledge and experience.

Oireachtas staff are essential to the democratic process in this country. Now is the time for every single Member of the Oireachtas, as employers, to speak up on behalf of their staff. The staff go above and beyond to support us, and it is now our time to support them. I commend the staff and the union representatives who have been fighting for a fair wage and for fair recognition for years. I am sorry they have been forced to do this. It is not fair, and I will stand with them on this until they get the full recognition they deserve.

The amendment seeks that the Minister would provide a report to both Houses of the Oireachtas six months after the passing of the Act. This comes up every time a Bill is passed. This is vitally important, and a report should be provided on it and on all legislation that comes through the House. Various Ministers argue there is no need for a report. It might be said the legislation is minimal and does not merit a report, but in this case a report is warranted on the staff we have and what is being done to deal with the problems so that we can progress and resolve the pay claim of secretarial assistants and look at how it can be done. The Minister can report on the meetings he has had with unions and their staff representatives. That is vitally important. It is the least those in the House should expect as well.

As I understand it, the Bill has been put forward by the Houses of the Oireachtas, which is representative of us as the employer. The Bill is being put forward on our behalf. The least that should be done is for the Houses to report back on our behalf as well. The Minister is required to be part of the process because the mechanism must go through some Department in order for the engagement to take place. A report should be made to Members of the House so that we can be kept fully up to speed on what is being put forward.

**Deputy Róisín Shortall:** There are a couple of principles at play here, the first one being the importance of a living wage. In many ways, the principle has been accepted by the Government insofar as there is a commitment to the living wage in the programme for Government. It is not clear exactly when that will happen, but at least the Government seems to recognise the principle that people should receive a living wage. As we know, the starting salary of SAs falls far short of that. It is not acceptable that people doing a responsible job should be paid so little starting off.

The second principle is that everyone should be entitled to equal pay for equal work. Many Members have set out examples of how SAs do essentially equal work at Seanad level to the

work of PAs at Dáil level. Unfortunately, the principle of equal pay for equal work is not the case when it comes to the political staff in the Seanad. One of the most glaring pay disparities in the Oireachtas is between Seanad SAs and Dáil PAs.

The Oireachtas HR survey found a majority of Seanad SAs were performing tasks that would be considered PA level. They were doing research on legislation, drafting amendments, speech writing, communications and many other areas of work. Many have previous relevant experience and postgraduate qualifications, yet they are earning far below what is needed for any kind of acceptable standard of living, especially in Dublin.

It is important to emphasise how difficult and stressful the SA role can be. That applies in the case of the Seanad but even more so in the Dáil. Very often, staff must deal with very difficult calls and correspondence, which undoubtedly takes a toll on SAs. We all know that from our own experience. It can be hard to stop difficult cases following you home. In recent years in particular, many of us have been dealing with traumatic cases in our offices. There is the full spectrum of human concern about the general impact of the pandemic, the cost of living, income, loss of jobs, and serious concerns about health and waiting lists. Our staff are dealing with the full gamut of issues and it has been exceptionally stressful, to the point where there has been a recognition by the Houses that well-being and mental health supports must be provided. The past two years have been an extreme example of that.

It is very hard for staff to leave all of those concerns, emotion and anxiety behind at work and they, as well as Members, bring much of it home with them. It is also very often isolating work where somebody is in a constituency office or in an office in Leinster House on their own dealing with the public on a one-to-one basis. The volume of work and the range of issues coming into the office require a particular skill set, which can often be very difficult to find, especially when the pay is so bad.

We expect the people who work with us to have a wide range of expertise, experience and various skills. We also expect them to be good at dealing with the public and to be able to be diplomatic, sensitive and informative when people make contact with Deputy's offices, yet the starting pay is only slightly more than €24,000. It is also a very precarious role. Not only do Members have the sense, but so too do staff, that elections are always looming.

The question of political will arises in terms of addressing this matter. The biggest obstacle seems to be the lack of political will. We are making these points strongly to the Minister today, as Members did during the Second Stage debate, but it is all coming from this side of the House. However, I guarantee the Minister, if he asks anybody in any Department, he or she would agree this is a glaring issue that must be addressed urgently. As Deputy Pringle says, it is an embarrassment that people working for Members of the Oireachtas are starting on a pay level that is abysmally low. The matter must be addressed. I am sure the Minister agrees with that personally. He has been in this House a long time and he understands the work SAs do. I am sure he will accept that the level of pay that is provided for them is wholly inadequate. What are we going to do about that? Unfortunately, the first two amendments here have been ruled out of order. It would have been reasonable for the Minister to allow some room within the context of what is a massive budget and a massive increase in spending, which is over €40 million for the next three years, but he did not see some way to provide further flexibility in the context of that big increase in the budget to cover a reasonable pay increase for SAs working in the Houses. He could have done that.

It is important to note who is responsible for this. Even though we are the employers, technically and legally, we do not have any control over this because it is the Minister's Department which decides on the pay scales. We are saying that responsibility should be moved to the commission. It was a progressive move to establish the commission to deal with all of the associated spending in the Houses. Part of that should have been the setting of the pay scales for staff. I do not believe that there would be any dispute if a survey of Members were taken. The vast majority would agree that this long-running issue of concern needs to be dealt with urgently.

The amendment before us and the subsequent one ask the Minister to apply himself to this matter, to produce a progress report, to engage on the issue and to bring it to a resolution within a reasonable period of time. We are asking the Minister to come back to the House within six months with a report on the various aspects and implications of moving in the direction in which we all want to move. I think that is reasonable. I hope the Minister will consider supporting that amendment. It would be very hard to understand any kind of rationale for not doing so.

It is important to remember that it is two years since the Seanad passed a cross-party motion calling on the Minister for Public Expenditure and Reform to address this pay claim, but no meaningful progress has been made since then. It is up to the Minister now. He needs to step up because he has responsibility for the terms and conditions of the scheme, including the pay rates. That is why we are bringing forward these amendments. We hope he will respond positively.

The latest offer, which was rejected by SIPTU members, fell very far short of what SAs need or deserve. An increase of 1% in October, 1% next February and 1% the following October is just not on. That is wholly inadequate. It would have brought the salary up to just over €25,000. That is not acceptable at any level. Again, it is still short of and well below the living wage and works out at about €12.09 per hour. The proposed 3% increase is lower than the rate of inflation which, as we all know, has increased to 5% since the claim was lodged. That needs to be recognised, as do the structural problems in respect of low pay. It is embarrassing and shameful that this is all we are offering to essential staff members who work with all of us.

In conclusion, we could not run our offices without our SAs. They are a vital part of the Oireachtas community and that should be reflected in their being assured of decent pay scales. This cannot be swept under the carpet any longer. SAs have waited long enough. I strongly urge the Minister, at a very minimum, to support these amendments.

**Deputy Bríd Smith:** I am somewhat puzzled by this. I am glad we are having this debate in the Dáil. I do not think we would be having it were it not for the SAs who got themselves organised into the union, began to push to make this an issue and had webinar meetings with us in this Covid-19 time. Without them, we would not be discussing this matter in the way that we are. It is very important that we are honest with each other about this.

I could not do this job without the secretarial staff. My salary is now €92,000 or in that region. I am not banging on about it. I do not take the full salary. We take the average industrial wage and put the rest of the money away into a campaigning account. Having said that, there is still a very significant difference between my earnings and those of the staff without whom I would be lost. I would go out of my skull. I could not do this job without them. Very often they are in the background measuring exactly what I need to know today and what I need to handle because I have this meeting or that meeting. I may have to speak on several things, for example at the Joint Committee on Environment and Climate Action or the Joint Committee

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on Key Issues affecting the Traveller Community. They may decide that I do not need to know about some things that are coming at them in the office. They deal with the complex problems encountered by people as they try to access their rights in this State, for example with regard to social welfare, medical cards, HSE appointments or access for their children to proper care. While they are dealing with those very human and difficult conditions, either in the local office or over the phone, I am protected and insulated at the time it is happening. They do this in my good name. That is what I am elected for. They are a vital link to the community supports we can provide as Deputies.

By the way, we should not have to provide these things. If people have rights, those rights should be met in line with their entitlement to the things I have listed, for example in areas like social protection, health or education. These are rights that people should have. In this society, we often have to help people to fight for those rights and have them attained. It is the SAs who beaver away doing that in a sympathetic, compassionate and quiet manner. Since I was elected to this office, I have often received the most compliments about them and what they do. People really feel that the Conors, the Leahs and the Jacquis of this world are the face of compassion. They deliver and fight for issues and get the results that are required. They do not always get the results but they very frequently get the results that people cannot manage to get for themselves because the State has made it so cumbersome for them.

It is, quite frankly, embarrassing that we have to talk about this. It is embarrassing that when she started as a secretarial assistant for me, Leah Speight was on such a low rate of pay that she was entitled to claim the working family payment, which was then the family income support. At the same time, she was fighting tirelessly for other people to achieve their social welfare entitlements on an hourly and daily basis, just as Conor does in the office now. I do not mind naming them because I am very proud of them. They are politically conscious members of the People Before Profit Party. They are fighting to try to change the society that we are in and are doing so on absolute buttons. It is so embarrassing that they are being treated like this.

Over 20 years ago, I was a shop steward who represented people working in a trade union, ironically. We looked at our pay scales and said that they were awful. Again, we were at the coalface when workers contacted the office to say that they were about to be sacked or that their overtime had not been paid, or when they asked what they should do because their employer was making them work the following day when they were supposed to be off. We would take these queries, deal with them and pass them on to the officials. We discovered that the officials were on sometimes eight and ten times our salary. We did an analogue study which was a comparison between various trade unions. We compared our union with SIPTU, Unite, Fórsa and all of the unions and we arrived at a very intelligent claim for why our wages should be raised. We went to the Labour Court, made that intelligent claim and won our pay claim. I was thinking about how one would conduct an analogue study of the work of SAs who work for Deputies. Nothing compares to them. One could sing a song about it but there is nothing that compares to them. I cannot ask people in other organisations how their job compares to the job that our SAs do for us because there is no comparator. This is very much a case of injustice and discrimination. It needs to be addressed.

I do not understand this except to say that it occurred to me that perhaps there is a cultural, traditional and historical reason they are paid so low. Once upon a time it was just a lady, usually - a woman in the local constituency office who made the cup of tea, typed up a few letters and did the accounts at the end of the year. Nowadays, everybody is always connected through emails, phones, Facebook or WhatsApp. We are always connected. Productivity levels for

all of us have gone up significantly, no matter where we are working or what we are doing, in comparison to what they were traditionally. This job needs to be reassessed and looked at in the cold reality of what it means. For that we need a proper consultation process with those who carry out the function. It should come back to the Minister to reassess it in the cold light of day because at the end of the day he holds the purse strings. Why do we have people on family income support who are working their guts out to protect other people who cannot get family income support, medical cards or access to assessments for their children? There are so many problems in society.

I want to repeat that our secretarial assistants are always on; there is always connectivity and a way of reaching them and they always have loads of issues they have to pick up. Every one of us would be lost without them. They are heroes in many ways but they are not being recognised as such financially and they cannot continue to live on low pay. We will not be able to recruit the type of staff we need to perform the functions of Teachtaí or Senators unless we recognise that these are valued workers and that their input, compassion and understanding are valued. The pile-on they take from the rest of society on a daily and hourly basis has to be recognised. We need to look seriously at this. There may be cultural, historical and negative reasons why this is so but it is not fitting for 2021, never mind for 2022 and beyond.

**Deputy Ged Nash:** As the Minister knows, I spoke at length on this issue on Second Stage and I provided him with the wisdom of my experience as a former secretarial assistant back in the day. It was my first full-time job in politics so I have seen this system evolve over the last 20 years and it has not always evolved in a positive fashion. It has been nothing other than regressive for secretarial assistants. Deputy Bríd Smith hit on something relevant in her contribution which chimes with some of the remarks I made on Second Stage when she said that a lot of this issue is gendered. If you look at the official description of a secretarial assistant's job it harkens back to another day. It conjures up the notion that those who are doing this job are spending much of their time taking dictation, writing letters and answering the phone. We know their functions, roles and responsibilities are much more significant than that. They are highly skilled individuals who are sought after in the private sector. They should not have to pay a premium or accept a lower wage for the benefit, if I can describe it as that, of working in the political system. I said in my Second Stage remarks that there is almost an expectation out there that if you want to work in politics and get a start in politics, and if you are politically engaged and conscious and want to make a difference, you must enter the system at an extraordinarily low and derisory level of pay. That is never on and it shames us all. The reality of the role of a secretarial assistant has evolved significantly over the last five to ten years and there is a dichotomy between the functions, roles and responsibilities of a secretarial assistant working with a Senator and those of a secretarial assistant working with a Deputy.

The Minister probably feels under considerable pressure this afternoon. He is facing the serried ranks of the Opposition but as Deputy Shortall pointed out, all Government Deputies are probably of the view that this situation needs to change for secretarial assistants. I said in my Second Stage remarks that I believe the Minister believes it needs to change as well, given his experience of and commitment to public service and given the value he places on the work of public servants and everybody who works in the system. I have sympathy for the Minister because he is somewhat constrained in the level of engagement he and his officials can have. It is not appropriate, therefore, that we have running commentaries in this House on ongoing industrial relations negotiations. That can often be counterproductive for those who are involved in the negotiations but in this case there is an onus and a responsibility on us to do so because



we have a responsibility to our staff.

The Minister will know that the amendment requires the Minister to present a report to the House on the conduct of the negotiations over the next six months. The Minister will also know from his experience that this is a device we use to try to draw attention to an issue. The Minister may feel he is not in a position to support the amendment itself but I ask him to articulate a political signal to those who are depending on us in this House to bring about change for them. I ask the Minister to indicate that he would have a preference that, for example, a comprehensive job evaluation proposition would be considered by negotiators. That would be a valuable contribution to this process. In so doing we could identify equivalent functions within the civil and public service. I made a proposal on the floor of this House the other day that the secretarial assistant grade may well be analogous to the executive officer higher scale where one would start at €35,000 per annum. You get to the top of that scale after six or seven increments rather than 18 as is the case with a secretarial assistant. That could be considered and changes could be made for secretarial assistants who are working with Senators. For example, they could be included on the parliamentary assistant pay scale rather than on the subsistence wages they are expected to live on.

Deputy Pringle referred earlier to the need for those of us working in these Houses, including Deputies and Senators, to be representative of this country in all its diversity. We need to represent that social, economic, cultural and ethnic diversity. This reminds me a little of the system of internships and traineeships where people who are networked and who know people get access to positions and can afford, perhaps with the support of wealthier parents and so on, to be able to get work in an environment where pay is low or where they are existing on subsistence wages. That should not be the case. These roles should not only be available to those who have wealth and can rely on the support of a family network to sustain them over a period of time. That would shame us all. These kinds of positions need to be available to everyone. Work always needs to pay and we need to start here. We need to get our house in order before we can tell others to get their respective houses in order.

**Deputy Mairéad Farrell:** Unfortunately I was not in attendance at the discussion on this Bill on Tuesday. Although I wanted to be here, I was not able to attend. I welcome this discussion, which goes to the heart of everything we do and to the heart of fairness and equity. I want to agree with something that Deputy Nash said. I would imagine that most Deputies in this Chamber are in agreement with this amendment and agree that secretarial assistants are facing difficulties with regard to their pay. A lot of what has been said already deals with what we know about. We know our secretarial assistants are at the forefront of the work we do and deal with the most difficult and pressing situations. They deal with a huge number of people who are in crisis for a range of different reasons and they are the people who a lot of our constituents turn to when they are in a moment of crisis. They are the people who need to have the empathy, understanding and ability to get things done and help people when they are in that crisis situation. Many of our secretarial assistants are struggling financially. As someone who lives in Galway city where the rents are so high, I know that it is an absolute struggle for my own secretarial assistant and no doubt for other secretarial assistants in that constituency and in similar areas. This goes to the heart of fairness and equity. I agree with Deputy Bríd Smith that it is embarrassing that we are on such a high wage relative to our secretarial assistants, many of whom are struggling financially and struggling to do the work they do every single day. We are all aware of the huge volume of work that comes in to every Deputy's constituency office every day. Our secretarial assistants are dealing with people in crisis, many of whom come to

our constituency offices in floods of tears. They try to assist them with issues they may never have dealt with before. They do their best to assist people in any way they can.

My party colleague, Deputy Clarke, spoke in my slot on Tuesday and said that this should not be about money but let us face facts, this will not cost an enormous amount. The report will not have a monetary implication. There is something that happens on Report Stage in this Dáil that I do not fully understand but maybe that is because I am still quite new. Obviously I am hoping the Minister will support this amendment but I do not understand why the Government does not support amendments providing for the preparation of reports when the said reports could actually assist in the formulation of Government policy and in analysing specific issues. This amendment, tabled by Deputy Pringle, is welcome and cost should not be an issue here. In the grand scheme of things, the cost of this report would not be significant. This is about equity and fairness for those people who really are on the front line in our constituency offices. We should do everything in our power to assist them and to further their case. It is really good to see cross-party support in the Chamber for this amendment. I am sure Government Deputies are also acutely aware of the struggles of their own staff as a result of their low pay. It is great that we are having this debate today and I urge the Minister to consider this amendment favourably. I do not know why this report cannot be supported.

I have a question relating to what the Minister said in the Seanad yesterday. He said the commission “makes a proposal to me, as Minister, on issues such as grading, salary rates and so on, and I then make a decision on that proposal”. I ask the Minister to detail how that actually works. Obviously we know the Oireachtas HR department had been dealing with the pay claim that was before the WRC on behalf of the commission. At the last conciliation meeting, the HR department said it could not negotiate pay, terms and conditions without the approval of the Department. At that point, the Department had failed to show up and now we are hearing the proposal for pay, terms and conditions must be brought to the Minister for approval. I am interested in hearing how that would work. I ask the Minister to confirm that the Oireachtas HR department, acting in its capacity as agent for the Oireachtas Commission, has the power to directly negotiate with workers and unions and then send the outcome of such negotiations to the Minister for approval or rejection. If this is the case, will the Minister commit to making the commission aware of the Oireachtas HR department’s capacity to negotiate on its behalf in advance of the next conciliation meeting so that meaningful discussions can take place? It is good that this issue is being discussed in the House and Deputies have made quite cogent arguments as to why this needs to be addressed. I am interested in hearing the Minister’s response because I missed the Second Stage debate on Tuesday.

**Minister for Public Expenditure and Reform (Deputy Michael McGrath):** I thank all of my colleagues for their contributions on this amendment and on Second Stage. I acknowledge the points they have all made about the role of our secretarial assistants. They do extraordinary work. In the 30 or 35 minutes we have been in the Chamber we can be sure that the phones in our offices have rung more than once, many e-mails have arrived into our inboxes, messages have been left on our social media platforms and our staff are working incredibly hard. I absolutely agree with what has been said by colleagues, that we could not do the work we do without their support and their dedication is immense. That is certainly my experience. I have been in this House for more than 14 years and have had the same secretarial assistant throughout that period. Her name is Linda and she is outstanding. I could not do the work I do without her support. I want to be upfront and clear about that.

The nature of the role has changed even in the time I have been in this House. It has become

more complex and busier. The multifaceted nature of the issues that are coming at Deputies and our staff is striking. Our secretarial assistants have to deal with such a wide range of issues and with the people we have the privilege of representing, often at a very difficult time in their lives. We know from our own experience that whatever is going on out there in society will make its way into a Deputy's office. We have a good sense or handle on what is going on because of the interaction we have with our constituents, in many instances through our staff. I want to make it very clear that from where I stand and from the perspective of the Government, our staff and our secretarial assistants are valued. The issue has been raised directly with me by colleagues in government too and I want to acknowledge that.

In terms of where the matter stands right now and my role, it is important for me to set that out in response to Deputy Mairéad Farrell's comments. Under the 2003 Act, the commission must obtain the consent of the Minister for Public Expenditure and Reform of the day before reaching an agreement with any person in relation to rates of pay, conditions of employment or superannuation rights. The Act is quite clear that my consent is required on the basis of what is proposed to me. A proposal is made and I either give my consent or I do not. Of course, I consult and engage with officials when it gets to that point. In practice, what this means is that the commission advises on matters relating to resourcing, grading and terms and conditions of employment and submits proposals to the Minister for consideration and agreement. In other words, the commission makes a proposal to me, as Minister, on issues such as grading, salary rates and so on and I then make a decision on that proposal having consulted with my officials. That is the point I made in the Seanad yesterday.

There is a process underway. I have not said "No" to any proposal. No proposal has been put to me as Minister that I have rejected. I want to be upfront with all of the Deputies in that regard. My understanding is that both the Houses of the Oireachtas Commission and SIPTU have written to the WRC and are proposing a re-engagement at the WRC. That should happen and there should be engagement at the WRC at that point.

Deputy Nash made a very considered contribution on Second Stage and again today. He understands the role I have and the role I do not have. I agree that a political signal is important and I am happy to send such a signal. I want this issue resolved and it is important to put that on the record of the House today. I will work positively with my own officials on this and will ask them to engage with the commission in a positive frame of mind to ensure we can bring about a resolution to this issue as soon as we possibly can. That is where I stand on the substantive matter.

I am not going to accept amendments Nos. 3 or 4 because I do not think they are necessary or appropriate. A process is ongoing and we should allow that to take its course. This debate has been really helpful and it will add fresh impetus to the process. I hope the fact that we are discussing this on the floor of our national Parliament and that I, as Minister, have made the points I have made will be helpful. That is where I stand in relation to the issue. I want to see the parties, namely the commission and SIPTU, representing the workers, engaging intensively. My officials are available to support or assist in any way they can, while recognising our role under the Act. Our role is to consider a proposal put to us and then for me, as the Minister, to make the final decision. It is very clear in the legislation that the commission should obtain the consent of the Minister. In other words, the commission does the negotiations. We are not directly involved in the negotiations but to support it in any way we can and then that proposal is put to me for decision as to whether to give consent or not. That is where the matter stands. On that basis, I do not believe we should amend the legislation. I do not believe it is necessary

or appropriate given that it is an ongoing process. I have outlined where the matter stands and how I think it can be resolved. I restate my view and that of the Government that we do want this issue resolved.

**Deputy Thomas Pringle:** I thank the Minister for his response. It is obvious from it that he feels strongly about the situation and he wants to send the clear message that the situation does need to be resolved. I take on board that the Oireachtas Commission and the union must engage with the WRC and come up with a proposal before the Minister has a role in considering it. It is one thing to say it in the House here but it would send a very strong message if the Minister took these amendments on board so that they were written in the legislation. That would send out a very strong message that this needs to happen and that the Minister is quite willing to do his part when it comes to it. That is something that needs to happen. The Minister spoke of sending a political signal. There is no stronger signal than one written into the legislation that this needs to happen. That would not tie the Minister's hands or influence him on the outcome. It would just send a very strong message that this has to happen quickly.

It is not surprising to us on the Opposition that the Government is not accepting the amendment as traditionally the Government does not accept them but it would send an important message and a clear signal. It does not commit the Minister to doing anything except to produce a report which would be examined. I ask the Minister to reconsider.

**Deputy Mairéad Farrell:** It is good to hear that the Government party TDs have also been strong on the case and that the Minister understands where we are coming from. I agree with Deputy Pringle. It is great that we are having this discussion and I am not suggesting that anyone would purposely forget it but I am concerned that it could slip off the radar in time. That is why I think this kind of report would be of benefit and it keeps it on the agenda which is very important. I am worried that we will be here this time next year and remember that we discussed this last year and have to ask what had happened in the interim. It is something that is so important for those who are working in our constituency offices. The report would be good and it would also keep it on the agenda and in our own minds. It is very important. Deputy Pringle said that we are used to these reports being published and the Government not accepting them. I do not understand why that is not the case. These reports can only benefit everyone, the Government and the Opposition. Sometimes it is good to think in a different way and take on the reports from Opposition parties or Independents so that they can be looked at.

I am glad that the Minister is making a strong political signal on this. It is good that we had the discussion and that we all appear to be on the same page. My only concern is that we do not see this fall off the agenda.

**Deputy Róisín Shortall:** I welcome the Minister's positive comments. He is sending a signal, there is no doubt. This is a very long-running issue. We cannot continue with a situation where we are not treating our staff in an acceptable manner. That is the reality. We should not allow it to continue any longer. I accept the Minister's bona fides but he must also accept ours. This is a reasonable amendment. It provides a reasonable timescale. We are saying to come back to us within six months and to lay that report before the Houses. We have seen how long this issue has run. There is real urgency about it. The concern is that it will not be dealt with in a timely manner or that another offer will be made that is just not acceptable. I ask the Minister please to be reasonable about this because I think that we are being reasonable. We are generally on the same page. All we are saying is that in order to keep a focus on this so that we do not waste more years and expect people to survive on fairly measly starting salaries that

we ensure that there is a report, that the Minister follows through on what he is saying and that he presents a report to us on the progress that has been made. It is reasonable and we ask the Minister to be reasonable and to accept that request.

**Deputy Ged Nash:** I thank the Minister for his positive contribution. Even in a short time he has travelled a considerable journey in terms of articulating that political signal and making it very clear that he wants that issue resolved in the interest of secretarial assistants and the sustainability and attractiveness of that employment. It is always a concern with public service negotiators that they may run the risk of creating some kind of precedent and getting themselves involved in a situation where an agreement with one sector of workers may have a knock-on effect or implications for other sectors of workers or, indeed, the integrity of the national agreement. However, it is my assessment that any positive conclusion to this set of negotiations would not have any implications for knock-on claims anywhere else by virtue of the fact that the job itself is unique. It is very difficult to compare it with any other role or function of any other public or civil servant across the system. We need to be mindful of that. The Minister, his officials and the officials at commission level need to be mindful of that too. There is no vulnerability there and there is no risk. It is a unique role and its uniqueness and the demands of the role need to be given very clear consideration by negotiations over the coming months.

**Deputy Bríd Smith:** On knock-on effects and pay increases across sectors, we have to acknowledge, and we would be putting our heads in the sand if we did not, that we have a problem with low pay in this country and particularly in the public sector. The ushers and service officers in this House, the cleaners, everyone who looks after us, are not paid enough. The pay is too low. We are not just singling out the secretarial assistants for the sake of it but this is the particular legislation that we are dealing with that pertains to them. There should be an acknowledgement that the rate of inflation, the cost of electricity, rent and of educating your kids is all going way out of kilter with the pay of ordinary workers and particularly with the grades that we meet daily in this House, right across the public sector and the civil service. Therefore, that acknowledgment is important. I welcome the political signal that the Minister is giving today on the secretarial assistants but I also think a political signal around the low pay of our public servants would be very helpful indeed, whether it is knock-on or not. An acknowledgement of it and telling things as they really are and the truth of what people face daily is important.

I am disappointed that the Minister is not going to accept the amendment because he knows that the reason it is there is because it is our job in the Opposition to make the Government accountable.

*3 o'clock*

The purpose of the amendment is to ensure that no matter what the Minister says today - we are glad of his positive pronouncements - is what he actually means and that he is held accountable to that. That is why the amendment is there. I plead with him to accept it. It is not going to tie his feet to the floor, pull his toenails out, torture him or send him to Guantánamo Bay. It is only holding him to what he is saying here, on a piece of paper that says he will be accountable to this House when the chips are down.

**An Ceann Comhairle:** Are any other Deputies offering before we go back to the Minister? We are not going to torture him now or anything.

**Deputy Michael McGrath:** Hopefully not, a Cheann Comhairle. I assure Deputy Smith

that I am not going anywhere. I am never going to be far away from the House or Members. I can be held to account at any time and am happy to be held to account and to attend committees and plenary sessions as well. The Deputy should not underestimate the value of this debate. My officials are here while other officials are watching the debate remotely.

**Deputy Ged Nash:** Nervously.

**Deputy Michael McGrath:** They are listening very carefully to all the contributions being made. There is an process ongoing at the moment. The amendment I am being asked to accept includes a report covering engagement the Minister has had with union representatives of political staff in respect of their pay claim. In fairness, that is not my role. It is not my role to engage directly with the unions. The commission is doing that work directly with SIPTU. The commission then, following that engagement and through the WRC, will make a proposal to me as Minister. It would not be helpful or appropriate for me as Minister to cut through and get directly involved before a negotiation is complete.

I acknowledge some of the points made earlier about the role itself and whether it needs to be reconsidered. Currently, the pay scale in question is analogous to the pay scale for clerical officers across the civil and public services. It is for the commission to come to a view on whether that is appropriate. Deputy Nash made the suggestion of a job evaluation, for example, and I am not going to advise the commission on how to do its work. It is a matter for the commission. I respect the commission's role. In essence, what we are providing for in the Bill are the enabling resources not just to run these Houses but also to provide support for Members and support for all our staff. I am satisfied there are adequate resources in the legislation, which we will hopefully pass in the coming days, to address this issue in an appropriate way.

Amendment put:

<i>The Dáil divided: Tá, 44; Níl, 69; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bacik, Ivana.</i>	<i>Berry, Cathal.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Brophy, Colm.</i>	
<i>Brady, John.</i>	<i>Browne, James.</i>	
<i>Browne, Martin.</i>	<i>Burke, Colm.</i>	
<i>Buckley, Pat.</i>	<i>Butler, Mary.</i>	
<i>Cairns, Holly.</i>	<i>Calleary, Dara.</i>	
<i>Carthy, Matt.</i>	<i>Canney, Seán.</i>	
<i>Clarke, Sorca.</i>	<i>Cannon, Ciarán.</i>	
<i>Connolly, Catherine.</i>	<i>Carey, Joe.</i>	
<i>Cronin, Réada.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Crowe, Seán.</i>	<i>Chambers, Jack.</i>	
<i>Cullinane, David.</i>	<i>Collins, Niall.</i>	
<i>Daly, Pa.</i>	<i>Costello, Patrick.</i>	
<i>Doherty, Pearse.</i>	<i>Cowen, Barry.</i>	
<i>Ellis, Dessie.</i>	<i>Creed, Michael.</i>	
<i>Farrell, Mairéad.</i>	<i>Crowe, Cathal.</i>	
<i>Funchion, Kathleen.</i>	<i>Devlin, Cormac.</i>	

<i>Gannon, Gary.</i>	<i>Dillon, Alan.</i>	
<i>Gould, Thomas.</i>	<i>Donnelly, Stephen.</i>	
<i>Guirke, Johnny.</i>	<i>Donohoe, Paschal.</i>	
<i>Kenny, Gino.</i>	<i>Duffy, Francis Noel.</i>	
<i>Kenny, Martin.</i>	<i>Durkan, Bernard J.</i>	
<i>Kerrane, Claire.</i>	<i>English, Damien.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Farrell, Alan.</i>	
<i>McNamara, Michael.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Munster, Imelda.</i>	<i>Flaherty, Joe.</i>	
<i>Murphy, Paul.</i>	<i>Flanagan, Charles.</i>	
<i>Mythen, Johnny.</i>	<i>Fleming, Sean.</i>	
<i>Nash, Ged.</i>	<i>Foley, Norma.</i>	
<i>O'Callaghan, Cian.</i>	<i>Griffin, Brendan.</i>	
<i>O'Rourke, Darren.</i>	<i>Harris, Simon.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Haughey, Seán.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Heydon, Martin.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Higgins, Emer.</i>	
<i>Pringle, Thomas.</i>	<i>Hourigan, Neasa.</i>	
<i>Quinlivan, Maurice.</i>	<i>Humphreys, Heather.</i>	
<i>Ryan, Patricia.</i>	<i>Kehoe, Paul.</i>	
<i>Shortall, Róisín.</i>	<i>Lahart, John.</i>	
<i>Smith, Bríd.</i>	<i>Leddin, Brian.</i>	
<i>Smith, Duncan.</i>	<i>Madigan, Josepha.</i>	
<i>Stanley, Brian.</i>	<i>Martin, Catherine.</i>	
<i>Tully, Pauline.</i>	<i>Matthews, Steven.</i>	
<i>Ward, Mark.</i>	<i>McAuliffe, Paul.</i>	
<i>Whitmore, Jennifer.</i>	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murnane O'Connor, Jennifer.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Joe.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	

	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Thomas Pringle and Róisín Shortall; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

**Deputy Thomas Pringle:** I move amendment No. 4:

In page 3, between lines 23 and 24, to insert the following:

**“Report on continuation of provisions of Scheme for Secretarial Assistance**

**2.** The Minister shall, within 6 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining—

(a) considerations in respect of the replacement of the secretarial assistant grade with the parliamentary assistant grade in respect of those employed by a member of Seanad Éireann,

(b) considerations in respect of the replacement of the secretarial assistant grade with the administrative assistant grade in respect of those employed by members of Dáil Éireann, and

(c) considerations in respect of the additional staffing requirements of members of both Houses of the Oireachtas with due regard to the changes which have taken place in respect of the work of members of both Houses of the Oireachtas since the Scheme for Secretarial Assistance was created.”.

**An Ceann Comhairle:** Does the Deputy wish to speak to the amendment?

**Deputy Thomas Pringle:** No.

Amendment put and declared lost.

Section 2 agreed to.



Title agreed to.

Bill reported without amendment, received for final consideration and passed.

### **Finance Bill 2021: Report Stage (Resumed) and Final Stage**

**Deputy Richard Boyd Barrett:** I move amendment No. 11:

In page 20, between lines 28 and 29, to insert the following:

“**16.** Within three months of the passing of this Act, the Minister shall lay a report before the Dáil, on the income that would be generated by introducing four new income tax bands as follows:

- (a) earnings between €100,000 and €150,000 taxed at 50 per cent;
- (b) earnings between €150,000 and €200,000 taxed at 55 per cent;
- (c) earnings between €200,000 and €275,000 taxed at 60 per cent; and
- (d) earnings between €275,000 taxed at 65 per cent.”.

Amendment put and declared lost.

**Deputy Richard Boyd Barrett:** I move amendment No. 12:

In page 20, between lines 28 and 29, to insert the following:

“CHAPTER 4

*Wealth Taxes*

#### **Reports**

**16.** Within three months of the passing of this Act, the Minister shall lay a report before Dáil Éireann, on the amount of revenue that would be raised if he were to tax the top 5 per cent of households 2 per cent of their accumulated wealth less 1 million for a family home.”.

We raise the issue of wealth taxes every year. We are consistent in believing that we need to have wealth taxes in order to have a just taxation system and additional resources which are badly needed to fund our public services. Of course, the following point is an obvious one but nonetheless well worth reiterating. People ask where we will get the money for the national health service we need and the increased capacity we urgently need, now more than ever, after Covid, for our health service to give us those ICU beds and the public health teams we need; staff our health services; and fix all the school buildings in our education system, many of which are dilapidated, a matter that is now more than ever important given the issue of overcrowded classrooms and Covid transmission. One can go through the list of the money we need in retrofitting and public transport. One has to have the money. One has to get it from somewhere.

However, we are consistent in not making calls for additional spending without proposing sources of revenue. We are the most prudential party in the Dáil. The Government is financing most of its additional expenditure through debt. While interest rates are low, that can change,

and our debt profile would be pretty scary if it were to change. We are not against some borrowing, but we would not need to borrow as much if we got the wealthy in our society to pay their fair share of tax, which they do not. That would provide billions extra which we would not have to borrow to put into health, education, housing, public transport, climate measures and so on.

One does not get much change in this country for raising these questions, from the media or political commentators, but the time will come when the wealth tax will be discussed in a serious way and we will keep battering away at it until such a moment. Other countries have wealth taxes and some of them have introduced those wealth taxes recently in the context of Covid-19, which is right and proper because many people suffered significant economic hardship and impacts as a result of Covid-19 whereas others did extremely well during the pandemic. Ireland is one of those countries.

I doubt whether anyone is taking any notice in media circles and they just think these are the sort of things the left always talks about. However, it staggers me and I was staggered once again, when I looked at the latest Central Bank quarterly report with its figures on household wealth, published in November. When we wrote our alternative budget and the wealth tax we proposed, the net household wealth for the entire country, after debts, was €883 billion. At that time, that was a staggering increase of €89 billion on the figure for the previous year. However, when I looked just two months later, it had gone up to €935 billion. In just a few months, the extent of household wealth in this country has jumped enormously. I hope the Central Bank provides a figure on what that would mean per household. It was €177,000, *per capita*, per household. If that money was spread out, each household on average would have €177,000. In the latest figures, each house, on average, would have €186,000, if that money was spread out evenly. However, of course, the vast majority of people do not have anything even closely approximating that.

I know the Minister will say that is mostly households assets, but it is not. More than €400 billion of that is financial assets. The financial assets have jumped by €13 billion since the last figures produced by the quarterly report. The facts speak for themselves. Rich people have become much richer, because ordinary people have not seen massive jumps of that proportion in their wealth. Many have seen their incomes fall. Many are impacted by energy price hikes, inflation and all that kind of stuff and have been limited to 1% or 2% pay increases, if a public sector worker. Where is all this additional money going? It is going to the 10% who have 53% of all that wealth. They are getting richer. Having money makes money and one becomes wealthier and wealthier, whether it is property or financial assets.

We propose a modest measure to have a tax targeted at the richest 5%, which is 85,000 households that have approximately €3 million to €4 million each in average income, to allow them €1 million for a house. The house does not get taxed. After that, we propose putting a 2% annual tax on what is left. They would not even feel it. Their wealth is accumulating at a much faster rate than that, annually, according to these figures. However, in our budget estimate, doing so would raise €4.9 billion. It is probably more now, given the increase in figures and they would barely even feel it, but that is a considerable sum of money which could come in every year to help fund the social housing, public transport, health and education where we desperately need money. Once again, we put the proposal and challenge the Government as to why that would not be a fair and reasonable thing to do.

**Minister for Finance (Deputy Paschal Donohoe):** As I informed the Deputy on Committee Stage of the Bill, wealth can be taxed in a variety of ways, some of which are already levied

in Ireland. Capital gains tax and capital acquisitions tax are, in effect, taxes on wealth in that they are paid by an individual or company on the disposal or acquisition of an asset through gift or inheritance. Deposit interest retention tax, DIRT, is charged at 33%, with limited exemptions, on interest earned on deposit accounts. Local property tax is a tax based on the market value of residential properties. Any revenue raised from a wealth tax may not, therefore, be additional to the existing forms of wealth taxation, as revenues from those taxes could be affected by the introduction of a wealth tax.

On the issue of household wealth, late last year the Central Bank published a report, Household wealth: what is it, who has it and why it matters. It reports that the survey data indicate an improved financial position and resilience for households prior to the Covid-19 crisis when compared with the situation leading into 2008. I am informed the survey indicates that the net wealth of the median household grew by over €76,000 or 74% to €179,200 from 2013 to 2018, driven primarily by house price growth and decline in mortgage debt. The report is clear that a significant portion of wealth for most households is tied up in the family home. This net wealth grew across the entire wealth distribution while inequality, as measured by the Gini coefficient, fell over the same period. The decline in negative equity from 33% in 2013 to 4%% in 2018 was a key driver of this.

As was confirmed in the recent budget tax policy changes document, a range of metrics demonstrate that, compared with other countries, the Irish tax and welfare systems already contribute substantially to the redistribution of income and the reduction in income inequality. Our income tax system has become even more progressive over time and ranks as one of the most progressive in the OECD. My officials continue to examine all issues relating to taxation, including the taxation of wealth, on an ongoing basis, and they and I will monitor and consider any additional information and data that come to light. I do not, however, have any plans to introduce the wealth tax or to produce a new report on that topic. I therefore cannot accept the Deputy's amendment.

The Deputy referred to the debt situation the country is in and described it as "scary". While the level of debt we hold is much higher than it was in the pre-pandemic period, our debt is now on average funded for a long period and at a low interest rate, which means that if the country continues to reduce our level of borrowing, we will over time reduce the impact of the debt on our country. While I would describe it as a serious issue we have to be aware of in future budgets, I would not at this point describe it as "scary" in terms of the impact it could have on decisions we have to make. It is profiled for in terms of duration and interest rate in such a way that, if we manage our public finances carefully, the country should be able to manage the consequences of that debt.

The Deputy referred to other countries introducing the wealth tax. Perhaps he will inform me if any countries in the European Union have done that and tell me how their experiences inform his.

It is worth saying again, as I always do in this debate, that the survey from the Central Bank indicates a key component of household wealth and the growth thereof in our country is what has happened to the value of residential property. We have a local property tax that taxes the value of the wealth located in family homes. It resembles in many ways the kind of wealth tax the Deputy wants to bring in but he is opposed to the local property tax and wants to see it abolished.

Capital gains tax, capital acquisitions tax and DIRT are, at their current levels, among the highest of any country to which Ireland would compare itself. We have taxes in place already, some of which are a proxy for a wealth tax or equivalent to the impact one could have. In particular, we have a local property tax the Deputy has long campaigned for the abolition of.

**Deputy Richard Boyd Barrett:** I said it would be scary if interest rates rose. That is a vulnerability. I accept interest rates are low at the moment and it is sustainable at this point but that could change. We learned to our cost after the crash in 2008 where that can lead.

I will make an elementary point about the borrowing of money. You borrow off rich people, and you pay them interest. People who have surplus money lend it to people or states who do not have enough money and charge them interest. Therefore, the people who have surplus money are getting richer all the time. That is how the financial assets of the wealthy grow each year. It is simple. I pointed out in terms of wealth accumulation that financial assets, setting aside property assets, grew dramatically by €13 billion since the last figures produced by the Central Bank. Some €400 billion of that €936 billion is financial wealth, not households. A significant amount of that wealth is constituted by multiple properties owned by landlords, vulture funds, real estate investment trusts and so on. All of that is accumulating and generating more wealth for those people.

I do not find the excuses plausible. The amendment would be reasonable and fair and there would be a lot of money raised by it. That is money we badly need in housing, health, education and public transport. Now more than ever with Covid-19, wealth tax is an idea whose time has come.

Amendment put:

<i>The Dáil divided: Tá, 46; Níl, 69; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Andrews, Chris.</i>	<i>Berry, Cathal.</i>	
<i>Bacik, Ivana.</i>	<i>Brophy, Colm.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Browne, James.</i>	
<i>Brady, John.</i>	<i>Burke, Colm.</i>	
<i>Browne, Martin.</i>	<i>Butler, Mary.</i>	
<i>Buckley, Pat.</i>	<i>Calleary, Dara.</i>	
<i>Cairns, Holly.</i>	<i>Canney, Seán.</i>	
<i>Carthy, Matt.</i>	<i>Cannon, Ciarán.</i>	
<i>Clarke, Sorca.</i>	<i>Carey, Joe.</i>	
<i>Connolly, Catherine.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Cronin, Réada.</i>	<i>Chambers, Jack.</i>	
<i>Crowe, Seán.</i>	<i>Collins, Niall.</i>	
<i>Cullinane, David.</i>	<i>Costello, Patrick.</i>	
<i>Daly, Pa.</i>	<i>Cowen, Barry.</i>	
<i>Donnelly, Paul.</i>	<i>Creed, Michael.</i>	
<i>Ellis, Dessie.</i>	<i>Crowe, Cathal.</i>	
<i>Farrell, Mairéad.</i>	<i>Devlin, Cormac.</i>	
<i>Funchion, Kathleen.</i>	<i>Dillon, Alan.</i>	

<i>Gannon, Gary.</i>	<i>Donohoe, Paschal.</i>	
<i>Gould, Thomas.</i>	<i>Duffy, Francis Noel.</i>	
<i>Guirke, Johnny.</i>	<i>Durkan, Bernard J.</i>	
<i>Kenny, Gino.</i>	<i>English, Damien.</i>	
<i>Kenny, Martin.</i>	<i>Farrell, Alan.</i>	
<i>Kerrane, Claire.</i>	<i>Flaherty, Joe.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Flanagan, Charles.</i>	
<i>McNamara, Michael.</i>	<i>Fleming, Sean.</i>	
<i>Munster, Imelda.</i>	<i>Foley, Norma.</i>	
<i>Murphy, Paul.</i>	<i>Griffin, Brendan.</i>	
<i>Mythen, Johnny.</i>	<i>Harris, Simon.</i>	
<i>Nash, Ged.</i>	<i>Haughey, Seán.</i>	
<i>O'Callaghan, Cian.</i>	<i>Heydon, Martin.</i>	
<i>O'Rourke, Darren.</i>	<i>Higgins, Emer.</i>	
<i>Ó Broin, Eoin.</i>	<i>Hourigan, Neasa.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Humphreys, Heather.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Kehoe, Paul.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Lahart, John.</i>	
<i>Pringle, Thomas.</i>	<i>Leddin, Brian.</i>	
<i>Quinlivan, Maurice.</i>	<i>Madigan, Josepha.</i>	
<i>Ryan, Patricia.</i>	<i>Martin, Catherine.</i>	
<i>Shortall, Róisín.</i>	<i>Matthews, Steven.</i>	
<i>Smith, Duncan.</i>	<i>McAuliffe, Paul.</i>	
<i>Stanley, Brian.</i>	<i>McGrath, Michael.</i>	
<i>Tóibín, Peadar.</i>	<i>McHugh, Joe.</i>	
<i>Tully, Pauline.</i>	<i>Moynihan, Aindrias.</i>	
<i>Ward, Mark.</i>	<i>Moynihan, Michael.</i>	
<i>Whitmore, Jennifer.</i>	<i>Murnane O'Connor, Jennifer.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Joe.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	

	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Richard Boyd Barrett and Paul Murphy; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

**An Ceann Comhairle:** Amendment No. 13 is out of order.

Amendment No. 13 not moved.

**Deputy Richard Boyd Barrett:** I move amendment No. 14:

In page 79, between lines 18 and 19, to insert the following:

“**33.** Within three months of the passing of this Act, the Minister shall lay a report before the Dáil, on the functioning of section 481 relief for investment in films, particularly in relation to the degree to which it is meeting the requirement to meet “quality employment and training” and to examine whether film producer companies in receipt of the relief are hiding behind short lived designated activity companies (DAC) to avoid taking responsibility for workers employed on film productions supported by the relief.”.

This amendment relates to the film tax relief available under section 481 of the Taxes Consolidation Act 1997. I am proposing that we have a proper look at whether the relief is delivering on the conditions that are attached to it to provide quality employment and training, which is the legal requirement of those who receive it.

I have raised this issue many times with the Minister and I acknowledge that he has changed some of the rules, including the introduction of a requirement that the film producer companies in receipt of the relief give an undertaking that they are complying with employment legislation and so on. However, as I have pointed out, those companies are not, in fact, respecting the rights of workers and are not fulfilling the conditions of section 481. They get the relief specifically and only if they provide quality employment and training, which means they must take responsibility for the people employed to work on the films they produce. However, when workers are treated badly, or feel they have been treated badly, when they have been dismissed or not re-employed by these film producers or where collective agreements are not honoured, and they take cases to the Workplace Relations Commission, WRC, the same people who take money from the Government on the basis that they will provide quality employment and train-

ing go into the WRC and say, “We could not possibly have an employment relationship with this person.” That is really serious.

To give an example, a case was taken to the Labour Court against Element Pictures by a stagehand who worked for the company, which has taken millions of euro in relief over many years, takes money from Screen Ireland and gives the Minister undertakings that it will provide quality employment and training. The CEO of the company told the court: “I wish to illustrate to the court how the specific working arrangements in the production sector prevent a relationship of employment from having existed between the parties.” These people are going into the Labour Court and WRC and saying they could not possibly have an employment relationship with the person taking the case, who has worked on a film that is funded by section 481. If there is nothing else the Minister will do, I appeal to him or his officials to go to the WRC when some of these cases are being taken. The people in the film production companies are speaking out of both sides of their mouth. At the same hearing, a representative of Screen Producers Ireland - I am not sure why a representative body for producers was represented at the hearings - said:

I will give further evidence to the court that there is no possible basis, having due regard to the realities of the sector, on which a relationship can be said to have existed between the parties hereto. This is on the basis of the clearly established industry norms and practices governing working arrangements in this sector, including in the operation of section 481.

The representatives of the film producer companies, which are in receipt of €60 million, €70 million or €80 million of section 481 relief a year, are taking the money and saying they will provide employment and then going into the WRC and saying not only is the person not their employee but they could never be their employee because the industry prevents the companies from being an employer. They are saying they are not an employer, which cannot be the case. They get the money to provide employment and then say they do not create any employment and do not have any employees. How do they manage this trick and how does the Government let them get away with it?

The same applies in respect of skills training. A case is being taken at the moment by an apprentice painter who has worked on successive films for Metropolitan Films but was dismissed because he got injured on set. He thought he was an apprentice painter but when he went to question how he could be dismissed, he discovered there was no accreditation. He has been working for several years as an apprentice but is not, in fact, an apprentice, because the company is registered with nobody and there is no qualification process. He is not only out of a job because the construction manager got rid of him but he does not have the three years of qualifications he thought he had and could take somewhere else. He may as well never have been a painter.

This has been going on for years and I have been saying it for years. As I pointed out to the Minister, some of the witnesses who came into the Oireachtas committee in 2018 and raised these points have never worked again in the industry, even though they had a long history of working for the same companies that receive the section 481 relief. I appeal to him to look at this issue. Let us remember that only a few years ago, back in 2018, the film producer companies told the Oireachtas committee there were 17,000 jobs resulting from section 481.

*4 o'clock*

When the Minister examined it - and fair play to him for doing so - in the tax strategy pa-

pers, we discovered there were only 2,000 jobs. That is a big difference. It was scrutinised and there were 2,000 jobs. In none of those jobs does the worker accumulate any rights as an employee. Under the operation of law, the Protection of Employees (Fixed-Term Work) Act 2003 confers rights on the workers in this sector who work for the same employer, even if they work from project to project. They are working for the same producer company that is collecting the money, albeit behind different designated activity companies, DACs. That is, of course, how the companies get away with this three-card trick. They say “I’m not the employer, it is the DAC”, even though they set it up and a wholly owned subsidiary of the producer company collects the relief. This is a scam to get away with taking no responsibility for the people who work in this industry.

I will finish on this point. We saw the problem with not having proper regulation of this industry with the Alec Baldwin issue, when somebody got shot and killed on a set in the United States. It was discovered that people were working excessive hours and so on. The apprentice I mentioned earlier in this contribution was being asked to work massively excessive hours.

**An Ceann Comhairle:** Thank you, Deputy. You are way over time.

**Deputy Richard Boyd Barrett:** There are real consequences to not having proper employment relationships between the producers and employees in the film industry.

**Deputy Mairéad Farrell:** I commend Deputy Boyd Barrett on consistently raising this issue, highlighting it, putting it on the agenda and making me aware of it. It is clear from the concerns that have been raised consistently and that we have heard in this Chamber and in committees that this is an area of concern. Given that companies are supported by this relief, and in light of the grave concerns that have been highlighted time and time again, it would only be of benefit to us to have a report done. From the grave concerns we have consistently heard over the last number of weeks, I think it would be of benefit.

**Deputy Paschal Donohoe:** The Taxes Consolidation Act 1997 provides a 32% payable relief for eligible expenditure on film production in Ireland. The scheme is intended to act as a stimulus to the creation of an indigenous film industry in the State, creating quality employment opportunities and supporting the expression of Irish culture. The audiovisual sector has largely continued to function through the most challenging period of the disease and to provide quality employment at a time when so many other elements of the culture sector have been severely impacted.

The protocols put in place by the sector have meant that workers have been in high demand. It is the expectation that in the provision of such opportunities there will be compliance with all applicable employment obligations, including legislative obligations and policies and procedures to ensure dignity at work. To grow the industry in Ireland, we want to see quality and sustained employment and training opportunities in the sector. This is reflected in the undertaking of quality employment which is required to be signed as part of the application process for section 481. This undertaking not only applies to the producer company but also to the DAC. In addition to the requirement to sign an undertaking of quality employment, an applicant company is also required to submit a skills development plan as part of its section 481 application if the relevant project is worth more than €2 million.

There has been good progress over the past year in negotiations between employer and worker representative bodies in the sector. For example, from January 2021, a modernised crew



agreement was introduced which promotes good practice, regularises evolving work practices and provides for an industry pension scheme operating under the construction workers pension scheme. A monitoring structure to oversee the operation of the agreement is included, as is a commitment to develop the first work-life balance policy for the film and television industry. The agreement acts as a framework for the industry, covering all grades except film construction. I understand that a proposed construction crew agreement is also under negotiation. My officials will continue to monitor progress in this regard.

In relation to any specific workplace disputes, the WRC and the Labour Court are the organs of the State tasked with the resolution of disputes relating to workplace matters and employment rights. It is appropriate that any relevant claims should be referred to these bodies for adjudication. As a result, I am unable to comment on the specific matters raised by Deputy Boyd Barrett. Taking all these points into account, I do not believe it is necessary to undertake a report as proposed by the Deputies. Therefore, I do not intend to accept this amendment.

I would like to make a broader point to Deputy Boyd Barrett. I recognise his long-standing interest in this issue, and the role he has played in bringing progress about. The sector is making much progress on issues that are of concern to the workers who have raised issues to Deputy Boyd Barrett and to the Oireachtas committee. As I said on Committee Stage, I met with SIPTU and Screen Ireland about the status of their sector, as well as sectoral issues that are relevant to the debate we are having. The picture they gave to me of the industry is quite different from the issues that Deputy Boyd Barrett has raised. I am not saying for a moment that everything is ideal and that there are no issues. There are issues. When SIPTU and Screen Ireland spoke about the progress they are making, they painted a picture of progress that is at odds with the way Deputy Boyd Barrett has described the sector.

Through my officials who are active in the interdepartmental work that is taking place on this sector, I will continue to monitor this issue and look at issues regarding the implementation of section 481. When we were debating this matter a few years ago, Deputy Boyd Barrett read out to me the qualifying section for accessing the tax relief. I think one of the phrases used was “quality employment”. The Deputy asked me if I believed that a tax relief should be available to an employer if quality employment was not being fulfilled. I think I said two things to him in response. The first was that in any workplace, there are always issues with how workers feel about the work they are doing and, in addition, employers sometimes have issues about work and the way an organisation or company is doing its work. The second thing I said to the Deputy was that this industry, as he knows because he has a good grasp of what is going on, is organised project by project. Having said all of that to the Deputy, I still answered “Yes” to his question. I believe that if a condition of access to this tax relief is the delivery of quality employment within our country, that is a condition for this relief continuing to be available in Ireland and in specific projects in Ireland. On foot of that exchange between the Deputy and me, and because of actions taken by my Department after that, I believe progress has been made. In fairness to the Deputy, he acknowledges that progress has been made. He has done so on many occasions. My judgment is that we are at odds on how much progress has been made. Through the Finance Bill and through the engagement of my Department in this matter, we will continue to work away on this agenda. We will continue to look at the industrial relations work that is progressing quite well in this sector to see if we can play a role in supporting that progress.

**Deputy Richard Boyd Barrett:** I acknowledge that the Minister engaged, listened and took action. That action has brought some improvements and it has put a bit more pressure on.

However, to be honest, what the Minister is being told by Screen Producers Ireland is not the truth. He needs to look beyond it. I have quoted what its CEO said in a witness statement this year in the Labour Court. She does not just say “this person was not an employee” or a recipient of section 481. She goes on to say that nobody could be. I want the Minister to absorb the significance of her statement that nobody could be. They are taking money from the taxpayer on the basis that they are going to provide quality employment and training, and then they say they could not possibly be the employer. As a result, they try to prevent the case from ever being heard. The Minister has to issue an instruction that this is not an acceptable position for recipients of this relief to take. They hide behind the DAC and even though it is the producer companies that gets the money, they deny that they have an employment relationship with individuals who worked on those productions. Then all the undertakings mean nothing. The producers are saying that if they had any employees, they would absolutely vindicate their rights under the Protection of Employees (Fixed-Term Work) Act 2003 or the working time directive but they do not have any employees so it does not matter if none of those rights is vindicated because it is nothing to do with them. That is what is happening and certain people do not want the boat rocked. These same companies are getting money year after year so of course they are telling the Minister it is okay. He needs to look beyond that objectively at what protections workers have to ensure their rights are actually being vindicated.

**Deputy Paschal Donohoe:** I will continue to monitor this industry and look at the implementation of this relief. I am not going to comment on the individual case the Deputy has referred to because it is not appropriate for me to do so in the Dáil. As the Deputy and I discussed on Committee Stage, we got to an important point in August 2020 when the Workplace Relations Commission reported on the outcome of evaluation work it had done within the sector. It made four recommendations, namely, the maintenance of good industrial relations; the progress of an agenda with regard to skills and training; acknowledging the positive impact of the guilds’ role; and placing more focus on improving HR management. For each of those areas, progress has been made. Deputy Boyd Barrett and I both feel that progress has been made, although he feels that less progress has been made than I do. Between this Finance Bill and the next one, I will continue to look at the implementation of this relief and how we can make progress on quality of work and quality of life issues in a way that is agreed between the employer and the employee. That is why the Workplace Relations Commission and the work it does is so important.

**Deputy Richard Boyd Barrett:** In order to have that relationship between employer and employee somebody has to be the employer, but the people who are getting the money are saying they are not employers. This is the point. It is so elementary and it has to be addressed. Screen Producers Ireland is like the film branch of IBEC. It has no entitlement to making an agreement for an industry, particularly when its members say they have no employees. How can it have an industry agreement when its members say that? It is not just about this individual case. Screen Producers Ireland’s representative made it clear that the argument it was making on this case applied across the board, regardless of who it was, because its members do not have employees. Therefore, an employment relationship is not possible.

The Minister mentioned skills and training. Imagine a painter who had been working since 2015, thinking he was an apprentice who had accumulated his years in an apprenticeship. The Minister knows how apprenticeships work. This person works away thinking he will be qualified as a painter in four years. This person had been working since 2015 and his worksheets show he was working 70 or 80 hours a week, which is against the law. He then lost his job be-

cause he got injured on the job and the producer did not want to take responsibility for that. He then found out he was not an apprentice painter at all, so all that time is gone. Providing skills and training is lip service. People are going to courses but they do not get any accreditation and there are no apprenticeships. This cannot be allowed and it is not allowed in other jurisdictions. It is not allowed in the EU. If cases were taken to the EU courts, and maybe that is where this is going to have to go, they would call out this stuff.

Amendment put:

<i>The Dáil divided: Tá, 45; Níl, 64; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Browne, James.</i>	
<i>Bacik, Ivana.</i>	<i>Burke, Colm.</i>	
<i>Berry, Cathal.</i>	<i>Butler, Mary.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Calleary, Dara.</i>	
<i>Brady, John.</i>	<i>Cannon, Ciarán.</i>	
<i>Browne, Martin.</i>	<i>Carey, Joe.</i>	
<i>Buckley, Pat.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Cairns, Holly.</i>	<i>Chambers, Jack.</i>	
<i>Canney, Seán.</i>	<i>Collins, Niall.</i>	
<i>Carthy, Matt.</i>	<i>Costello, Patrick.</i>	
<i>Clarke, Sorca.</i>	<i>Cowen, Barry.</i>	
<i>Connolly, Catherine.</i>	<i>Creed, Michael.</i>	
<i>Cronin, Réada.</i>	<i>Devlin, Cormac.</i>	
<i>Crowe, Seán.</i>	<i>Dillon, Alan.</i>	
<i>Cullinane, David.</i>	<i>Donohoe, Paschal.</i>	
<i>Daly, Pa.</i>	<i>Duffy, Francis Noel.</i>	
<i>Donnelly, Paul.</i>	<i>Durkan, Bernard J.</i>	
<i>Ellis, Dessie.</i>	<i>English, Damien.</i>	
<i>Farrell, Mairéad.</i>	<i>Flaherty, Joe.</i>	
<i>Funchion, Kathleen.</i>	<i>Flanagan, Charles.</i>	
<i>Gannon, Gary.</i>	<i>Fleming, Sean.</i>	
<i>Gould, Thomas.</i>	<i>Foley, Norma.</i>	
<i>Guirke, Johnny.</i>	<i>Griffin, Brendan.</i>	
<i>Kenny, Martin.</i>	<i>Harris, Simon.</i>	
<i>Kerrane, Claire.</i>	<i>Haughey, Seán.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Heydon, Martin.</i>	
<i>Munster, Imelda.</i>	<i>Higgins, Emer.</i>	
<i>Murphy, Paul.</i>	<i>Hourigan, Neasa.</i>	
<i>Mythen, Johnny.</i>	<i>Humphreys, Heather.</i>	
<i>Nash, Ged.</i>	<i>Kehoe, Paul.</i>	
<i>O'Callaghan, Cian.</i>	<i>Lahart, John.</i>	
<i>O'Rourke, Darren.</i>	<i>Leddin, Brian.</i>	
<i>Ó Broin, Eoin.</i>	<i>Madigan, Josepha.</i>	

*Dáil Éireann*

<i>Ó Murchú, Ruairí.</i>	<i>Martin, Catherine.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Matthews, Steven.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>McAuliffe, Paul.</i>	
<i>Quinlivan, Maurice.</i>	<i>McGrath, Michael.</i>	
<i>Ryan, Patricia.</i>	<i>McHugh, Joe.</i>	
<i>Shortall, Róisín.</i>	<i>Moynihan, Aindrias.</i>	
<i>Smith, Duncan.</i>	<i>Moynihan, Michael.</i>	
<i>Stanley, Brian.</i>	<i>Murnane O'Connor, Jennifer.</i>	
<i>Tóibín, Peadar.</i>	<i>Naughton, Hildegarde.</i>	
<i>Tully, Pauline.</i>	<i>Noonan, Malcolm.</i>	
<i>Ward, Mark.</i>	<i>O'Brien, Darragh.</i>	
<i>Whitmore, Jennifer.</i>	<i>O'Brien, Joe.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Richard Boyd Barrett and Mairéad Farrell; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

**Deputy Richard Boyd Barrett:** I move amendment No. 15:

In page 81, between lines 33 and 34, to insert the following:

“(c) whether the employment generated in the development of the digital game en-

sure quality employment and training for those employed in its development and in particular to ensure that the digital games development company is not engaged in bogus self employment or employment practices which limit the ability of employees to avail of employment rights legislation,”.

The Minister is proposing to introduce as part of the Finance Bill a relief for the digital gaming sector similar to the section 481 film relief. It will be an additional subsection of section 481. I welcome the idea that we would encourage employment and investment in this sector. There is no doubt it has job potential. While that is very much to be welcomed, as a general point I question whether tax reliefs are the best way rather than direct expenditure to give support and strategically develop employment in a particular industry. In discussions we had at the Committee on Budgetary Scrutiny over the years, a lot of expert economic advice suggested that direct expenditure is often more beneficial in terms of creating industries and employment than tax reliefs. There is always a necessity for some sort of cost-benefit analysis or examination of the best way to support an industry. Any support must be regularly reviewed to ensure we get quality employment.

Given the discussions we had on the earlier amendment on film relief for the audiovisual sector, we have concerns, and we do not want to do anything to facilitate poor quality employment or bogus self-employment. In my view, that is an issue in the film industry. There is a general lack of security in these kinds of industries for employees. We are seeking a review to ensure this is the best way of supporting employment in a sector that we consider to be strategically important.

As an aside, given the previous discussion, because the two are part of the same Finance Bill, it is telling that those who have given the Minister a particular viewpoint on section 481 – I accept I have given another viewpoint – did not want to go into a room with people who disagreed with them when the Minister asked them to agree in principle to set up a stakeholder forum where all views could be heard. The groups to which the Minister referred vetoed that, and they got away with it because they did not want to go into a room with people who had different viewpoints. In order to have a proper assessment of an issue, we need to get everybody in the room.

**Deputy Paschal Donohoe:** Look at how much time Deputy Boyd Barrett and I spend together.

**Deputy Richard Boyd Barrett:** Indeed, but let us be honest, we are dependent on the information from the ground. It is difficult to establish the real facts on the ground. It is a hard thing for the officials to do as well. We are all dealing with multiple issues. We are talking to particular people, but we get a better sense when we get everybody in a room, and we hear the different perspectives, especially when we can get in some independent people who have no stake in the game to assess the information. The Minister should consider that also in terms of the previous discussion. It is very telling when somebody does not want to go into a room and openly stand over his or her position. It speaks volumes.

While we welcome the support the Minister is trying to give to an emerging sector and the potential employment that could generate, given that it is a huge growth sector in the world generally, it must be looked at regularly to ensure we are getting the best quality employment and that this is the best way to support that employment and the growth of that sector.

**Deputy Paschal Donohoe:** The tax credit for digital games is a cultural relief. Therefore, in order to avail of the credit, a digital game development company must first apply to the Minister for Tourism, Culture, Arts, Sport, Gaeltacht and Media for a cultural certificate. As part of the certification process, the company will be required to complete an undertaking in respect of quality employment to qualify for the relief. This undertaking is similar to the requirement in place under the section 481 film tax credit. The undertaking commits applicants to comply with all relevant employment legislation. It is crucial that employee rights are upheld in all industries and the inclusion of this provision reinforces the importance of adhering to employment legislation in the digital gaming sector.

Should a digital game development company fail to adhere to a condition or obligation specified in the undertaking, the conditions of certification will not have been met, which means that any credit claimed pursuant to an interim or final certificate may be subject to recoupment by Revenue and an application for a final certificate may be refused. In relation to bogus self-employment, this is an issue that is relevant to all sectors and, as such, should be treated in that manner. I am advised that Revenue carries out a comprehensive programme of compliance operations each year across a broad range of economic sectors, including the digital game development industry. Many of the operations are carried out on a multi-agency basis, which can include officials from the Department of Social Protection, DSP, and the Workplace Relations Commission, WRC. The primary role of these joint investigation units is to detect non-compliance with tax and duty obligations, which includes non-operation of the PAYE system on foot of bogus self-employment.

Together with the DSP and the WRC, Revenue has updated the code of practice for determining employment status, which was published in July 2021. The code aims to be of benefit to employers, employees, independent contractors and legal, financial and HR professionals. It is also aimed at investigators, decision-makers and adjudicators in the DSP, Revenue, the WRC, their respective appeals bodies, and the courts. Its purpose is to provide a clear understanding of employment status, taking into account current labour market practices and developments in legislation and case law.

It is important to note that the monitoring of compliance with employment rights legislation is primarily a matter for the Department of Enterprise, Trade and Employment, through the WRC. While the importance of employment rights is reflected in the tax credit for digital games, the WRC remains the appropriate avenue to address non-compliance with employment rights legislation. I therefore do not propose to accept the amendment.

**Deputy Richard Boyd Barrett:** To be clear, insofar as this is modelled on section 481, does the same designated activity company, DAC, approach apply where it is done on a project-by-project basis? What was the Minister's favourite cartoon when he was younger? Was it "Tom and Jerry"? Let us say I am employed by Tom and Jerry DAC and then I am employed by Speedy Gonzales DAC. I am then employed by Wile E Coyote, DAC, but they are all Warner Brothers. Who was I employed by then? Was I employed by Warner Brothers or by Speedy Gonzales? He was there and he is gone, which is like the DACs. By the time I can take Speedy Gonzales to the WRC-----

**An Ceann Comhairle:** There is much evidence that there are some of them around here.

**Deputy John Lahart:** What about the Road Runner?

**Deputy Richard Boyd Barrett:** -----it will take me two years to get into the WRC and Speedy Gonzales is gone over the horizon but Warner Brothers will still be around. I am asking this as a serious question because there is a distinction between how the live-action film industry and the animation industry operate. The animation industry does not go cartoon by cartoon. People are employed by an actual company and they have a job, but in the film industry, they are not. Which is it going to be in the digital gaming sector? Will it be digital game by digital game or will it be a company that actually has employees and a premises that can be seen and it can be verifiably assessed whether there is a growth in employment and that the employment is quality employment and that there is an actual employer and employee?

**Deputy Paschal Donohoe:** I do not expect the main vehicle for drawing down this relief to be DACs; I expect that it will be companies involved in the production of games and that they will have a more stable relationship with their employees than would be the case in the film sector. It is not a requirement of this legislation that a DAC be in place to access this relief. I understand that the existence of DACs in the film industry is a legacy of how the sector used to be organised to access tax relief. Whether it will be Speedy Gonzales or the Smurfs, I expect they will all be done by the same company or by different companies as opposed to it being organised around a game. I will leave the discussion as to what my favourite cartoon was to another point for the Deputy.

**An Ceann Comhairle:** Is Deputy Boyd Barrett pressing the amendment?

**Deputy Richard Boyd Barrett:** Yes, I am.

Amendment put and declared lost.

**Deputy Mairéad Farrell:** I move amendment No. 16:

In page 94, between lines 33 and 34, to insert the following:

**“Report on restricting banks from carrying forward losses**

**37.** The Minister shall, within six months of the passing of this Act, prepare and lay before Dáil Éireann a report on restricting the banks from carrying forward losses against taxable profits in a manner which could result in many institutions paying no corporation tax for the foreseeable future by introducing a 25 per cent cap on profit that can be written off by carried forward losses in any given year and an absolute ten year limit on the use of loss for this purpose.”.

The amendment calls for a report on restricting banks that were bailed out by the taxpayer from carrying forward losses against taxable profits in a manner that results in many of them paying no corporation tax whatsoever, and on the introduction of the 25% cap on profits that can be written off by carried-forward losses in any given year as well as the introduction of a ten-year limit on the use of losses for this purpose. As we enter a new phase of the pandemic, banks are returning to profitability. Indeed, the two largest banks in the sector, AIB and Bank of Ireland, are increasing in scale both with the exit of KBC and Ulster Bank from the market and as a result of recent acquisitions that they have made. Fine Gael amended a law in 2014 to remove the cap to allow bailed out banks to use 100% of the losses they incurred in previous years to be offset against future profits. Up until this change, they could only offset 50% of their prior losses against profits in any given year. We are in a unique situation in having neither a time limit nor a cap on losses that can be carried forward to write off against profits. We are the

only country where such restrictions are most justified.

The proposal is that the banks bailed out by the taxpayers should be required to pay corporation tax. All the amendment does is calls for a report to scrutinise this proposal and I hope that he will support this.

**Deputy Paschal Donohoe:** The Deputies may recall that in 2018, my Department produced a detailed technical note for the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach on the subject of both bank losses and corporation tax losses more generally. This technical note was published online and is still available. The technical note considered in some detail the potential implications of restricting the use of losses carried forward by the introduction of a specific time limit or sunset clause on loss relief for Irish banks, the wider banking sector and the corporate sector as a whole.

Among other considerations, it examined the possible effect of such a restriction on consumers with the probability that an increased cost base for the banks would be passed on to the consumer in the form of higher fees, higher interest rates on loans and lower deposit rates. It also noted the potential negative consequences for the valuation of the State's banking investment and for capital levels in the banks with possible resulting regulatory impacts. It also considered the potential effects on competition within the banking sector in Ireland, which is an even more important issue now as banks have since left the market.

Taking all of these factors into account, it would be detrimental to consumers and taxpayers if a restriction was to be placed on the use of losses carried forward by the banks.

I also note that as the three pillar banks each posted losses in their 2020 financial statements as a result the Covid-19 pandemic, it is likely that limited corporate tax liabilities would have arisen for 2020, regardless of the banks historic losses. However, notwithstanding the trading losses forward, the Irish have been paying corporation tax in recent years, which is important to put that on the record of the Dáil, as the tax losses forward are restricted in their use and do not shelter profits made in all of their corporate entities.

To conclude, given the level of analysis that has been published, I do not believe that a further report should be published. I emphasise again that such a change in this area would ultimately affect the valuation of our banks and by affecting this valuation, in turn, will affect the value of our banks to lend, to employ, to invest in the future of our economy and to lend to allow more homes to be built.

The Deputy also compared the availability of this relief in our jurisdiction versus others. Again, I inform the Dáil that in many other jurisdictions, the tax system allows losses to be carried forward to be used to reduce taxable income from other income sources. Ireland's loss relief system includes features that are more restrictive than in other countries, notwithstanding the fact that we do not have a cap or a sunset clause.

Ultimately, while I can understand the attractiveness of making this case and the political appeal of it, if this policy was to be implemented it would affect the value and the state of our banking sector and, in turn, that would be bad for households, for SMEs who depend on banks for lending, for investment and, ultimately, it would be damaging to our economy, to jobs and to investment in our country. For those reasons I do not support the proposal that is being put forward and given that this matter was looked at in a report by my Department only a few years ago, a further report is not merited.



**Deputy Mairéad Farrell:** I am aware of the technical report but, as the Minister said, this was completed a number of years ago. We have to be cognisant of the degree and extent to which the banking market has changed. We can all say that in the past number of years much has changed in general, not just within the banking market. We had quite an interesting discussion yesterday in Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach with KBC representatives. AIB and Bank of Ireland have strengthened their position and their market share and another report, therefore, would be of benefit and of interest. I find it interesting that on these amendments the Minister seems to be coming back to me on why he disagrees with the things that are suggested to be looked at in the report. That is completely fair enough and it is his prerogative to have an opinion on the matter. The point, however, is that this amendment is talking about having a report on and taking a look at this. That technical report happened a number of years ago but I do not see how such a further report would not be of benefit now as things have changed, as we have seen, in the banking market. It can only be of benefit then to take a look at that. Then we could have a debate on the report or take a look at what it says and see what point of view comes out of that.

**Deputy Paschal Donohoe:** For the Government to include a commitment to compile a report on this topic in the Finance Bill, one of the signature Bills the Oireachtas handles every year, would send out a signal that we are considering doing this, but we are not. While such a move is politically attractive and I understand why many who are looking on could see the initial appeal of something like this, those who are looking on at a claim and a debate like this would ultimately pay a price if we were to go down this route. It is the case, as the Deputy has said, that we have had a massive change in the Irish banking system this year, with more to come as we see banks leave the market. We need the banks that are left to lend more and at more competitive rates and we need them to continue to be employers in our country. This measure, if implemented, would be detrimental to those things that are important to our country's economy. Substantively, I take a different view from the Deputy and from Sinn Féin on this issue. For it to be included as a report in the Finance Bill sends out a signal about a matter that should not be followed on or implemented. It is always up to the Committee on Budgetary Oversight whether it wants to initiate either a report or research on the matter.

**Deputy Richard Boyd Barrett:** Deputy Farrell has made most of the points and it is her and Deputy Doherty's amendment. My wider view on banks is that, after we bailed them out, we should have kept them in public ownership, taken them over and developed a not-for-profit banking system. These private banks we bailed out are carrying losses forward and dramatically reducing their tax liabilities year on year. Then their customers pay the highest interest rates anywhere in Europe and they are ruthless when it comes to dealing with their customers. For example, they unload their portfolios of loans to vulture funds. How they get tax breaks is obnoxious to me, but that is an aside.

The Committee on Budgetary Oversight has agreed, whatever about our views on particular tax reliefs and allowances, that they should be seriously scrutinised regularly to assess whether those reliefs, allowances and tax credits are justifiable. While the Minister will clearly not undertake to compile this report, or many of the reports we are looking for, there is agreement in the committee that we need to look at these things because they go under the radar and have gone under the radar for long periods of time. Whereas we rightly have a lot of scrutiny of direct expenditure measures during the budget, we have far less scrutiny of tax reliefs, allowances, deductions and so on and whether they are justified. The issues at stake in these myriad reliefs are as big as the direct expenditure issues.

A wide body of opinion is expressing the same view, namely that we need to study these things in a serious way and on an ongoing basis to assess if these measures are delivering on the objectives for which such reliefs, allowances and deductions were originally established. In this case, are they delivering a good banking sector for us? That is a good question, is it not? A lot of people might seriously ask that question. I was asking about films earlier on but there are many reliefs and we need seriously to scrutinise them. I ask the Minister to consider that and he knows the committee is asking for that. Some of this work has been done in tax strategy papers, but on an ongoing and systematic basis we need to study, scrutinise and assess these tax reliefs, which effectively are a shadow budget that does not get the same level of scrutiny as the conventional budget we hear about on budget day.

**Deputy Mairéad Farrell:** I acknowledge that the Minister has a different point of view from my colleagues and I on this. A limit should be placed on the losses that banks carry forward to reduce their tax liabilities and this report should be done as it would be of benefit to us all. It would be important to compile this report.

**Deputy John Lahart:** I have some sympathy for Deputy Boyd Barrett's point, and he and I sat on the Committee on Budgetary Oversight together over two Dáil terms. I know the Minister is aware of the following point but I want to throw it into the debate. I am beginning to hear advertisements on the radio again for financial institutions offering incentives for people to cash in part of their houses and take on a mortgage. These are not the pillar banks but other institutions. The Minister does not need me to explain the consequences of that downstream. It appears attractive today, but in five or ten years' time the consequences of it are catastrophic. The Minister might make a comment on that in the context of this discussion because we are talking about the banks.

**An Ceann Comhairle:** The Minister has spoken on the amendment twice so we cannot let him in again. Perhaps he will get an opportunity to comment in the next outing. Is the amendment being pressed?

**Deputy Mairéad Farrell:** It is.

Amendment put:

<i>The Dáil divided: Tá, 44; Níl, 66; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Andrews, Chris.</i>	<i>Browne, James.</i>	
<i>Bacik, Ivana.</i>	<i>Burke, Colm.</i>	
<i>Berry, Cathal.</i>	<i>Butler, Mary.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Calleary, Dara.</i>	
<i>Brady, John.</i>	<i>Cannon, Ciarán.</i>	
<i>Browne, Martin.</i>	<i>Carey, Joe.</i>	
<i>Buckley, Pat.</i>	<i>Chambers, Jack.</i>	
<i>Cairns, Holly.</i>	<i>Collins, Niall.</i>	
<i>Canney, Seán.</i>	<i>Costello, Patrick.</i>	
<i>Carthy, Matt.</i>	<i>Cowen, Barry.</i>	
<i>Clarke, Sorca.</i>	<i>Creed, Michael.</i>	
<i>Cronin, Réada.</i>	<i>Crowe, Cathal.</i>	

<i>Crowe, Seán.</i>	<i>Devlin, Cormac.</i>	
<i>Daly, Pa.</i>	<i>Dillon, Alan.</i>	
<i>Doherty, Pearse.</i>	<i>Donnelly, Stephen.</i>	
<i>Donnelly, Paul.</i>	<i>Donohoe, Paschal.</i>	
<i>Ellis, Dessie.</i>	<i>Duffy, Francis Noel.</i>	
<i>Farrell, Mairéad.</i>	<i>Durkan, Bernard J.</i>	
<i>Funchion, Kathleen.</i>	<i>English, Damien.</i>	
<i>Gannon, Gary.</i>	<i>Farrell, Alan.</i>	
<i>Gould, Thomas.</i>	<i>Flaherty, Joe.</i>	
<i>Guirke, Johnny.</i>	<i>Flanagan, Charles.</i>	
<i>Kenny, Martin.</i>	<i>Fleming, Sean.</i>	
<i>Kerrane, Claire.</i>	<i>Foley, Norma.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Griffin, Brendan.</i>	
<i>Munster, Imelda.</i>	<i>Harris, Simon.</i>	
<i>Murphy, Paul.</i>	<i>Haughey, Seán.</i>	
<i>Mythen, Johnny.</i>	<i>Heydon, Martin.</i>	
<i>Nash, Ged.</i>	<i>Higgins, Emer.</i>	
<i>O'Callaghan, Cian.</i>	<i>Hourigan, Neasa.</i>	
<i>O'Rourke, Darren.</i>	<i>Humphreys, Heather.</i>	
<i>Ó Broin, Eoin.</i>	<i>Kehoe, Paul.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Lahart, John.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Leddin, Brian.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Madigan, Josepha.</i>	
<i>Quinlivan, Maurice.</i>	<i>Martin, Catherine.</i>	
<i>Ryan, Patricia.</i>	<i>Matthews, Steven.</i>	
<i>Shortall, Róisín.</i>	<i>McAuliffe, Paul.</i>	
<i>Smith, Duncan.</i>	<i>McGrath, Michael.</i>	
<i>Stanley, Brian.</i>	<i>McHugh, Joe.</i>	
<i>Tóibín, Peadar.</i>	<i>Moynihan, Aindrias.</i>	
<i>Tully, Pauline.</i>	<i>Moynihan, Michael.</i>	
<i>Ward, Mark.</i>	<i>Murnane O'Connor, Jennifer.</i>	
<i>Whitmore, Jennifer.</i>	<i>Naughton, Hildegard.</i>	
	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Joe.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	

	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Pádraig Mac Lochlainn and Aengus Ó Snodaigh; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

**Deputy Richard Boyd Barrett:** I move amendment No. 17:

In page 94, between lines 33 and 34, to insert the following:

**“Reports**

37. Before the publication of the Finance Bill 2022, the Minister shall lay a report before the Dáil, on the impact of the change of the corporate tax rate to 15 per cent, and what measures are needed to ensure that this rate is a minimum effective rate which cannot be circumvented through the exploitation of reliefs allowances.”.

The amendment calls on the Minister to produce a report on the degree to which the 15% corporate tax rate, established as a result of the OECD base erosion and profit shifting, BEPS, process, to which the Government very reluctantly signed up, will be an effective rate of 15% rather than a nominal one.

The Minister will be very familiar with the reasoning behind this kind of amendment. We do not believe the 12.5% rate, which was already one of the lowest in the western world, was ever paid nor anything even close to that because the corporations exploit the array of allowances, reliefs and deductions which allow them to write down their taxable profits to negligible levels. The latest figure the Minister gave at the committee discussions on this was that the effective rate was just under 11%. That calculation can only hold water on the basis of the profits deemed taxable. The problem is that through the use of allowances, deductions and reliefs, these corporations manage to have far bigger profits deemed not taxable. I always find the figures pretty remarkable. I am surprised there is not more scrutiny of them. There is quite a bit of scrutiny at international level by the OECD. That was what prompted the global push for an effective rate because these incredibly profitable corporations were not paying the nominal rates they were supposed to. That is why there has been a push for an effective rate of 15% or

more. We think it should be more. The average worker is paying about 20% of their income in tax and we think corporations should at least pay that level of tax on their profits. However, they do not because of the allowances and reliefs.

The figures are fairly dramatic. The Minister will be familiar with them but it is always important to put them on the record. Last year, 2020, the pre-tax profits of corporations in this country were an absolutely staggering €203.815 billion. That was up from 2012 when those profits were €74.775 billion. It is an incredible jump of a 172% increase in profits for corporations between 2012 and 2020. Think about the average worker and how much their pay has gone up over that same period. Is it 1% or 2% in real terms? Arguably, workers' pay has gone down when you take energy price hikes, the cost of living and of accommodation and so on, but the profits of the corporations have gone through the roof. These figures are rarely remarked upon. There is an occasional headline in the business sections of newspapers or the RTÉ website which allude to the staggering profits but there is no real scrutiny of it and less of the actual tax they paid.

Of the €203 billion in profits in 2020, which were up 172% since 2012, how much of that was taxed? We do not know for 2020 because the figures lag but we know that in 2019, when there was €195 billion in profits, only €106 billion, about 50% was taxed. The companies wrote down their pre-tax gross profits by €100 billion using a series of reliefs, deductions and allowances that are detailed by Revenue. I look at them every year. I find them fascinating. Some of the main headings under which they manage to write down their taxable profits include capital allowances, which are defined by Revenue as costs to the Exchequer, that is, the taxpayer. In 2018 the capital allowances were €9.4 billion. Intra-group transactions were €12 billion. That is a cost to the Exchequer. Reconstructions and amalgamations were €273 million. That is a cost to the Exchequer. Losses brought forward were €1.8 billion. Group relief was €536 million. There are slightly lesser ones such as the research and development tax credit which was €335 million. These are some of the big headings under which those gross profits are written down. The capital allowances and intra-group transactions are in effect the corporations writing their own tax bills by ascribing values to their own intellectual property where they charge themselves for the use of it. One subsidiary of a company charges another subsidiary of the same company whatever cost it likes on the use of an intellectual property - on what is a patent, effectively. They can ascribe almost any cost to that they want. That allows them to write down their taxable profits. Thus the real effective rate is not the 11% the Minister will, I have no doubt, claim it to be in the next few minutes but 5.4% on average. It is very considerably less for the big IT and pharmaceutical companies that are responsible for the vast majority of these profits. We think that matter should be examined and we need to ensure they actually pay 15% on their gross profits.

**Deputy John Lahart:** Deputy Boyd Barrett will be happy to hear I yearn for a world where every enterprise was a social enterprise but we would not get very far with that. I mean that sincerely. I have been fortunate, since I became a Deputy, to be a voluntary board director of a social enterprise and it has educated me greatly on the not-for-profit model. However, we live in a world where private enterprise is front and centre. I would like to see more social enterprise. It is a model that is certainly much more promoted in other countries in the European Union and in much more substantial economies than ours, such as Germany, where it is understood. Under the Covid supports there, social enterprise received significant funding.

Someone needs to have a counterbalancing perspective to the one offered by Deputy Boyd Barrett. We sit on the Committee on Budgetary Oversight and we have been listening to the

Irish Fiscal Advisory Council, IFAC, advise us year after year that companies pay so much corporation tax that we are over-reliant on them and there needs to be a shift in our emphasis where raising revenue through tax is concerned. I am thinking of some of the companies that are expanding and are resident in this country. The one that really comes to mind as a beacon at the moment is Pfizer. It is an incredible private enterprise. What a facility to have here. It has a number of facilities. They are very welcome here. I look at the construction jobs provided in the lead-up to the establishment of many of these corporations. I look at the very well-paid jobs and educated workforces they employ, so that people going through our university systems find good and gainful employment and pay lots of tax on the good salaries they earn. I think not just of all the jobs that corporation tax has provided over the last ten to 15 years, but also of all the social protection it has paid, all the hospital beds it has provided and all the universities it has helped to enhance and build. I think of all the development and progression it has enabled this country to make since we began to look outward in this direction and began to attract, to use the cliché, foreign direct investment into this place, which was a backwater until foreign investment took an interest in us. It is not perfect but having been a local authority member, I have made the point at many budgetary oversight meetings that it is not just corporation tax they pay. I am being very rough in my estimate of this but I remember from my time on South Dublin County Council that 90% of the commercial rate was paid, and probably still is, by about 15 companies. Most of them are probably corporations that are housed and accommodated in South Dublin County Council and do business there. I just wanted to give an alternative perspective on that.

I share some concerns about how some of the profits have become obscene during the period of Covid. It would be a better world if we could have a more socially directed private enterprise system but we need to consider the advances that have been made. A year and a half ago we thought we would be getting the vaccine this month whereas we are actually on the third part of the vaccination programme because private enterprise had the resources, expertise, research capacity and production facilities to ramp up and supply certainly the western world to date and enable us to go and live our lives in the meaningful way we want to.

I look forward to the Minister's answer on this. It is an issue that is raised continuously but the public also needs to know the value for money this country has derived from being an attractive place to invest in. That side of the argument needs to be put forward in this debate as well. That is not to say I am in love with the vast profits, because I am not. Corporations need to pay their fair share but in the balance of things, the part played by foreign direct investment in Ireland has been inarguable. Maybe we should hear Deputy Boyd Barrett occasionally say that foreign direct investment and these corporations have been very good for this country and its people.

**Deputy Michael Ring:** In the west of Ireland, especially in my own county of Mayo, we are very pleased to have many multinational companies. Allergan, Botox, Baxter and Coca-Cola are all creating very valuable jobs for the community of County Mayo and for Ireland. What worries me is many of these companies would not have invested in rural Ireland if not for the 12.5% corporation tax rate. I hope these companies will not be affected in any way. I know many people who have been working with these companies for over 30 years. They are well paid, well looked after and well respected. They raised their families and put them through college. The only criticism I have of some of these multinational companies is that I would like to see them giving more to communities, in particular. They should put more money into sport, into the Tidy Towns initiative and into working with communities and helping them because they are getting a good dividend out of the tremendous workforce we have.

I remind the Minister and the Government that I would like to see more multinational companies. We have plenty of space for them in rural Ireland. We have plenty of workers for them in rural Ireland. We have a great quality of life for them in rural Ireland. It is fine for Deputies to get up here and talk about the social value and multinational companies. If they do not operate in Ireland they will operate someplace else and I want them to stay in Ireland. I want them to stay and employ the people we have and see them employing more people in Ireland. The more people they employ, the more people and families that can stay. We have enough Mayo people in New York, in Chicago and in Australia. We want to keep as many families as possible working and living in County Mayo. The Minister should let these multinational companies pay their taxes and pay whatever they must pay. It is not a bad word.

There is nothing wrong with profit. There is nothing wrong with people making a euro or a pound. I have worked all my life. I came from a big family of 13 and we learned from the very first day that you had to work. You had to earn what you had to earn and we were damn glad to get any job we could get. We were damn glad to be able to ensure the system was there to protect us when we got sick. We were damn glad to see that under the system that was there, the people who were employing us paid our PRSI and we made our contribution towards it. When we needed that as people came to pension age, it was there for them. Multinational companies are not all a bad word. We have some fantastic companies in the west of Ireland and as I have said, long may they stay. I hope more and more multinational companies will come in and we can get more tax from them because the more we get, the more people will stay and the more services we will be able to provide in this country. I wanted to say that today because we are very lucky in County Mayo to have a number of multinational companies that are creating employment. It is about keeping jobs, keeping people employed and stopping them from emigrating. There are parties in this country that do not want people working and doing well. They prefer to see them on the ground because they can gain from that. I am not one of those people. I am somebody who wants to support people, help them, bring them on, create jobs for them, give their families an opportunity and let them go to college so they can do well.

It is similar to what I said about emigration. When the Minister, Deputy Donohoe, goes all over the world, he meets people from Donegal, Mayo and Kerry who have the best jobs and are working for the biggest companies. They are proud to be Irish and to promote Ireland. Many of these multinational companies would not have come to this country but for our Irish citizens who had to emigrate because there were no jobs in Ireland for them. I am glad these companies are here and I hope that we get many more. All I can say is that Botox, Allergan, Baxter, Coca-Cola and McHale's of Ballinrobe are all multinational companies. They are not all foreign investment companies. Some of them were created in Ireland and are owned by Irish people. All of them pay their taxes in Ireland and create jobs for Irish people and those who come to the country.

**Deputy Pearse Doherty:** We need to have a rational and sensible debate on corporation tax. This is no reflection on the passion I heard from Deputy Ring but, unless I am misreading it, that is not what this amendment is concerned with. Some companies operating in Ireland will pay a higher rate of tax of 15%. That is acknowledged in the amendment. The Minister for Finance signed up to that on behalf of the State as part of the OECD negotiations. It was the Minister's view, shared by us, that it would have been better if we were able to maintain the 12.5% rate, but we were in negotiations with well over 130 other countries. In my view, the 15% rate allows Ireland to remain competitive, especially given that the Commission has allowed us to operate a dual rate, which means that only those companies that fall under the scope of the OECD will be

subject to the minimum effective rate of 15%. As outlined in that agreement, other companies that have less turnover will be subject to the rate that we set in this Parliament, which is 12.5%.

The amendment concerns what we need to have a discussion on. The rate is going up. That is the reality of it for some of these companies. As these are some of the largest companies in the world, there will be a significant tax benefit to the State as a result, if all other things remain equal and their footprints remain in Ireland. These companies should remain here because this will happen not just in Ireland but around the globe so there is no benefit to them in switching to another jurisdiction.

The question here is about having a sensible discussion. Major changes are happening on an international level, which none of us foresaw approximately ten years ago. It is not just about the rate but also about pillar 1 of the OECD agreement. While the dust settles on that agreement and the details are figured out, and some of the devil will be in the detail because interests will start coming to the fore and there will be attempts to exclude this, that and all the rest, as a Parliament we need the type of assessment that is being proposed by Deputy Boyd Barrett. I know he and his party would like to go much further than what is outlined in the amendment. We need an assessment of what 15% means for these companies. What does it mean for the State's revenue? We see the returns coming in today, which are hugely beneficial to the State, of €2.8 billion more than was forecast for this point of the year. These are resources all of us want to ensure we have because that is how we make sure there is a proper contribution. We should never rely on multinationals. It is an additional benefit if they invest in a play park or football field down the road but, first and foremost, they should pay tax so that we in this State can budget for those types of resources for the community.

We need to get the information we are asking for. We should not have to wait until next year for it; we need it at an early stage. Early indications are that pillar 1 is estimated to cost approximately €2 billion. It may cost something shy of that because of some of the changes that happened, but there is a good likelihood that the 15% rate in pillar 2 will offset quite a substantial chunk of that €2 billion. Instead of scrambling in the dark, an assessment needs to be carried out at an earlier stage. We can understand that this might be a moving feast, but there needs to be a proper assessment of what this looks like and what it means. What type of revenue is pillar 2 likely to bring in? The budgetary forecast for the next number of years has already factored in a reduction of €2 billion in corporation tax because of pillar 1. The question we have to ask ourselves at some point is whether that is an appropriate assessment. That assessment was always done with the view that the pillar 2 rate would be kept at 12.5% because that was the negotiating position of the State at that point in time. We now know that the rate is settled at 15%, which means that the number will change, possibly substantially.

We need to have a sensible debate. The debate is much wider than just the numbers that will come in because it is very difficult to forecast corporation tax receipts. The pandemic has had a major impact on those receipts because some of the multinationals are in the pharmaceuticals area, which means the global demand for their products is resulting in higher tax revenue for the State. Any tax head that brings in €2.8 billion is significant, but bringing in €2.8 billion ahead of profile, bringing us up to €14 billion, is hugely significant. It has to be carefully nurtured into the future. That is not to suggest in any way that we do not tax multinationals at the rate of 15%, as has been agreed, or at 12.5% for those that fall outside the scope of the agreement. Our questions are genuine and relate to how we can meet those obligations so that we have a basic minimum effective tax rate. The agreement is not about a headline rate but a basic minimum effective tax rate.



The discussion on all of this needs to be much wider. While I maintain that our competitiveness is assured, even with the OECD agreement, it can only be assured if we invest in other things that attracted many of the companies Deputy Ring talked about to County Mayo, in addition to companies that come to my county and other parts of the region. Our tax rate was an offering we had, and we must always allow ourselves to be competitive on tax, but we also had a highly skilled workforce. We are falling down the international leagues when it comes to our education. Our other offerings that attracted companies included our access to Europe, which is more important now than ever with Britain withdrawing from Europe, the fact that we are an English-speaking nation and our infrastructure. Housing is now a problem for our competitiveness, which is an issue the National Competitiveness Council has raised. When we talk about ensuring these tax heads are maintained, nurtured and, hopefully, grown in the future, we have to look at all the ingredients that ensured these companies came in the first place, how we retain them and how we can attract more into the future.

**Deputy Paschal Donohoe:** It is correct that this amendment concerns important issues regarding information on the impact this change in corporate tax will have on the competitiveness of our country and on our national finances. However, this discussion must begin with a recognition of the value these companies bring to our economy and society in the first place. I laud what Deputies Ring and Lahart said when they made a point I have made on many occasions, which is that if we want to improve our public services and create more money to spend on our schools and universities, foreign direct investment plays a critical role for an economy of our size. I believe the policies Deputy Doherty is putting forward are a threat to that. Last night, he voted against the special assignee relief programme, which is one that matters in getting foreign direct investment into our country. The Deputy's party is against data centres.

**Deputy Pearse Doherty:** No, we are not.

**Deputy Paschal Donohoe:** Data centres play an important role in the retention and attraction of foreign direct investment into our country. The policies his party is putting forward on personal taxation look to increase the marginal tax rate for people who I accept are well paid, but our levels of marginal taxation play a role in ensuring our country can be competitive. They make a contribution to it and the Deputy's party is against any change in those areas. Deputies Ring and Lahart are right to call out the contribution foreign direct investment and large employers make to our country, but the Deputy sees large employers, entrepreneurship and income as something to be taxed and extracted.

I believe in enterprise in order to support companies created here and companies that come to Ireland. We must have competitive policies that can make a difference. While I understand the appeal of the policies the Deputy has put forward, especially with all our country has gone through in recent years, they are a threat to that enterprise.

I noticed what Deputy Ring said about the impact and role of one company, McHale. It is a fantastic Irish company. What does it do? It was set up in the west of Ireland and sells its equipment and the fruit of its engineering brilliance all over the world. One could also look at Combilift, a similar company in Cavan and Monaghan. Those kinds of firms depend on a competitive regime here in Ireland in relation to things that Sinn Féin wants to change.

I wish to comment on where we are with the OECD changes and what is happening here. The Exchequer returns for November, which were shared a short while ago, reveal a position on our borrowing and tax collection that is ahead of and much improved on where we could

have thought we would be a year ago. The reason for this positive position is that we came into a pandemic with an economy with lots of employers in it and with public finances that were in good condition. I accept, in making those points, that there are many other things in our country and society on which many people still want us to do better. However, we now know the value of an economy with its public finances in order, with many employers and with low levels of credit. We are trying to put this pandemic and its economic effects behind us, but it is difficult. Recent days alone have shown how difficult it is.

On the amendment before the House, I have already said that when I have information on the further impact this OECD regime may have on our corporate tax collection and on our economy in the future, I will share it with the Oireachtas. Deputies Doherty and Boyd Barrett are right to look for that and I will share it. We are not at the point at which we have further detail available to allow me to give the clarity for which the Deputies are looking. The corporate tax collection from which we now benefit, due to the companies mentioned by Deputies Ring and Lahart, is playing an incredibly important role in allowing our country to make the steps towards recovery from this pandemic. However, I emphasise that we cannot be in a position in which we depend on that corporate tax take and those receipts to fund the progress we want to make in the future. If this pandemic had not happened - one can say this about many things - our public finances would now be in balance or in surplus, which is what we need if we are to reduce, over time, our reliance on corporate tax. Thankfully, our corporate tax receipts are growing at the moment, but this is happening at such a pace that we need to ensure over-reliance on such receipts does not become an issue.

Deputy Boyd Barrett raised the issue of the difference between the total income and the taxable income of company. He was right to say there is a difference. The Deputy and I debated this on Committee Stage. I will repeat what I said to him in committee - the difference between the income to which he refers and the taxable income upon which the tax is levied can be explained by the use of things like capital allowances and by how business expenses are recognised. These standard features of corporate tax regimes all over the world relate to expenses that are relevant to the location of these companies in Ireland. That, in turn, leads to the building, investment, equipment and construction that create jobs and income here. I do not accept this amendment. As I have said previously, I do not believe reports in finance Bills are the way we should be looking to get further information on matters. When the information is available to me, I will share it with the Oireachtas.

**Deputy John Lahart:** In my own modest way, I was a big believer in and proponent of the rainy-day fund on the Joint Committee on Budgetary Oversight. With regard to what Deputy Doherty said, if there is to be some kind of a windfall, for want of a better term, as a result of this increase in the standard rate of corporation tax, how do we marry that with the consistent commentary by IFAC, the Economic and Social Research Institute, ESRI, and the Governor of the Central Bank in speaking about an over-reliance on corporation tax? How do we set in train some kind of mechanism if we see an increase as a result of the increase in the rate? How do we ensure that is used in the most prudent way? The Minister gestured towards that at the end of his contribution. Has any examination taken place of what changes may occur in corporation tax for 2022 in terms of the revenue we might derive from it? We constantly undershoot the runway when it come to predicting corporation tax revenues. Officials from IFAC and others always find it difficult to explain this point. It has been said for the past five years that we must not become reliant on corporation tax and that there is an over-reliance on it for day-to-day spending. However, we are seeing significant year-on-year increases in corporation tax

revenue. What is the thinking on any increased revenues that might come in as a result of the increase in the base rate? What is the stance of the Minister and the Government on how they utilise that money in terms of the rainy-day piece and ensuring we do not become-----

**An Leas-Cheann Comhairle:** Gabhaim buíochas leis an Teachta.

**Deputy John Lahart:** I apologise. I was not watching the clock.

**Deputy Richard Boyd Barrett:** Under socialism, we would want foreign direct investment. I welcome the jobs. I understand how important they are in many areas, including my own constituency, where a number of these multinationals are located. That does not mean they should not pay their fair share of tax. I will give an example from *The Irish Times* this year, “Google used ‘double-Irish’ [which was supposed to be gone in 2015, but lasted until 2020] to shift \$75.4bn in profits out of Ireland”. In 2019, it shifted them to a holding company, Google Ireland Holdings Unlimited Company, which is based in Bermuda, where there is a zero tax rate. It has no employees at all. That money was shifted out of here.

Due to some of us questioning those things, those companies have started to onshore the intellectual property rights to Ireland. That has given us a significant tax boon, although we still let them off on some of the taxes they should pay. This has happened because some of us started to question the sacred cow of these multinationals. When I was on the finance committee in 2013, Deputy Doherty and I proposed a motion asking for Google, Apple and Facebook to come in to the committee. The committee voted against them coming in and, in fact, turned off the cameras when we were discussing whether they should come in. That is how scared we were of these companies and I do not think we should be. As Deputy Ring rightly pointed out, they are making a lot of profit out of an educated Irish workforce that speaks English within the EU and they will stay here because they are making so much money. It is reasonable, therefore, to ask them to pay their fair share in tax and that is all we ask. The world is asking them to do that and we should be part of the campaign to make them pay their fair share rather than resisting that just call.

**Deputy Pearse Doherty:** The Minister is at it again saying how terrible things would be under Sinn Féin. Many of the companies Deputy Ring mentioned were here since long before the SARP, including Coca-Cola, Allergan’s predecessor and Apple. Is he really suggesting that if we get rid of SARP, they will pack up and go? That is nonsense. The taxation proposals we have on individual incomes above €140,000 leaves the effective rate still below what it was in 2014, when many of these companies were here in the first place. The Minister can outline the bogeyman stuff all he wants but he can also have a proper and sensible conversation about the real needs in society, whether it is children waiting for scoliosis operations, parents suffering as a result of the high costs of childcare or the fact that people cannot get a bed in many of our hospitals. Therefore, he needs to examine how he will resource them and have a proper conversation instead of this bogeyman thing.

Can he imagine if I stood up and said we should increase corporation tax by 2.5% on the wealthiest corporations? I could write his script: “Terrible Sinn Féin wanting to create jobs.” He negotiated that. He is the first Minister for Finance in more than two decades to negotiate an increase in corporation tax. He is the fella who slaughtered the sacred cow. I do not criticise him for that but let him not come in here with this scaremongering stuff. I am looking for a proper, sensible discussion and a recognition that the change at OECD level on taxation has eroded our competitiveness. We can still maintain that but the biggest issue that faces us

in attracting new investment is housing. Do not listen to Sinn Féin. You will have this “Sinn Féin, this that and the other”. Listen to what business is saying. Housing is one of our biggest problems in attracting new investment and retaining investment in the country. Infrastructure and education are other issues. These are the areas we need to focus on. We have ridden this horse and ridden it well for a long time and we need to make sure it is maintained. That means investing in the other areas.

**Deputy Michael Ring:** I agree with the Minister. Every country in the world wants to get multinational companies in. Let Deputy Doherty not cod himself. Let him not think there are not countries out there with sweetheart deals we do not even know about. Companies come in here getting paid and trying to get some of these multinational companies out of Ireland and into other countries. We have the jobs.

I do not know why the Deputy is talking down the companies that are here, instead of thanking them for coming and creating employment. Let him not think they are not paying their taxes. Look at the revenue the State gets from them every year. It is well done and we want to get as much as we can off them. We should be appreciative of the revenue we get from them. We are appreciative of the jobs that keep people at home in County Mayo and Ireland. Do not be always knocking this country or multinational companies. I am glad to see them here employing people and paying revenue to the State. I am afraid we will tax them out of the country.

Deputies Doherty and Boyd Barrett have given me a warning this evening. When the next election comes, people would want to start looking at those Deputies’ policies. By God, we will not have any worry about corporate tax or multinational companies because they will have them run out of the country if they get into government.

**Deputy Pearse Doherty:** The Minister is increasing the taxes for corporations. The Deputy might not have got the memo.

**Deputy Michael Ring:** I do not need any lectures from the Deputy. I did not interrupt him.

**Deputy Pearse Doherty:** It might not have reached Mayo yet.

**Deputy Michael Ring:** I have had enough lectures from Sinn Féin. All they are good for is lecturing and promising. By God, when the time comes I hope they will be able to deliver. They will not be able to because there will be no one in the country. They will have run out of the country if Sinn Féin gets into government.

**An Leas-Cheann Comhairle:** Deputy, there is a chairperson here, a Leas-Cheann Comhairle, chairing the debate.

**Deputy Michael Ring:** Thank you.

**Deputy Paschal Donohoe:** Did Deputy Boyd Barrett say he was responsible for the onshoring of intellectual property into Ireland?

**Deputy Richard Boyd Barrett:** I said we questioned the issue.

**Deputy Paschal Donohoe:** And that questioning led to that happening?

**Deputy Richard Boyd Barrett:** There was international questioning. We were part of it.

**Deputy Paschal Donohoe:** That is not what the Deputy said in his earlier contribution. I

am glad he clarified it, because if he had said it, though he is a Deputy for whom I have an awful lot of respect, it would be ludicrous to claim that any Opposition Deputy played a role in the onshoring of intellectual property into our country. He said something I will home in on. He said they would stay here. That complacency is the first step in losing what we have. Nobody owes our country a living. Many countries all over the world want the foreign direct investment we have. His view that they will stay here is the kind of complacency that could be at the heart of how we lose jobs that matter so much.

Let Deputy Doherty not come in here and tell me what I can and cannot say in this Chamber. Let him not level such a point to me. I am drawing attention to the fact that the policies he is putting forward are a threat to the jobs that have been created in Ireland and have been attracted here. I refer to the policies on personal taxation and data centres. I know how all of them are attractive individually but, in the round, they are a threat to the openness and stability that has played a role in jobs coming into our country, which, in turn, has allowed us to change our country. There is much change that we have yet to make but to have that change, we need jobs. For an economy of our size, we need big employers. The Deputy's policies are a threat to that.

**Deputy Richard Boyd Barrett:** I would not claim credit for major international changes in corporate tax. However, until we arrived in the Dáil, nobody was willing to question these things. I speak no word of a lie when I say I was on the finance committee and we asked for Google, Facebook and Apple to come in to the committee to explain their tax affairs and effective tax rate. Not only did the committee vote against it, members insisted the cameras were turned off while we discussed whether they would be invited in. That happened. Deputies can check the record. We were so fearful of questioning how much tax they paid. Popular anger across the world, among NGOs and so on, involving countries and people, including people in this country, forced some change on this and the world has not fallen apart because the effective rate has been pushed up to 15%. I would like to see it go a bit further.

I will finish on hard-working people. Last year's figures show that 2 million workers in this country in total earned €130 billion between them. They paid €27 billion in tax between them. Corporations earned €203 billion and paid €11 billion in tax. Workers earn far less but pay far more; corporations earn far more and pay far less. Is that fair or just? If they do not pay a just amount of tax, where will we get the money for the universities, infrastructure, water and housing that, in the end, they depend on too? They will not come here if we do not have those services.

Amendment put:

<i>The Dáil divided: Tá, 46; Níl, 67; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Browne, James.</i>	
<i>Bacik, Ivana.</i>	<i>Burke, Colm.</i>	
<i>Berry, Cathal.</i>	<i>Butler, Mary.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Calleary, Dara.</i>	
<i>Brady, John.</i>	<i>Cannon, Ciarán.</i>	
<i>Browne, Martin.</i>	<i>Carey, Joe.</i>	
<i>Buckley, Pat.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Cairns, Holly.</i>	<i>Chambers, Jack.</i>	

*Dáil Éireann*

<i>Canney, Seán.</i>	<i>Collins, Niall.</i>	
<i>Carthy, Matt.</i>	<i>Costello, Patrick.</i>	
<i>Clarke, Sorca.</i>	<i>Cowen, Barry.</i>	
<i>Connolly, Catherine.</i>	<i>Creed, Michael.</i>	
<i>Cronin, Réada.</i>	<i>Crowe, Cathal.</i>	
<i>Crowe, Seán.</i>	<i>Devlin, Cormac.</i>	
<i>Cullinane, David.</i>	<i>Dillon, Alan.</i>	
<i>Daly, Pa.</i>	<i>Donnelly, Stephen.</i>	
<i>Doherty, Pearse.</i>	<i>Donohoe, Paschal.</i>	
<i>Donnelly, Paul.</i>	<i>Duffy, Francis Noel.</i>	
<i>Ellis, Dessie.</i>	<i>Durkan, Bernard J.</i>	
<i>Farrell, Mairéad.</i>	<i>English, Damien.</i>	
<i>Funchion, Kathleen.</i>	<i>Farrell, Alan.</i>	
<i>Gould, Thomas.</i>	<i>Flaherty, Joe.</i>	
<i>Guirke, Johnny.</i>	<i>Flanagan, Charles.</i>	
<i>Kenny, Martin.</i>	<i>Fleming, Sean.</i>	
<i>Kerrane, Claire.</i>	<i>Foley, Norma.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Griffin, Brendan.</i>	
<i>Munster, Imelda.</i>	<i>Harris, Simon.</i>	
<i>Murphy, Paul.</i>	<i>Haughey, Seán.</i>	
<i>Mythen, Johnny.</i>	<i>Heydon, Martin.</i>	
<i>Nash, Ged.</i>	<i>Higgins, Emer.</i>	
<i>O'Callaghan, Cian.</i>	<i>Hourigan, Neasa.</i>	
<i>O'Rourke, Darren.</i>	<i>Humphreys, Heather.</i>	
<i>Ó Broin, Eoin.</i>	<i>Kehoe, Paul.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Lahart, John.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Lawless, James.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Leddin, Brian.</i>	
<i>Pringle, Thomas.</i>	<i>Madigan, Josepha.</i>	
<i>Quinlivan, Maurice.</i>	<i>Martin, Catherine.</i>	
<i>Ryan, Patricia.</i>	<i>Matthews, Steven.</i>	
<i>Shortall, Róisín.</i>	<i>McAuliffe, Paul.</i>	
<i>Smith, Duncan.</i>	<i>McGrath, Michael.</i>	
<i>Stanley, Brian.</i>	<i>McHugh, Joe.</i>	
<i>Tóibín, Peadar.</i>	<i>Moynihan, Aindrias.</i>	
<i>Tully, Pauline.</i>	<i>Moynihan, Michael.</i>	
<i>Ward, Mark.</i>	<i>Murnane O'Connor, Jennifer.</i>	
<i>Whitmore, Jennifer.</i>	<i>Naughton, Hildegarde.</i>	
	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Joe.</i>	
	<i>O'Connor, James.</i>	

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	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Richard Boyd Barrett and Paul Murphy; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

**An Ceann Comhairle:** For the information of the House, we recommenced discussing this important Bill at 3.21 p.m. and, in the period since, we have dealt with seven amendments. There are 26 amendments remaining that are in order and we must finish at 8.21 p.m.

Amendment No. 18, which is in the name of Deputy Doherty, will be discussed with amendments Nos. 35 and 40.

**Deputy Pearse Doherty:** I move amendment No. 18:

In page 96, between lines 3 and 4, to insert the following:

**“Report on the application of capital gains tax to all sales of property by REITs and IREFs**

**40.** The Minister shall, within six months of the passing of this Act, prepare and lay before Dáil Éireann a report on the application of the full rate of capital gains tax of 33 per cent to all disposals of property of the rental business of a REIT, IREF, or group of REIT or IREF.”.

I support the Ceann Comhairle's earlier comments. I, too, believe there should not be a guillotine on this Bill. That said, we will try to make as much progress as possible.

Amendments Nos. 18 and 35, which we discussed on Committee Stage, deal with the tax

treatment of real estate investment trusts, REITs, and Irish real estate funds, IREFs, and the broader economic impact of these institutional investments on the housing market. I will begin with their tax treatment in the application of capital gains tax, or, more to the point, how that tax does not apply to them. Investment funds in the housing market pay no capital gains tax on their disposal of assets. It is normal practice when property is sold for a profit that this tax is applied at 33%, payable to the Revenue Commissioners within a few months of the property's disposal. This applies to individuals and companies selling properties. It also applies to large developers such as Glenveagh and Cairn Homes, but REITs and IREFs are exempt from it. This exemption is a massive and unjustified benefit for funds, which can keep accumulating money within the fund tax free. That is what is happening, with none of the gains subject to dividend withholding tax unless the money leaves the fund.

I will provide two examples. Last year, Kennedy Wilson sold one of its key Irish properties, Baggot Plaza in Dublin, to a German property investor for €141 million, making a profit of \$85 million. All of that gain was exempt from capital gains tax. Kennedy Wilson made clear that the proceeds of the sale, all of them exempt from capital gains tax, would be recycled into new opportunities, a tax advantage not available to any struggling homebuyer, landlord or any other company. Similarly, Irish Residential Properties REIT, IRES, last year sold a 151-apartment portfolio to Orange Capital Partners for €48 million, a sale that, again, was exempt from capital gains tax. If we are to rebalance our housing system, which is completely out of control and failing to deliver affordable homes for purchase or cost rental, then we need to examine and remove these generous tax advantages that have been gifted to funds by the Minister. That will include getting rid of the capital gains tax exemption. These funds pay no corporation tax on their rental profits and no capital gains tax on the disposal of their assets. These are tax advantages that domestic landlords and other companies in this State do not enjoy.

There are Members in this House, many of them in the Minister's party, who are landlords. That is fine and they pay tax on their rental income. Landlords right across the State pay tax on their income from rent, as is right and proper. Many of them complain the tax rate is too high and we heard a contribution yesterday relating to that argument. They all pay tax on their rental income, however, while these funds pay none. One of the funds is the largest landlord in the State. They are recycling their profits to build up more assets and when those assets are disposed of in the future, no capital gains tax will apply. In May of this year an article in *The Irish Times* reported that institutional property investors, IREFs, paid an effective tax rate of 17.9% in 2020 based on taxable events in 2019. That taxable event is important. A taxable event is only what is deemed to be taxed. Collecting your rent is not a taxable event, if it is exempt from tax in the tax code, nor is disposing of an asset. The Minister also relayed the figure of 17.9% in a parliamentary reply in June. The figure was again regurgitated on the radio by the Minister of State, Deputy Fleming, who claimed that on any profits being made there is a tax of 20% or 25% depending on the structure and any profits that they make are taxed at that higher rate, double the rate of corporation tax.

That statement just is not true. Those are the facts of it. The figure of 17.9% was relative to the taxable event, meaning distributions to shareholders. It was not relative to rental properties or rental profits. This is because the tax code we are discussing this evening deems that rental profits for these fund structures are not to be taxed. The Minister of State was, therefore, ill-informed, inaccurate, misleading or whatever you want to say.

In 2019, tax paid by IREFs relative to pre-tax profits was 9.1%, less than the 25% paid by any other landlord in the State and less than the 12.5% paid by any other company. That is the



point. If you are a landlord, you pay that. If you are a company you pay the 12.5%, but these funds are paying 9.1% relative to their pre-tax profits. I am sure the Minister is going to use his numbers to suggest it is 17.9% in taxable events, but that is all nonsense if you say all of this over here is not a taxable event even though it is a taxable event for all the other landlords and the other companies which are not IREFs and REITs. Furthermore, as I said, they are exempt from capital gains tax entirely.

We disagree with the Minister on this policy issue. I am sure he will tell us that Sinn Féin's policies would be terrible for everybody, that he is doing this for the young ones who want to try and get on the property market and all the rest, and that is why they have to allow all these structures to go tax free on the €2,000 euro rents they are charging in this city. We believe that the tax advantages enjoyed by these funds is pricing struggling home buyers out of the market and driving up rents. They have a competitive advantage. We also know these funds, in the vast majority of cases, are buying up properties subject to forward purchase agreements and not forward funding agreements, despite the commentary. There has been commentary from the Minister's Department about its report on institutional investment, which has warned about the potential to develop pricing power within the market. I argue that this amendment should be supported. It is calling for a report on how we deal with this over the period ahead.

**Deputy John Lahart:** I have a lot of sympathy with what the Deputy said about rebalancing this. It is important for the Minister to outline the economic context that initiated this process. Entities such as the Ireland Strategic Investment Fund, ISIF, and indigenous pension funds such as An Post that invested in some of these organisations. I am of the view that so much momentum has now been gained, particularly in the apartment construction sphere and in the city and county of Dublin, I would like to hear the Minister's views on what the Government has been doing to slowly begin to wind these down. The consequences are quite profound.

I have been a public representative for 22 years and I have seen for the first time a development of 200 units in my constituency - all houses as opposed to apartments - where, unlike in the traditional model where a builder would build ten houses, sell those ten, the sale of which would finance the next ten, which they would sell to finance the next ten, the developers were able to keep the wooden hoarding around the perimeter of the site until every single house was completed. Not one house was sold until the entire development was completed. No small builder could afford to do that. There was a time when that was needed and I get that, because it represented the only building activity in a country that was recovering from an appalling crash. However, market influences in the form of these developers have started to overwhelm the entire construction piece, especially in the residential space.

The Minister, Deputy O'Brien, has introduced measures to deal with it, but it is important for the debate here that the Minister set the context in which these measures have to be wound down and are being wound down, and the context in which they were introduced. It is too easy to say in 2021, and people will not have the memory going back ten years, that the Minister is doing this as though the measures were only introduced in the last week or two weeks. The measures were introduced at a particular time to generate and stimulate activity. Do I like them? No. Do I favour them? No. Do I want to see the end of them? Absolutely. I have seen too many in my constituency. The Deputy has not suffered the consequences of strategic housing developments, SHDs, in Donegal. He has in that some of his constituents are the parents of children who are trying to live, rent and buy in Dublin, and they will see the consequences of SHDs and the real estate investment trusts, REITs, where there is an overwhelming supply of build to rent. Again, the Minister, Deputy O'Brien, is bringing in measures to deal with that.

It is important, however, to explain the context that it was at a time when there was zero economic activity and zero construction activity. The State did look around to see who would start building here. Will we look back and be proud of everything that happened in that regard? I do not think we will, but they created jobs and activity at a time when, as a result of the crash, there was no activity and there was no money in the country to generate activity. The people who have been left out of this are the small builders, and they need to be facilitated.

One of the things that has come across, even in a county like Dublin, which has four local authorities, each of which has different situations and different contexts, is that while we have these SHDs in my own constituency, the latest for which permission has been granted being a 13-storey residential apartment complex in Citywest, we are still waiting to get anything like that kind of height and density in the city. The city can take these developments because it has the transport infrastructure. People theoretically could live close to where they work, whereas in parts of my constituency, these developments are being shoehorned in on top of settled residential areas where the amenities and the transport piece simply cannot cope.

I would like to see the end of these tax provisions. It is simply wrong now that these would continue in the context we are in where building activity has come back to and is approaching pre-crash levels. One group should not be advantaged over another. However, I believe we are travelling in that direction. That is the piece I would like to hear the Minister outline, but also a little on the context in which these arose. They did not arise, to use the Latin term, *ex nihilo*, out of nothing. There was a need for them. That need has passed and is passing quickly. They ought to be replaced. The Minister's comments on this would be welcome.

**Deputy Emer Higgins:** I would like to use this as an opportunity to welcome the historic investment we have in the delivery of much-needed social and affordable homes in this budget. Young people, as we all know, feel locked out of the housing market. I do not want to live in a city or in a country where home ownership is something to which my generation cannot aspire.

That is why I am glad that budget 2022 will help people in that situation. It allocates significant investment to local authorities to deliver affordable homes on public land. It provides funding for the first ever national cost-rental scheme, which means long-term, secure, affordable leases for those who wish to rent. It provides for the shared equity scheme for new build homes, which will unlock planning permissions on sites that are currently lying idle and will help people who would not otherwise be able to afford to buy. It also continues the help-to-buy scheme, which has helped 20,000 people who needed that support to purchase a house. That is something Sinn Féin opposed. Listening to the debate, one would be forgiven for thinking that Sinn Féin voted against the Government's Affordable Housing Bill. It did not; it voted for it. Sinn Féin also opposed the Land Development Agency, LDA, the body that will deliver public homes on public land. It did not even attempt to shape that legislation with amendments. Its opposition to the shared equity scheme stands in total contradiction to its overseeing of a similar shared equity scheme in Northern Ireland. Its opposition to the help-to-buy scheme is totally at odds with this-----

**Deputy Pearse Doherty:** This is irrelevant. We are talking about a tax issue.

**Deputy Emer Higgins:** -----as is its opposition to Housing for All.

**Deputy Pearse Doherty:** This is a strategic intervention.

**Deputy Emer Higgins:** Budget 2022 will help provide for many families up and down this

country in so many ways, but in particular on housing.

**An Ceann Comhairle:** I thank the Deputy. On Report Stage, it is important that we confine ourselves to the precise subject matter of the amendment being discussed.

**Deputy Richard Boyd Barrett:** Amendment No. 40 relates to the tax treatment of institutional investors and corporate landlords and their impact on the housing sector, affordability and rents. I did not hear all of Deputy Lahart's contribution but the thrust of it seemed to suggest that there was a time when we needed these investors and that they brought some beneficial impact to the housing sector but that maybe we need to tighten up a bit. I disagree with that narrative. I think it was a terrible mistake to invite them in, for which we are paying a terrible price. That was done in 2012 or 2013, when there were a lot of meetings - 65, I think - between the Department of Finance and these investor funds, where they no doubt became acquainted with the tax breaks that were available if they invested in the Irish property sector. They moved in at scale and bought up NAMA's portfolio, which was the biggest property portfolio in the world at the time and was in public hands. NAMA had cash sales of approximately €40 billion but the actual value of that portfolio is nearly double that now.

The State had in its hands the biggest property portfolio in the world. Even in the depths of a severe financial crisis, we could have solved the housing crisis, which predated the crash in 2012. It has always been present in my area and it has always been a disaster. It is heartbreaking having to deal with it day in, day out. We could have solved it with sites such as Cherrywood, which is being built out now by one of those investor funds, although it flipped quite a bit of it. Johnny Ronan has gotten his hands back on it, courtesy of the Dún Laoghaire-Rathdown County Council selling off some of the site. It is unbelievable stuff. I met with Hines staff who said they could not deliver the apartments there for anything less than €400,000. Someone would need in excess of €100,000, maybe €120,000, to buy one of those apartments. Average house prices in my area are now €560,000. It is just mind-boggling. A person would need an income of €150,000 or €160,000 to get a mortgage from a bank for a house of that price. These investors have contributed to all of this. The rents in my area are now in excess of €2,200 a month. Someone would need net after tax income of €26,000 just to pay the average rental price. I do not know how anybody could describe this situation as anything other than a disaster. It is resulting in the social cleansing of places like Dún Laoghaire, because working people are clearly never going to be able to afford those prices so they are just being driven out.

Hines sat on that huge portfolio for quite a long time, which I am sure was about waiting to get the prices up and flipping some of it on. Even though €15 million of funding from the local infrastructure housing activation fund, LIHAF, went into Cherrywood, we still do not know how much affordable housing we are going to get for that. When the LIHAF was originally brought in, we were told that at least 40% of any development it funded would be affordable housing. Within a few weeks, that commitment disappeared from the conditionality around LIHAF and now we are getting next to nothing. We still do not know. Years on, we have no idea how much affordable housing we are going to get and what price that housing will be.

Similarly, Shanganagh Castle, which was a public site, has now been taken over by the LDA. We have been campaigning for nearly 15 years to get public and affordable housing built directly on that site. There is still not a sod turned and we still do not know how much the affordable housing is going to cost. It will be at a discount to the market but the market is at €560,000. Even a 25% discount would be worse than useless in addressing the housing crisis in our area.

All these investment funds build very little. There is some building going on now but only where they have deals to lease the housing back to the local authority at extortionate prices. Even then, after 25 years of those lease arrangements, those entities could pull out and the tenants could then be left high and dry. We know the likelihood of that happening on an individual level because we have seen it with HAP. People are socially housed under the HAP scheme with landlords who are getting extortionate money from the taxpayer, and week in, week out, landlords pull out of these arrangements. They decide it is more beneficial not to be in such arrangements, or they decide to sell their asset that has accumulated in value, or they just opt out of a HAP deal because they think they can get higher rent elsewhere. They do it for whatever reason.

I have brought up the St. Helen's Court residents around 50 times at this point. That complex was bought out by Apollo Global Management, a big American-based investment fund, which tried to increase the rent by 60%. It then tried to mass evict the residents but could not get away with that, so it flipped it on to another vulture fund, which tried again to mass evict them. It has slowly whittled down the tenants, who just could not bear the stress and anxiety of it all, and has now succeeded in legally mass evicting them. The tenants still have nowhere to go so they are still physically there but every day they wonder when they are going to be evicted. They have now gotten letters from that vulture fund saying it is taking them to court. It is going to sue them for costs unless they get out but they have nowhere to go because they cannot afford rents of €2,200. They were paying €1,000, which is hefty enough rent and they are willing to pay a bit more but they cannot afford the rents in our area. Where are they going to go? That is what these entities have done to the housing sector. In addition, they pay very little tax on the enormous increased value of their assets, which we gave them for the most part, or on the huge rental revenues they generate for themselves.

**Deputy Bernard J. Durkan:** We have visited this subject many times in the past number of years and we have analysed into infinity the problem that faces people in regard to housing. This affects first-time buyers, and all buyers, for that matter. This happened in the aftermath of a crash where property prices tumbled and properties were available for virtually nothing in comparison to what they cost beforehand. There are two concepts at play here. First, I have strongly questioned the reliance on rentals for many years. I should not say this but I know the Ceann Comhairle and I have similar views on this matter. Owning their own homes and living in them as they see fit gives people greater security than landlords telling them that their leases are up and their rents are increasing. If we continue in the latter vein, they will never be able to buy a house. That is a fact.

Deputy Doherty has proposed a capital gains tax to hammer the people who have the money. That is not a wise route to take at the current time. We need the people who have the money to build for purchase. Banks and other lending institutions either did not have money to lend or would not lend it. They still have not and a large void remains. House building has started in full swing, though, and is increasing rapidly. Do we slow it down and, if we do, what will happen? I am not sure that it would be a good idea.

An all-party committee sat in, I believe, 2014 and debated this matter for weeks and weeks, although the issue then was different from it is now. There was a need at the time for a major investor to provide money to the State or to someone working on behalf of the State in order to build the houses that people needed. Unfortunately, people advertised on radio and television. A guy went on "Morning Ireland" to say he was for renting because it was much cheaper and he did not have to invest in bricks, mortars and so on. Wrong. That was false information and bad

advice because that approach did not make a permanent positive impact on the housing market that was to people's benefit.

I am not certain it is a good idea to tax people to the extent it makes them want to go elsewhere. I do not believe it would work. It could backfire and we could find ourselves in a further recessionary situation as result of a multiplicity of factors that could happen, although I hope they do not.

We must decide how to utilise the funding that is in the hands of the people who are the subject matter of this amendment to the best advantage of the people we need to look after, namely, people on local authority housing lists and people who are paying considerable rents. I said from the beginning that I had never been in favour of the rental sector, and I am still not because it controls the lives of the people living in those houses.

I ask the Minister to consider doing something he and I have discussed previously. We need to find ways and means of encouraging the people who have the money to build houses to build them for the people we want them built for and to do so on a contractual basis. Nowadays, people talk as if local authorities would employ plumbers, plasterers, bricklayers and so on. It does not work like that anymore. There are specialists in that regard now, and they are doing the job to an extent never before known.

One should comment on the question of quality. Donegal and other parts of the country have been affected by construction quality issues due to mica and so on. During the Celtic tiger, I watched trucks bringing building products into various sites every morning and, in my innocence, thought we would have really good-quality housing. What a load of nonsense. I could not believe what had happened. With all the advantages the system had to help people build good-quality products, for example, precasting and concrete floors to tie buildings together, nothing happened. In fact, the paint had not dried on the walls when the flaws began to show up. That was not a good idea.

I encourage the Minister to examine ways of utilising the funds in question to build the houses we want built for our citizens. If funding is not available from the banks, my next question needs to be answered. Is it more efficient to tax the major investors to the extent that they might leave or to employ them directly in funding the construction sector to build the number of houses that are needed?

There is a market for one- and two-bedroom houses and apartments, but it is only a temporary market in the life of the householder. People still like the security of a house. In their innocence, they even like having a small garden where they can play with a dog or whatever the case may be.

I will pick up on a point made by Deputy Lahart. We have investors who have proposed developments in the middle of existing housing estates. The new developments are virtually being superimposed on top of the existing houses as if from a helicopter above. That is bad planning and should not be allowed. It is treating the current residents as if they were second class citizens who have to move over because the "real" men and women have arrived and space needs to be made for them, and to hell with the current residents and their one- or two-storey houses.

We need to learn from the mistakes of the past and put into operation the ways and means of achieving what we need to achieve for the people who need delivery.

**Deputy Paschal Donohoe:** To deliver for the housing needs our country has now as well as for the housing needs that will grow into the future, we require the savings of other parts of the world to be invested in building homes in Ireland. That is because, given the size of our economy, the banks we have left, the youth of our population and the homes we will need, we will need savings from elsewhere in order to fund the construction of those homes. Those savings have a choice about where to go. They are not savings we should have any expectation will be used to build homes on our island, but they can have a role in ensuring more homes are available to rent and buy.

Why do I say this? Consider the projection of housing supply upon which Housing for All is based. For example, Housing for All states that, of the 34,600 homes that we will need to be built in our country by 2025, 18,200 for private rental use or private purchase will need to be delivered by the private sector. If we want to see that kind of growth in the amount of private capital that is invested in our country to yield homes that can be purchased or rented, we need to consider how savings from elsewhere can be funnelled into Ireland. This is what is at the heart of the debate on REITs and IREFs.

I understand how contentious this topic is and the strong views that Deputies have about it, but the debate on these funds and the role they play in Ireland has to be viewed in the context of the role the State is playing in the delivery of homes and the work that is being done through our local authorities and approved housing bodies in supplying homes for social use, public use and, critically, rental use. Look at the scale of what is now under way. By the second quarter of this year, 2,433 homes had been built by the Government through local authorities. Those homes have been built by a Government that knows the State has to play a role in directly building homes for those who need them. On top of that, approximately 1,200 homes were delivered through leasing arrangements and approved housing bodies to bring the total number of homes that became available for social use in the first six months of this year to 3,636.

This is relevant to our debate. I am not contending, nor is the Government saying, that there is a role for REITs and IREFs in meeting all of our country's housing needs. Rather, we are simply saying there is a role for savings in other parts of the world in delivering more homes in our country, be they pension funds in Europe or savings elsewhere, just as our savings and pensions are used and invested elsewhere by those who manage them.

Another contention is then made about how these REITs in particular are taxed. Various views and facts are put forward regarding where tax is paid on incomes. Tax is paid on a REIT when the income is distributed to the person who is investing in it. An Irish resident investor will pay the tax at 25%, and an institutional investor is liable for tax at 12.5%. That is where the tax is paid here in Ireland. At its point of distribution, it is also subject to a dividend withholding tax of 25%. If it then goes to an Irish investor, tax is paid at either 25% or 12.5%. Non-resident investors will pay tax in a way their jurisdiction deems they should pay tax on income that is distributed from an investment fund like a REIT. What is sometimes correctly said, is that a way of reducing the tax is through the various tax treaties we have with jurisdictions all over the world. That is the case. However, when those treaties are taken into account, the average rate of tax paid on income that is distributed from REITs to investors in other jurisdictions is around 15%. That is complex. It is not as simple a contention as saying a REIT does not pay tax and thereby creating the impression that no tax is associated with how income is distributed from a REIT to people who invest in it, but tax is paid. That is where the tax is paid.

It is the case, through treaties that we have with other jurisdictions, that the tax can be re-

duced, but that is not the same as saying no tax is paid when an investment is returned to somebody who is investing in it from abroad. There is a role and reason for these kinds of funds. This goes back to the point I made about how we are going to meet the housing need in a country of our size and scale, with the scale of the banking sector we have, with banks leaving, and the growing housing need. We are going to meet it primarily through the State building more homes directly for those who need them the most. Second, we are trying to grow and continuing to support a construction sector that is able to build homes affordably for those who want to purchase them. There is a role for savings and investments from other parts of the world in ensuring the housing need is met. Given the lengthy debate on these issues that took place on Committee Stage, I know these issues are well aired, but I will go back to what I said many times earlier in the discussion of the Finance Bill, I do not believe a report is the appropriate way to yield further information on this topic.

**Deputy Pearse Doherty:** Deputy Durkan's comment was that I am putting forward the idea of capital gains tax and hammering those who have the money. I am not putting forward the idea of capital gains tax. Capital gains tax applies to everybody else, it just does not apply to IREFs or REITs. What I am saying is that everybody else has to pay capital gains tax, but there is an exemption for these two funds. Deputy Durkan knows that. That is not right.

**Deputy Bernard J. Durkan:** Deputy Doherty has a particular viewpoint

**Deputy Pearse Doherty:** That is not right. I will give an example. If a handful of us set up a company and we purchased a number of rental properties and we have a rental income of €10 million per annum, then the company will have to pay corporation tax on the income. If we dispose of some of those properties, we will have to pay capital gains tax at the upper limit. If the company then wants to give us dividends from the profit it is making, we will pay a dividend withholding tax of 25% and because we are resident in Ireland we will pay tax at the marginal rate. That is the tax structure in terms of an Irish company. If we do the same thing through an IREF, we pay no corporation tax on the rental income, no capital gains tax when we sell any of the assets and we do not have to make disbursements to the shareholders. REITs do, up to 85%, but IREFs do not. An IREF would continue to recycle the money, building up the asset base until eventually we would sell it off. That is what can happen here. There is no capital gains tax when we sell the whole lot off. These structures are wrong.

I appreciate everybody's views. Deputy Higgins thinks the Minister is doing a splendid job and Fine Gael in government for the past ten years has done great on housing. It is fantastic. The fact that most of the Minister's constituents are priced out of the market probably does not bother him. The fact is younger people cannot even think of owning a home. The fact that people in his constituency are charged close to €2,000 obviously does not bother him because all he wants to do is attack Sinn Féin. We think a completely different policy needs to be followed. Whatever the rights and wrongs of it – I think it was wrong – the experiment of allowing the institutional investors to go tax free has failed. That means they have an advantage that not only can push up prices for people in this city but can also set a new floor for the rest of the State.

**Deputy Richard Boyd Barrett:** Where would we get the money if we did not have these investors to build the houses we need? Credit unions have said repeatedly they have the money, which are savings as well, but in a not-for-profit institution, where they have the interests of our communities and the social objective of housing people at heart. That is one source of money.

I refer to what we discussed earlier about household wealth in this country. Of the €936

billion net household wealth, more than €400 billion of it is financial assets, the savings of people here. Where is that money? It is in the banks, the banks we bailed out. There are lots of savings here. One of the things credit unions informed me, which I did not even know, is that they want to make decisions about what they put their money into, but they often have to put it into commercial banks, who may invest it in all sorts of things they have no interest in. They would like to be able to invest it in building social housing for the people in their communities at affordable levels. There is money to build houses.

If we bring these people in, their concern is how much money they can make, and they will only build if they can make a lot of money for themselves. That means charging high rents and high prices for property and trying to minimise the tax they pay, which the Government facilitates. It has not worked and there are alternatives. I reject the Minister's suggestion there are not alternatives.

**Deputy Paschal Donohoe:** I never said that.

**Deputy Richard Boyd Barrett:** There is an implication that we could not do it without them. When this country was effectively a Third World country, we were able to build public housing. It can and should be done.

**Deputy Paschal Donohoe:** We are building public housing. The most dangerous concept in politics is that there is no alternative. I would never suggest that. We are building public housing and social housing. That is happening at scale. I was with the Taoiseach earlier today in St. Mary's Mansions on Sean McDermott Street. I saw a wonderful project delivered by Dublin City Council and Clúid. Let us look at what is happening in Dominic Street at the moment. Let us look at the brilliant, wonderful accommodation in Sean Foster Place in my constituency. They are apartments being built by the city council. What we are doing is funded by an economy that is recovering. I assure Deputy Boyd Barrett that those homes are being built.

I accept Deputy Doherty's description of IREFs, but the next part of it is that when the income is distributed from the IREF, it is taxed at that point. That is where the taxation occurs. In making the case for the role of IREFs, the Deputy must acknowledge where the tax is paid. If one is an Irish-resident investor, it is at 41%.

*7 o'clock*

That is the extra tax that is charged on IREFs. A non-resident investor is then subject to a 20% withholding tax payment when the income is distributed. That is what has happened.

I am so struck with the Deputy who has used the comment about me attacking Sinn Féin on a number of occasions here in the debate. The Deputy should not think that he is going to come here and put forward a case for change and not have his arguments tested. He tests me on my record as he is entitled to do, but I ask the Deputy please not to think that I am going to allow the case for change to be made and not scrutinise that case and not challenge him on it with the vigour with which he tests me. That is what both of us are here to do.

**Deputy Bernard J. Durkan:** While I am very fond of my two colleagues who are very likeable guys, although I do not like them to the extent that I want to go over and hug them or anything like that, I want to point out that they are misguided, and that is the unfortunate thing. They mean well and want to do the right thing, as we all do, but they are misguided in looking at the issue from one aspect and one point of view only, which is to achieve taxation in the case



of People Before Profit. The ultimate answer to that party is that people will have to work for nothing in the future, and if we are going to employ people, we will have to say that all who want to work for nothing should join us and we will give them plenty of work. That is the way it would work, but it does not work. It is unrealistic. I fully appreciate the points are being made in an earnest effort to help out, but if you are still misguided, you are still misguided. I mean no disrespect at all to the Deputies, of whom I am very fond of. I agree with many things they say from time to time, but I do not agree with them now.

There is much to be gained and we need to do this now. We need to utilise the people who have the money and who can borrow it on the markets for almost nothing, which we should not forget, and encourage them to point that money in our direction, not to make a killing on it, but to provide the funds we require to do the building that we need, which is even greater than has been assessed at the present time.

I remember mentioning at that all-party housing committee a few years ago that a person would need more than €100,000 a year to buy a house. I said that all those years ago because of the way things were looking, because that is what had happened before. We did not get ahead of it at that time.

**An Leas-Cheann Comhairle:** I am afraid the Deputy's time is up.

**Deputy Bernard J. Durkan:** I know; it was up a long time ago, a Leas-Cheann Comhairle. We have to have a bit of levity in this House from time to time as well and I apologise for overstepping my time.

**An Leas-Cheann Comhairle:** Deputy Higgins can pick up the levity.

**Deputy Emer Higgins:** I just want to say to Deputy Doherty that I sit on the Oireachtas Committee on Housing, Local Government, and Heritage. Day-in and day-out and week-in and week-out I am working cross-party with some of his colleagues to try to ensure the housing crisis is resolved, and I very much do not like him coming in here telling me that I do not care as I do not think that is a fair thing to say.

It is going to cost €10 billion a year to deliver 35,000 homes, which is a minimum figure. We need different funding streams to meet that level of required investment. Yes, we could look at credit unions as part of it and the Minister was with me when I visited Palmerstown credit union in my constituency recently-----

**Deputy Paschal Donohoe:** Yes.

**Deputy Emer Higgins:** -----where they put forward some ideas as to how savings and cash flow could be utilised to help invest in things like approved housing bodies. It is unrealistic to say their savings, even if the Central Bank rules allowed it, would resolve this issue. It is a complex and multifaceted issue and problem and that is why we need a variety of funding streams to deliver a variety of homes, be those apartments, houses, rental or owner-occupier. There is no one solution, which is why Housing for All is so multifaceted and why we need all of this level of investment to go into delivering those different funding streams that are required.

**Deputy Pearse Doherty:** To respond to the Minister, policy should be scrutinised and I have no problem in him scrutinising my policies. I welcome the fact when we get down to the detail of it and have to put details on the record. Deputy Durkan thinks we are misguided and

all of the rest of it, and I like him too, on a personal level. There is no harm in this but his party members are supporting a party that has repeatedly brought forward a policy again that has priced out people in their constituencies. That is the reality of it. When you keep on doing the same thing over and over, you need to think this is wrong and is not working.

I will give examples here. The Minister talked about funds being taxed when the dividend is paid. He is correct in that. After an IREF, has accumulated all of that tax-free rental income, has sold off the assets, having been exempt from capital gains tax, CGT, which no other company is, and these funds cash out, and it is only international investments that are in IREFs, they pay about 15% because of the double taxation treaty. The point I am making is that any Irish company would have to pay real-time tax on the rental profits, CGT on any disposals, and the tax on any dividends that were paid out either that year or when they cash out. The reason this is really important is, because of the tax structure of these funds, they are pushing up property prices.

Baggot Street, for example, is not housing; it is commercial property. That is €85 million tax-free. That could be well spent in my constituency or in any one of the other Members' constituencies. This is wrong for taxation.

The former Minister, Michael Noonan, made an argument that he wanted to see house prices rise. He made no bones about it and he argued in 2014 for house prices to rise in 2014. That was about bringing these funds in and pushing house prices up. It is a failed strategy and our people are suffering as a consequence of it. That is why this policy needs to end and why the same taxation that is applied to every other company, landlord and individual who has rental income or who disposes of an asset should apply to these multibillion euro investment firms which do not fund the construction of any house or apartment. They purchase them after they have been built, away from the hands of people who want to have their own homes. Instead, we have this situation, as Deputy Lahart has said, of private rental instead of home ownership.

Amendment put:

<i>The Dáil divided: Tá, 47; Níl, 64; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Browne, James.</i>	
<i>Bacik, Ivana.</i>	<i>Burke, Colm.</i>	
<i>Berry, Cathal.</i>	<i>Butler, Mary.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Calleary, Dara.</i>	
<i>Brady, John.</i>	<i>Cannon, Ciarán.</i>	
<i>Browne, Martin.</i>	<i>Carey, Joe.</i>	
<i>Buckley, Pat.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Cairns, Holly.</i>	<i>Chambers, Jack.</i>	
<i>Canney, Seán.</i>	<i>Collins, Niall.</i>	
<i>Carthy, Matt.</i>	<i>Costello, Patrick.</i>	
<i>Clarke, Sorca.</i>	<i>Cowen, Barry.</i>	
<i>Cronin, Réada.</i>	<i>Creed, Michael.</i>	
<i>Crowe, Seán.</i>	<i>Crowe, Cathal.</i>	
<i>Cullinane, David.</i>	<i>Devlin, Cormac.</i>	

<i>Daly, Pa.</i>	<i>Dillon, Alan.</i>	
<i>Doherty, Pearse.</i>	<i>Donnelly, Stephen.</i>	
<i>Donnelly, Paul.</i>	<i>Donohoe, Paschal.</i>	
<i>Ellis, Dessie.</i>	<i>Duffy, Francis Noel.</i>	
<i>Farrell, Mairéad.</i>	<i>Durkan, Bernard J.</i>	
<i>Funchion, Kathleen.</i>	<i>English, Damien.</i>	
<i>Gannon, Gary.</i>	<i>Farrell, Alan.</i>	
<i>Gould, Thomas.</i>	<i>Flaherty, Joe.</i>	
<i>Guirke, Johnny.</i>	<i>Flanagan, Charles.</i>	
<i>Kenny, Martin.</i>	<i>Fleming, Sean.</i>	
<i>Kerrane, Claire.</i>	<i>Foley, Norma.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Griffin, Brendan.</i>	
<i>McNamara, Michael.</i>	<i>Harris, Simon.</i>	
<i>Munster, Imelda.</i>	<i>Haughey, Seán.</i>	
<i>Murphy, Catherine.</i>	<i>Heydon, Martin.</i>	
<i>Murphy, Paul.</i>	<i>Higgins, Emer.</i>	
<i>Mythen, Johnny.</i>	<i>Hourigan, Neasa.</i>	
<i>Nash, Ged.</i>	<i>Humphreys, Heather.</i>	
<i>O'Callaghan, Cian.</i>	<i>Kehoe, Paul.</i>	
<i>O'Rourke, Darren.</i>	<i>Lahart, John.</i>	
<i>Ó Broin, Eoin.</i>	<i>Lawless, James.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Leddin, Brian.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Madigan, Josepha.</i>	
<i>Pringle, Thomas.</i>	<i>Martin, Catherine.</i>	
<i>Quinlivan, Maurice.</i>	<i>Matthews, Steven.</i>	
<i>Ryan, Patricia.</i>	<i>McAuliffe, Paul.</i>	
<i>Shanahan, Matt.</i>	<i>McGrath, Michael.</i>	
<i>Shortall, Róisín.</i>	<i>McHugh, Joe.</i>	
<i>Smith, Duncan.</i>	<i>Moynihan, Aindrias.</i>	
<i>Stanley, Brian.</i>	<i>Moynihan, Michael.</i>	
<i>Tóibín, Peadar.</i>	<i>Murnane O'Connor, Jennifer.</i>	
<i>Tully, Pauline.</i>	<i>Noonan, Malcolm.</i>	
<i>Ward, Mark.</i>	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Joe.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	

	<i>Ó Cathasaigh, Marc.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Pádraig Mac Lochlainn and Aengus Ó Snodaigh; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 19 and 20 are related and may be discussed together.

**Deputy Pearse Doherty:** I move amendment No. 19:

In page 96, between lines 3 and 4, to insert the following:

**“Report on the introduction of a higher rate of capital gains tax on high-income individuals**

40. The Minister shall, within six months of the passing of this Act, prepare and lay before Dáil Éireann a report on the introduction of a 40 per cent rate of capital gains tax on the disposal of assets made by high-income individuals, including income generated by gains.

As we are running out of time, I will not speak on amendments Nos. 19 and 20 but will move them and push them to a vote.

Amendment put and declared lost.

**Deputy Pearse Doherty:** I move amendment No. 20:

In page 96, between lines 3 and 4, to insert the following:

**“Report on the treatment of capital gains tax with respect to worker-owned cooperatives**

40. The Minister shall, within six months of the passing of this Act, prepare and lay before Dáil Éireann a report on the treatment of capital gains tax in instances where a company or shares of a company are purchased by a worker-owned cooperative, and options to amend the capital gains tax regime to promote worker-owned cooperatives and employee ownership.”.

Amendment put and declared lost.

**Deputy Paschal Donohoe: I move amendment No. 21:**

In page 97, between lines 2 and 3, to insert the following:

**“Amendment of Schedule 2 to Finance Act 1999 (mineral oil tax)**

**42.**The Finance Act 1999 is amended with effect as on and from 1 April 2022 by the substitution of the following Schedule for Schedule 2:

**“SCHEDULE 2****RATES OF MINERAL OIL TAX**

<i>With effect as on and from:</i>	<i>Light Oil: Rates per 1,000 litres</i>		<i>Heavy Oil: Rates per 1,000 litres</i>						<i>Liquefied Petroleum Gas: Rates per 1,000 litres</i>		<i>Vehicle gas: Rate per mega-watt hour at gross calorific value</i>
	<i>Petrol</i>	<i>Aviation gasoline</i>	<i>Used as a propellant</i>	<i>Used for air navigation</i>	<i>Used for private pleasure navigation</i>	<i>Kerosene used other than as a propellant</i>	<i>Fuel oil</i>	<i>Other heavy oil</i>	<i>Used as a propellant</i>	<i>Other liquefied petroleum gas</i>	
<i>1 April 2022</i>	€628.58	€628.58	€527.33	€527.33	€527.33	€84.84	€118.01	€138.17	€118.27	€54.68	€9.36
<i>1 May 2022</i>	€628.58	€628.58	€527.33	€527.33	€527.33	€103.83	€141.12	€158.50	€130.52	€66.93	€9.36
<i>12 October 2022</i>	€654.07	€654.07	€555.53	€555.53	€555.53	€103.83	€141.12	€158.50	€130.52	€66.93	€9.36
<i>1 May 2023</i>	€654.07	€654.07	€555.53	€555.53	€555.53	€122.83	€164.23	€178.83	€142.76	€79.17	€9.36
<i>11 October 2023</i>	€671.43	€671.43	€575.61	€575.61	€575.61	€122.83	€164.23	€178.83	€142.76	€79.17	€9.36
<i>1 May 2024</i>	€671.43	€671.43	€575.61	€575.61	€575.61	€141.82	€187.34	€199.17	€155.01	€91.42	€10.13
<i>9 October 2024</i>	€688.78	€688.78	€595.68	€595.68	€595.68	€141.82	€187.34	€199.17	€155.01	€91.42	€10.13
<i>1 May 2025</i>	€688.78	€688.78	€595.68	€595.68	€595.68	€160.81	€210.45	€219.50	€167.25	€103.66	€11.48
<i>8 October 2025</i>	€706.14	€706.14	€615.76	€615.76	€615.76	€160.81	€210.45	€219.50	€167.25	€103.66	€11.48
<i>1 May 2026</i>	€706.14	€706.14	€615.76	€615.76	€615.76	€179.81	€233.57	€239.83	€179.49	€115.90	€12.84
<i>14 October 2026</i>	€723.49	€723.49	€635.83	€635.83	€635.83	€179.81	€233.57	€239.83	€179.49	€115.90	€12.84
<i>1 May 2027</i>	€723.49	€723.49	€635.83	€635.83	€635.83	€198.80	€256.68	€260.16	€191.74	€128.15	€14.20
<i>13 October 2027</i>	€740.85	€740.85	€655.90	€655.90	€655.90	€198.80	€256.68	€260.16	€191.74	€128.15	€14.20
<i>1 May 2028</i>	€740.85	€740.85	€655.90	€655.90	€655.90	€217.80	€279.79	€280.49	€203.98	€140.39	€15.56
<i>11 October 2028</i>	€758.21	€758.21	€675.98	€675.98	€675.98	€217.80	€279.79	€280.49	€203.98	€140.39	€15.56
<i>1 May 2029</i>	€758.21	€758.21	€675.98	€675.98	€675.98	€236.79	€302.90	€300.83	€216.23	€152.64	€16.91
<i>10 October 2029</i>	€773.25	€773.25	€693.38	€693.38	€693.38	€236.79	€302.90	€300.83	€216.23	€152.64	€16.91
<i>1 May 2030</i>	€773.25	€773.25	€693.38	€693.38	€693.38	€253.25	€322.93	€318.45	€226.84	€163.25	€18.09

“.”.

This amendment provides for a reduction, on a temporary basis, of mineral oil tax to partially offset the expected increase in fuel costs as a result of the proposed increase in the biofuel obligation for transport fuels by the Minister for Transport. The reduction of 1 cent will be matched by a reduction in the National Oil Reserve Agency, NORA, levy and together will offset the estimated impact of the biofuel increase on the retail price of auto fuels. The reduction will take place from 1 April and will run until budget day.

**Deputy Pearse Doherty:** What is interesting about this Report Stage amendment, unknown to myself, is that the Government's increase on biofuel from 11% to 13% will mean that there will be an increase in the price of petrol and diesel at the pumps. That is expected to take place from 1 January 2022. Many families out there are seeing the price of petrol and diesel increasing. Regardless of the amounts involved, part of the increase is the result of the decision to increase the carbon tax in the budget. Petrol and diesel prices have been going through the roof over the last number of months. We are now informed that the biofuel obligation measure being brought forward by the Minister for Transport will increase the price by a further 2 cent from 1 January. Has this been decided and published? In what way will this move by the Minister for Transport take place?

I acknowledge that the effect of this amendment will be to offset the increases incurred by those individuals who are purchasing petrol and diesel but this will not take effect until 1 April. What happens in January, February and March, when the Minister for Transport increases the price of diesel and petrol by 2 cent? The Minister for Finance is not going to offset that until April and in the meantime, people will be paying even higher prices at the pumps.

**Deputy Darren O'Rourke:** I have a number of questions and concerns in relation to the provisions of this amendment, particularly as it relates to the price of fuel at the pump. Commuters and those involved in transport are seeing the price of petrol and diesel increasing at the forecourt every day. They are looking to the Government for some relief but they do not see it. Here we have a proposal to offset but as Deputy Doherty said, Sinn Féin had proposals in relation to carbon tax which the Government ignored. While carbon tax is not a huge element of the price increase, it is part of the increase that families are having to live with.

The argument made by the Government about the carbon tax is that it is ring-fenced for mitigation but the NORA levy is also ring-fenced for climate projects. In that context, what are the implications of this move for the ring-fenced element of the NORA levy which is supposed to be, on foot of the Climate Action and Low Carbon Development (Amendment) Bill, a concession, and one of very few, on behalf of the Minister to the Opposition? What are the implications for those projects that are waiting for funding, including biodiversity and climate projects? Will they be impacted negatively by this measure and the reduction in the NORA levy?

**Deputy Paschal Donohoe:** The reason I am bringing forward this measure is to contribute to offsetting the impact on the price at the pump that could be caused by the implementation of this biofuel obligation. It is being implemented from 1 April because I am informed by the Minister for Transport that it will take a number of months for the change in the biofuel obligation to pass through into the price at the pump. Deputy Doherty asked at what point the decision was made. It was made last week at Cabinet. I understand a public statement was made on this towards the end of last week by the Minister for Transport when he confirmed that this move was being made. It is happening to make further efforts to deliver our commitments under the

climate action plan. According to the advice I have received from the Minister for Transport, it is a really important part of how we can reduce the environmental harm that can be caused by the use of fuel which we want to minimise. That is why this change is being made.

I am not in a position to confirm its impact on projects that come from the National Oil Reserve Agency fund, which I understand is being used for environmental projects. It is a decision for the Minister for Transport, if it has any effect at all. If the Deputy is concerned with that, I know that Sinn Féin policy is not to go ahead with the carbon tax increase. We are using those carbon tax increases to also fund projects that we believe are important for our environment and ecology. That is where this measure stands.

**Deputy Pearse Doherty:** The Minister spoke about a press release going out at the end of last week after the Cabinet decision to bring forward this measure which in the Minister's view will increase the cost of diesel and petrol by another 2 cent from around 1 January onwards. Most people will not know this and will be asking what the hell is going on here. They are crippled with the cost of petrol and diesel. There is a view, definitely in the Green Party and maybe elsewhere, that we need to continually increase and increase the price of petrol and diesel and part of the pain is warranted. However, you cannot have those types of sudden spikes and then the Government adding another 2% on it. The Government is offsetting it and I recognise that but there is no guarantee that suppliers are not going to apply this charge to the pumps on 1 January or 1 February. The offset does not come in until 1 April. Why is the Minister not simply bringing it in on 1 January? This new 2% is only an estimate. Can the Minister give clarity as to whether it might be higher? Where are the estimates that it will increase the price of petrol by 2 cent per litre coming from? That is another euro on the fill of a car. If the increase is taking place on 1 January why do we not bring forward the offsetting measure until then? It is only lasting until October despite the other Minister saying it will last forever. One hand does not know what the other hand is doing. What guarantees does the pricing increases in the pumps will not be reflected and will not be a burden on homeowners and motorists until 1 April? Where does the estimate arrive from? Could it be more than the 2 cent suggested?

**Deputy Paschal Donohoe:** One hand knows exactly what the other hand is doing which is why we are bringing forward this measure. If the change in biofuel was happening and it was not accompanied by the offset that I am putting in place, Sinn Féin would be critical of that. We are putting in place the offset and the Deputy is still critical of it. This is a measure that has the potential to and will affect the price of fuel. I am doing it to try to protect hard-pressed car owners from the effect this change would have on the price at the pump and the Deputy is still critical of me doing it.

**Deputy Pearse Doherty:** Three months later.

**Deputy Paschal Donohoe:** If there was ever an example of how, regardless of what you do, Sinn Féin will just have the same response, it is Deputy Doherty's response here. The reason we are doing it from 1 April is that according to the Department of Transport, the reserves that are now in place will need time to pass through the fuel system. The change in the biofuel obligation, while it will happen from 1 January, will not be felt until later in the year. That is why I am doing it. If I was doing it on 1 January, the Deputy would probably come into the House to say that I am putting a discount in place: who is going to benefit? It is probably the petrol or oil companies or the garages. He would probably make a charge like that. This is me working with the Minister for Transport to respond to an issue that we accept is there. If we were not putting it in place, the Deputy would be critical of us. We are and he still is.

Amendment agreed to.

Amendments No. 22 to 25, inclusive, not moved.

**An Leas-Cheann Comhairle:** Amendments Nos. 26, 34 and 41 are related and will be discussed together.

**Deputy Pearse Doherty:** I move amendment no. 26:

In page 122, after line 35, to insert the following:

**“Report on the VAT treatment of domestic energy bills**

**56.** The Minister shall, within one month of the passing of this Act, prepare and lay before Dáil Éireann a report on the VAT treatment of domestic energy bills and options regarding the effective removal of VAT on domestic energy bills either through reduction or rebate, in the context of rising energy prices and their impact on low and middle-income households.”.

There is no doubt that winter is here. Low and middle income households face an energy crisis in the coming months. There have been over 35 price hikes around energy supply since the start of the year. In the 12 months to October, energy prices rose by 25%. The price of electricity rose by 16% and gas by 23%. The cost of home heating oil, the main fuel source for heating 37% of homes, rose by a staggering 71%. These prices are expected to rise further. These households need a helping hand and they definitely need it now.

Across Europe, we see Governments are responding. We see that they are helping households through a range of measures but the Government here has done nothing beyond a very modest increase in fuel allowance that is out of reach for the majority of workers and families. In Spain, although electricity bills are cheaper than here - indeed, they are cheaper than Ireland in every country in Europe - VAT was slashed by 11% until the end of the year. Okay, Spain had a higher VAT rate but the bill for the householder was cheaper than here. Nevertheless, the Spanish Government reduced a cheaper bill than those here. In the Czech Republic VAT on gas and electricity has been reduced to zero until the end of this year, despite the fact that when that legislation was introduced, it was not in compliance with the EU VAT directive, and it went into negotiations with the European Commission. In Italy, President Mario Draghi launched a package of €3.4 billion to protect households from the energy crisis in October, November and December. That included slashing VAT on gas by 17%, reducing gas charges at a cost of €480 million, cancelling electricity charges at a cost of €800 million and providing a discount on the price of electricity and gas for low-income households at a cost of €450 million. In the absence of this intervention Mario Draghi warned that “in the absence of government intervention, in the next quarter the price of electricity could increase by around 40%, and that of gas by 30%”. He took action to stop that. The Italian Government has allocated €1.9 billion, 0.1% of GDP, to continue these measures into 2022. If a similar package of a similar scale was rolled out here for comparison, it would amount to €800 million in 2021 and €460 million in 2022. However, in contrast with these Governments, this Government has done nothing. We in Sinn Féin are calling on the Government to wake up to where families are at, that they are feeling the pinch and the cold and that the Government here needs to act just as Governments are acting across Europe, especially in the context that we have the highest energy prices. The Minister will say that we have a lower rate of VAT but that does not matter to the householder. We have higher energy costs than other countries in Europe. Householders in other countries in Europe have



cheaper bills and those Governments are acting. They are protecting consumers and householders but the Minister is refusing.

My party has repeatedly called on the Government to stretch every sinew to provide real and immediate relief for low and middle income households which struggle with lighting and heating their homes this winter. On 13 October the Commission published its toolbox for action and support to tackle rising energy prices. That includes member states, under the energy tax directive, temporarily exempting or applying a reduced rate on electricity, gas and home heating fuels for vulnerable households. We have said that the Government should work with the Commission to zero-rate VAT on household energy bills for a time limited period during the winter months. This should be done through either an immediate VAT exemption or a VAT rebate, using the agility and innovation displayed by Revenue during the pandemic. The cost of zero-rating VAT for domestic gas, electricity and home heating oil for a three-month period would be €119 million. It would reduce household bills by 12% and thus give immediate relief to people. This could be funded by higher than expected VAT receipts. We see they are higher than expected by in the region of €1 billion in the first 11 months of this year. Instead, the Minister has ruled out this prospect. He has talked about how it cannot happen and how it would be cumbersome to have a VAT rebate. We recognise zero-rating is complex and that is why the Government would have to do what the Czech Government has done but it is not even willing to do that. There are other ways to do it. The VAT rebate is one such example allowed for in terms of the toolbox. However, the Minister has provided no evidence he has engaged with the Commission or looked at alternatives, so we have some. The Government should expand eligibility for the fuel allowance and include households currently locked out due to the rigid qualifying criteria. The Government should extend the fuel allowance season. The Government, if it rules out providing relief to households through removing VAT for the winter months, could introduce a rebate or discount scheme requiring licensed providers of gas, electricity and home heating oil to apply significant discounts to household bills with the value of those discounts being reimbursed by the State.

To date, the Government has not responded to any of the challenges households are facing right now and in the coming weeks so we are asking the Minister to wake up. We are asking him to respond. We are asking him to look at what his colleagues are doing despite households in those countries having cheaper energy bills than households in this State. I am asking the Minister to commit to considering the proposals I have put forward to him and reporting back to the Dáil as soon as possible. We need a financial package of scale to support low- and middle-income households in the face of rising energy costs and we need it now. There are solutions that are implemented in different parts of Europe. One example is that discount scheme whereby the State reimburses the providers for giving homeowners a reduction. That is happening in other areas. We can do it. The Minister put forward that it was a flawed process and a flawed idea. He took our idea and then butchered it in terms of supporting the domestic tourism sector by allowing people to get a rebate on their bills if they went out for a meal. I tell the Minister it is possible to do this. He is shaking his head and that is fine but there are people sitting at home who are cold because the price of home heating oil has gone up by 71% and they just cannot afford to heat their home the way they used to. That is the reality. The Minister does not have the luxury of just sitting there and shaking his head. He is the Minister of Finance for everybody. He needs to respond to these people and he is refusing to do so.

There are some positive signs. We have been at this now for weeks with the Government. There are some positive signs. An article in the *Business Post* says the Government is looking

at this and that it is considering bringing forward a package. There are some leaks coming from parliamentary party meetings and all that. Is there going to be any response or is Government going to do what Government does, take its time, have a couple of chats about this and then it will be summer and everything will be sorted? The Government will the weather sorted the problem out for people. However, people need answers now. They need solutions and they need the Minister for Finance to wake up to what they are going through right now, right here and respond.

**Deputy Peadar Tóibín:** I put in an amendment on the particular point I am going to address but unfortunately I, like many others, was restricting my movements during Committee Stage of this Bill and was not able to attend from outside the precincts. Therefore we were not able to put this amendment on today's paper but it relates to the amendment being discussed at the moment as it concerns VAT on fuel. This is a real point. I genuinely want to bring it to the Minister's attention for consideration because it is an important issue. It is a beneficial issue for society and it is really critical for a section of society that is very important.

Right now across Ireland we have small bus companies. These are the bus companies that pick kids up from school and drop them back. This includes children with disabilities who are being picked up and brought to special schools. These are bus companies that are bringing patients to and from hospitals, and so on. As the Minister knows, the nature of their business is they tender for these contracts. They tender on the understanding of a certain price of fuel and they are locked into those prices for the duration of those contracts. Most of those companies have had the fuel component of their enterprise radically increase over the last while. Bus companies are in a strange position in that they are VAT-exempt, so to speak. They do not pass VAT on. They do not charge customers VAT. Instead they pay VAT for the materials they consume in the delivery of their enterprises. Thus, they are paying VAT on fuel and paying it on every single thing they do but they are not getting VAT back and it is a big difficulty for them.

I gather there are some systems involving rebates etc. but my understanding is the amount of time and cost it takes to get an accountant to do the work on all that means it is not worth it for many businesses to chase down that rebate. I suggest these bus companies be zero-rated for tax. In other words, they would not be passing that VAT on to the consumer because obviously these bus companies are a tool in the Government's project to increase the level of public transport around the country and get people out of their cars to reduce the amount of CO<sub>2</sub> being emitted. We do not want to pass on any extra costs to the consumer. We want them to be able to get the cheapest possible public transport available. We also need to allow these businesses to be able to get back VAT they are paying. The whole idea of VAT is that it is a value added tax but it is not operating as such in the bus sector. Instead it is operating as a block tax. Perhaps while the Minister is addressing these particular amendments he might give us his views, and hopefully his interest, in resolving this difficulty as well.

**Deputy Paschal Donohoe:** As I did not have the chance to deal with it on Committee Stage I will deal with the latter point raised by Deputy Tóibín before I deal with Deputy Doherty's amendment.

The VAT rating for goods and services is subject to EU VAT law that our law must comply with. In general, the VAT directive provides that all goods and services are liable to VAT at the standard rate, currently 23% in Ireland, unless they fall within categories of goods and services specified in the directive in respect of which member states may apply a lower rate or exemption from VAT. The rate of VAT on fuel and materials consumed by bus companies for

the running of buses cannot therefore be reduced. The directive does allow Ireland to continue to apply a historic VAT exemption to the transport of passengers and their accompanying baggage. This means the transport undertaking does not register for VAT, does not charge VAT on the supply of its services and has no VAT recovery entitlement on costs where such costs are used for the exempt supply of passenger transport. Ireland may continue the VAT exemption on the supply of domestic passenger transport as governed by Article 371 of the VAT directive. However, it cannot change the conditions under which the exemption was granted. In accordance with the directive, a reduced rate of VAT could be introduced to the supply of passenger transport in place of the exemption that currently applies. This would give the transport operator deductibility in relation to VAT on its business inputs but would involve charging passengers VAT on their fares. Under the directive, it is not possible to apply the zero rate in Ireland to these services as they were not zero-rated in the past.

I am aware the UK continues to apply the zero rate of VAT to the supply of passenger transport, with the exception of a taxi service that is standard-rated. Suppliers established in the UK have an entitlement to deductibility on the costs relating to the supply of these services where the place of supply is the UK. However, this is also an historic standstill provision and cannot be availed of by Ireland.

The Deputy's amendment would therefore have been in breach of the EU VAT directive. That is the reason the particular issue he raised cannot be met. I would be happy to give him a further note on the matter if it would be of help to those who raised it with him.

I did shake my head while Deputy Doherty was speaking. The reference that caused me to do so was the one to my stay and spend initiative. When I heard him say I "butchered it", I just thought there he goes again, because it was a good idea. It did not work. The reason it did not work, however, was that health restrictions were changed a few weeks later to not allow travel throughout the country. That was one of the reasons it did not work. I said "There you go again, Deputy" because he just cannot see the positive in anything. What about all the measures we brought in that made an impact, or the ones that worked, such as the 9% VAT rate, EWSS and the changes made to tax liabilities? We brought those measures in and they worked. I fully accept the save and spend scheme did not work in the way I hoped, but that was not because I butchered some brilliant Sinn Féin idea. It did not work because of changes in the health restrictions that came after it was introduced. I accept the execution of the scheme might have been a little complicated, but I did not butcher anything that came from Sinn Féin.

I can think of few issues on which Sinn Féin has lower credibility than the cost of living, which was raised by the Deputy. I say that because it is opposed to any changes to personal taxation. The Deputy has repeatedly said that.

**Deputy Pearse Doherty:** We are not.

**Deputy Paschal Donohoe:** For a low- or middle-income earner worried about the cost of living, Sinn Féin's policy is that it does not want to see any changes to personal taxation. That is what it has stated repeatedly. It does not want to see any changes in how we can change our tax code to support people at a time when prices are going up and inflation is rising.

**Deputy Pearse Doherty:** It is not true.

**Deputy Paschal Donohoe:** It is true.

**Deputy Pearse Doherty:** The Minister voted against rent relief last night.

**Deputy Paschal Donohoe:** Okay. I will acknowledge the point on rent relief.

**Deputy Pearse Doherty:** Exempting more people from USC.

**Deputy Paschal Donohoe:** Where was this commitment to changing taxes in the Sinn Féin budget statement?

**Deputy Pearse Doherty:** We put it forward every year.

**Deputy Paschal Donohoe:** Sinn Féin stated that it does not support any significant changes to personal taxation. That is its policy and that is what it has stated. At a point when prices are going up and inflation is also beginning to rise which, as the Deputy knows because he understands these things well, means that our tax code benefits as a result due to its potential non-indexation, he is against using any of those benefits to help those affected by rising inflation. He is against it. He voted against changes that we made to the standard rate of income tax to help, in particular, people who are on middle incomes and paying the higher rate of income tax. He is against that policy. At a time when the cost of living is going up, he is against any changes to personal taxation to help those on low- and middle-incomes to cope with it. That is the Sinn Féin approach. I completely disagree with the Deputy and I believe he is wrong. I do not believe in, nor have I ever implemented, tax cuts that I was concerned might be unaffordable in the future. I do believe that at a time when inflation and prices are going up, targeted and affordable changes, which I have implemented in this budget and will implement in budgets that are coming up, can make a difference. Sinn Féin is against that.

The issue of VAT on domestic energy bills has been raised by the Deputy. We discussed it on Committee Stage and I will begin my response to it. The particular issue that was raised related to the reduction of the VAT rate below 12% on a temporary basis. If we did that, the issue we would then face, and my officials advised me of this, would be that we would not be able to retain the derogation we currently hold that allows us to apply a reduced rate of VAT in other parts of our tax code. This means that the VAT rate on electricity, gas, oil and fuel would increase to 23% when the temporary relief expired. I do not want to be in that position, which is why I am not looking to implement that policy. I will address the other VAT policy matters if time allows.

**Deputy Pearse Doherty:** It is telling that the Minister took 16 seconds to address the core issue. He is elected like the rest of us and entitled to say whatever he wants in the Chamber under the guidance of the Leas-Cheann Comhairle, but I get annoyed when he does not address the issue. His script is “Attack Sinn Féin.” It is the big bad wolf theory to divert attention from the actual substance. That is why I am saying “wake up” because there is whole different reality out there where people are not interested in this tit for tat between the Minister and me. They are interested in what will happen with their energy bills, how they will heat their houses and, if they have to heat their houses, what will happen to the rest of their disposable incomes. That is what they are interested in. The Minister is bringing forward personal taxation measures that leave the vast majority of taxpayers out. They do not benefit-----

**Deputy Paschal Donohoe:** Wrong.

**Deputy Pearse Doherty:** -----because they do not have a tax liability at that rate. Am I wrong?

**Deputy Paschal Donohoe:** The Deputy is wrong.

**Deputy Pearse Doherty:** I am absolutely not wrong. The Minister will not give an accurate figure for the number of taxpayers who will not benefit from his marginal tax rate measure because it does not exist. We have loads of ideas regarding personal taxation. We have argued about those who are paying higher levels of tax. We also believe more people should be exempt from USC and that tax credits should be afforded to 300,000 families who are paying sky-high rents because of the Government's policies.

We are talking today about how we do what other countries are doing to reduce energy bills for families. That is an example. Why do we not do as other countries have done, and suggested, and provide that type of rebate to the energy companies on the basis that they cut energy prices? That is an idea. I have given the Minister loads of other ideas. He has not addressed one of them.

**Deputy Paschal Donohoe:** I have no script with me. I am saying to the Deputy that the idea that he can stand in this Chamber, put forward ideas for change and not expect them to be tested will not happen.

**Deputy Pearse Doherty:** Test them.

**Deputy Paschal Donohoe:** I am testing them and I see the Deputy's reaction. He has voted against changes that would help. He talked about disposable income. The changes I am making to the standard rate cut-off point do help with disposable income for those who are on middle incomes. We made the change to tax credits precisely so more people would benefit from the overall changes that we are making to tax policy. That is why we have done that.

On what we have done and the changes we have made, the Deputy is well aware of the measures this Government has put in place to try to support those affected by the rising costs of energy and fuel. These include changes we have made to the qualifying child payment, the living alone allowance, the fuel allowance and the working family payment, which are happening. The Deputy spoke of the reality out there of people who are watching this debate. I accept the last thing on their minds at present is the exchange between him and me on the details of our differing views. I say to those people that the reason we have made changes to carbon taxation is to use that revenue to co-fund the changes we are making to social welfare. For those who are working and on middle incomes who, in some cases, see their wages going up but also see the benefits of rising wages being offset by prices that, for many, are going up quicker, that is why we are making the changes we are to the personal tax code. That is why they are happening and they are changes Sinn Féin has voted against.

**Deputy Pearse Doherty:** It is interesting that when the Minister was disputing the figures he did not put them on the record because the impact of his taxation measures excludes the vast majority of taxpayers in this State. That is the reality of it.

**Deputy Paschal Donohoe:** No. The Deputy is wrong.

**Deputy Pearse Doherty:** There are ways in which we can do this. The Minister could have looked at many of the proposals we put forward that would deal with the cost of living for those people, for example, who need additional social welfare supports and renters who need additional supports. He could have reduced childcare fees by two thirds over two years, as we suggested. He could have helped middle-income families with the cost of sending their

children to education by reducing their tax by €500 this year, which would help with increases in the cost of living they experienced. He could have done all of that so the Minister should not talk to or lecture me about not having the right to talk about people and the cost of living. The public will make that decision in due course.

I ask the Minister, because he is again diverting, about the cost of living crisis in respect of energy.

*8 o'clock*

He does not seem to get it, so he leaks out stuff that he is reacting, because everybody is talking about it. He does not want to give us credit for anything. That is fine. I do not care, to tell the truth. The Minister butchered that scheme. It was not just us who told him so. The people in the hospitality sector told us he had made the scheme unworkable. That is the problem, but that is neither here nor there.

The issue is what we will do here and now. The Minister needs to wake up to the reality of where people are at. There has been a 71% increase in home heating oil, which is the way 37% of the population heat their homes. There have been massive increases in energy prices and in gas and electricity prices, and the Minister has nothing to offer them: nothing; nada; zilch. That is not good enough. His counterparts throughout Europe, where homeowners have lower energy costs than here, are responding. We have given the Minister umpteen solutions and he has not responded to one of them, and that is not good enough. He needs to get his act together and come forward with a package that responds to the here and now of where people are at. The Minister needs to wake up to the realities of where people are at.

Amendment put:

<i>The Dáil divided: Tá, 46; Níl, 65; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Andrews, Chris.</i>	<i>Browne, James.</i>	
<i>Bacik, Ivana.</i>	<i>Burke, Colm.</i>	
<i>Berry, Cathal.</i>	<i>Butler, Mary.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Calleary, Dara.</i>	
<i>Browne, Martin.</i>	<i>Cannon, Ciarán.</i>	
<i>Buckley, Pat.</i>	<i>Carey, Joe.</i>	
<i>Cairns, Holly.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Canney, Seán.</i>	<i>Chambers, Jack.</i>	
<i>Carthy, Matt.</i>	<i>Collins, Niall.</i>	
<i>Clarke, Sorca.</i>	<i>Costello, Patrick.</i>	
<i>Cronin, Réada.</i>	<i>Cowen, Barry.</i>	
<i>Crowe, Seán.</i>	<i>Creed, Michael.</i>	
<i>Cullinane, David.</i>	<i>Crowe, Cathal.</i>	
<i>Daly, Pa.</i>	<i>Devlin, Cormac.</i>	
<i>Doherty, Pearse.</i>	<i>Dillon, Alan.</i>	
<i>Donnelly, Paul.</i>	<i>Donnelly, Stephen.</i>	
<i>Ellis, Dessie.</i>	<i>Donohoe, Paschal.</i>	

<i>Farrell, Mairéad.</i>	<i>Duffy, Francis Noel.</i>	
<i>Funchion, Kathleen.</i>	<i>Durkan, Bernard J.</i>	
<i>Gannon, Gary.</i>	<i>English, Damien.</i>	
<i>Gould, Thomas.</i>	<i>Farrell, Alan.</i>	
<i>Guirke, Johnny.</i>	<i>Flaherty, Joe.</i>	
<i>Kenny, Gino.</i>	<i>Flanagan, Charles.</i>	
<i>Kenny, Martin.</i>	<i>Fleming, Sean.</i>	
<i>Kerrane, Claire.</i>	<i>Foley, Norma.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Griffin, Brendan.</i>	
<i>Munster, Imelda.</i>	<i>Harris, Simon.</i>	
<i>Murphy, Catherine.</i>	<i>Haughey, Seán.</i>	
<i>Murphy, Paul.</i>	<i>Heydon, Martin.</i>	
<i>Mythen, Johnny.</i>	<i>Higgins, Emer.</i>	
<i>Nash, Ged.</i>	<i>Hourigan, Neasa.</i>	
<i>O'Callaghan, Cian.</i>	<i>Humphreys, Heather.</i>	
<i>O'Rourke, Darren.</i>	<i>Kehoe, Paul.</i>	
<i>Ó Broin, Eoin.</i>	<i>Lahart, John.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Lawless, James.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Leddin, Brian.</i>	
<i>Pringle, Thomas.</i>	<i>Madigan, Josepha.</i>	
<i>Quinlivan, Maurice.</i>	<i>Martin, Catherine.</i>	
<i>Ryan, Patricia.</i>	<i>Matthews, Steven.</i>	
<i>Shanahan, Matt.</i>	<i>McAuliffe, Paul.</i>	
<i>Shortall, Róisín.</i>	<i>McGrath, Michael.</i>	
<i>Smith, Duncan.</i>	<i>McHugh, Joe.</i>	
<i>Stanley, Brian.</i>	<i>Moynihan, Aindrias.</i>	
<i>Tóibín, Peadar.</i>	<i>Moynihan, Michael.</i>	
<i>Tully, Pauline.</i>	<i>Murnane O'Connor, Jennifer.</i>	
<i>Ward, Mark.</i>	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Joe.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	

	<b><i>Rabbitte, Anne.</i></b>	
	<b><i>Ring, Michael.</i></b>	
	<b><i>Smith, Brendan.</i></b>	
	<b><i>Smyth, Niamh.</i></b>	
	<b><i>Stanton, David.</i></b>	
	<b><i>Varadkar, Leo.</i></b>	

Tellers: Tá, Deputies Pádraig Mac Lochlainn and Aengus Ó Snodaigh; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

Amendments Nos. 27 to 36, inclusive, not moved.

**Deputy Pearse Doherty:** I move amendment No. 37:

37. In page 136, between lines 9 and 10, to insert the following:

“PART 6

#### REPORTS

##### **Report on the introduction of levies with respect to the funding of defective block and fire safety redress schemes**

66. The Minister shall, within six months of the passing of this Act, prepare and lay before Dáil Éireann a report on the introduction of levies against certain financial institutions, construction companies and insurance undertakings to part-fund redress schemes with respect to properties affected by defective blocks, fire safety and other such defects.”.

This amendment deals with the defective block redress scheme. The scheme brought forward by the Government has been rejected outright by the homeowners in Donegal and other affected counties because of the sliding scale agreed by the Cabinet. It has to go and the Minister has to move on this quickly. The Minister’s party leader is sitting beside him and I hope this does not fall on deaf ears. These families have gone through huge turmoil over the last period. There is a huge personal and mental health issue here and the Cabinet can do the right thing by getting rid of the sliding scale and making sure the proper amount estimated by the Strategic Banking Corporation of Ireland, SBCI, is made available to demolish and rebuild these homes.

The amendment talks about the contribution by the financial sector. I have put questions to the Minister regarding this issue. I have spoken to a number of CEOs of the banks about the contribution I believe they should make. I understand the Minister has not had any engagement with any financial institution. That was the situation two weeks ago, despite this going on for months. Will the Minister outline to the Dáil the engagement he has had with the CEOs of each of the banks on a financial contribution? Does he intend that the financial institutions will make a contribution to the redress scheme?



**Deputy Paschal Donohoe:** It is precisely because the Government and all those who represent those affected by the mica issue understand the anxiety and trauma that so many families have faced that the Government has worked hard to bring forward a comprehensive and strong response of over €2 billion to support families facing the nightmare of a home turning into a crumbling building. It is because the Government recognised what needed to be done to improve on a scheme, which it hoped would work but did not yield what families were looking for, that it considered what could be done and has acted. We have brought forward a scheme that we are urging those who are affected by this issue to consider and reflect upon. It is a commitment of more than €2 billion in order that we can respond in regard to homes. Those who have been affected the worst will be dealt with first, putting in place plans, building on what is already there to support the cost for those who have to move out and to ensure that for homes that need to be rebuilt, a plan is in place to support that rebuilding. That is what the Government has done.

I want to use this opportunity to ask those affected to reflect on the plan and to ask the Deputy to reflect on the plan and the detail that we have brought forward. We asked for ideas from the Opposition in regard to this issue. The Minister, Deputy Darragh O'Brien, wrote to Sinn Féin but it never responded. Sinn Féin never offered any views and it never brought forward any ideas. The Minister, Deputy Darragh O'Brien, the Minister, Deputy McConalogue, Deputy McHugh and those who are representing communities that have been affected the most by this issue, had to sit down and methodically come forward with a proposal that looked to balance the huge cost involved in this with meeting the needs of homeowners who have seen their dreams turned into nightmares. That is what the Government has done in terms of the plan it has brought forward. We acknowledge the measure that is there, which is a measure that we are bringing forward looking to contain costs where we can in going forward with a plan that will involve an investment of over €100 million per annum in those communities that need help.

What the Government has decided to do, and I believe is the right decision, is to bring forth in next year's Finance Bill a measure that ensures the construction sector makes a contribution to the cost that is involved in this measure. The Government has brought forward a comprehensive package in response to this issue. I have engaged with those who have been affected by this over a number of years. We want to act. We want to bring forward legislation and to put in place the work that needs to happen on the ground by agencies to respond to this issue and to ensure it is dealt with as quickly as possible because those who are affected by this have had a long time to wait.

While this measure is not a Finance Bill measure, Deputy Doherty, as is his right, and as he has done at other points, has brought forward the issue of how a contribution can be made. We brought forward and will implement a contribution levy in next year's Finance Bill. In regard to this year's budget, the decision the Government made last week is about how we can respond with over €2 billion to meet the needs of these homeowners in regard to an issue which we accept has gone on for too long and has caused anguish to so many. There is a plan. We urge those affected to consider it. The Government stands ready to act to legislate as soon as possible to make a difference to those who need it the most.

**Deputy Pearse Doherty:** These families have lived with this nightmare for so long. As I said earlier to the Minister, forget about me and what you think about Sinn Féin.

**An Leas-Cheann Comhairle:** I am sorry-----

**Deputy Pearse Doherty:** These families have reflected. They have reflected on the fact that you are asking them to find €65,000 for an average house. They cannot do it. Deputy McHugh has stated that he will not stand over the legislation. It needs to change.

**An Leas-Cheann Comhairle:** Time is up.

**Deputy Pearse Doherty:** It needs to change.

**An Leas-Cheann Comhairle:** The time permitted for this debate having expired, I am required to put the following question in accordance with an order of the Dáil of 13 November 2021: “That the amendments set down by the Minister for Finance and not disposed of are hereby made to the Bill; Fourth Stage is hereby completed; and the Bill is hereby passed.” Is that agreed?

**Deputy Pearse Doherty:** It is not agreed.

Question put:

<i>The Dáil divided: Tá, 68; Níl, 42; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Calleary, Dara.</i>	<i>Buckley, Pat.</i>	
<i>Canney, Seán.</i>	<i>Cairns, Holly.</i>	
<i>Cannon, Ciarán.</i>	<i>Carthy, Matt.</i>	
<i>Carey, Joe.</i>	<i>Clarke, Sorca.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Cronin, Réada.</i>	
<i>Chambers, Jack.</i>	<i>Crowe, Seán.</i>	
<i>Collins, Niall.</i>	<i>Cullinane, David.</i>	
<i>Costello, Patrick.</i>	<i>Daly, Pa.</i>	
<i>Cowen, Barry.</i>	<i>Doherty, Pearse.</i>	
<i>Creed, Michael.</i>	<i>Donnelly, Paul.</i>	
<i>Crowe, Cathal.</i>	<i>Ellis, Dessie.</i>	
<i>Devlin, Cormac.</i>	<i>Farrell, Mairéad.</i>	
<i>Dillon, Alan.</i>	<i>Funchion, Kathleen.</i>	
<i>Donnelly, Stephen.</i>	<i>Gannon, Gary.</i>	
<i>Donohoe, Paschal.</i>	<i>Guirke, Johnny.</i>	
<i>Duffy, Francis Noel.</i>	<i>Kenny, Gino.</i>	
<i>Durkan, Bernard J.</i>	<i>Kenny, Martin.</i>	
<i>English, Damien.</i>	<i>Kerrane, Claire.</i>	
<i>Farrell, Alan.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Flaherty, Joe.</i>	<i>Munster, Imelda.</i>	
<i>Flanagan, Charles.</i>	<i>Murphy, Catherine.</i>	
<i>Fleming, Sean.</i>	<i>Murphy, Paul.</i>	

<i>Foley, Norma.</i>	<i>Mythen, Johnny.</i>	
<i>Griffin, Brendan.</i>	<i>Nash, Ged.</i>	
<i>Harris, Simon.</i>	<i>O'Callaghan, Cian.</i>	
<i>Haughey, Seán.</i>	<i>O'Rourke, Darren.</i>	
<i>Heydon, Martin.</i>	<i>Ó Broin, Eoin.</i>	
<i>Higgins, Emer.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Hourigan, Neasa.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Humphreys, Heather.</i>	<i>Pringle, Thomas.</i>	
<i>Kehoe, Paul.</i>	<i>Quinlivan, Maurice.</i>	
<i>Lahart, John.</i>	<i>Ryan, Patricia.</i>	
<i>Lawless, James.</i>	<i>Shortall, Róisín.</i>	
<i>Leddin, Brian.</i>	<i>Smith, Duncan.</i>	
<i>Madigan, Josepha.</i>	<i>Stanley, Brian.</i>	
<i>Martin, Catherine.</i>	<i>Tóibín, Peadar.</i>	
<i>Matthews, Steven.</i>	<i>Tully, Pauline.</i>	
<i>McAuliffe, Paul.</i>	<i>Ward, Mark.</i>	
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Jack Chambers and Brendan Griffin; Níl, Deputies Pádraig Mac Lochlainn and Aengus Ó Snodaigh.

Question declared carried.

**An Ceann Comhairle:** This Bill, which is certified to be a money Bill in accordance with Article 22.2.1° of the Constitution, will be sent to the Seanad.

### **Message from Select Committee**

**An Ceann Comhairle:** The Select Committee on Housing, Local Government and Heritage has completed its consideration of the Planning and Development (Amendment) (Large-scale Residential Development) Bill 2021 and has made no amendments thereto.

### **Estimates for Public Services 2021: Messages from Select Committees**

**An Ceann Comhairle:** The Select Committee on Housing, Local Government and Heritage has completed its consideration of the following Supplementary Estimate for Public Services for the service of the year ending on 31 December 2021: Vote 34.

The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed his consideration of the following Supplementary Estimate for Public Services for the service of the year ending on 31 December 2021: Vote 6.

The Select Committee on Justice has completed its consideration of the following Supplementary Estimates for Public Services for the service of the year ending on 31 December 2021: Votes 20, 22 and 24.

The Select Committee on Environment and Climate Action has completed its consideration of the following Supplementary Estimate for Public Services for the service of the year ending on 31 December 2021: Vote 29.

The Select Committee on Education, Further and Higher Education, Research, Innovation and Science has completed its consideration of the following Supplementary Estimates for Public Services for the service of the year ending on 31 December 2021: Votes 26 and 45.

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

#### SECTION 1

**An Ceann Comhairle:** Amendments Nos. 1, 2 and 6 are related and may be discussed together.

**Deputy David Cullinane:** I move amendment No. 1:

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

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

(a) this Act,

(b) the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020,

(c) the Emergency Measures in the Public Interest (Covid-19) Act 2020,

(d) the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020,

(e) the Health (Amendment) Act 2020, and

(f) the Health (Amendment) (No. 2) Act 2021.”.

I do not intend to speak for long on these amendments. They all relate to the issues I raised in my Second Stage contribution. Other Deputies expressed similar sentiments. I can only assume from experience that none of the amendments will be accepted. Nonetheless, it is important for us to make the points that need to be made. I am calling for a level of scrutiny, debate and oversight when statutory instruments and regulations are introduced by this House. Ideally, statutory instruments and regulations would not only be laid before the House but would be subject to proper debate and scrutiny within 48 hours of coming into effect. In some circumstances, where it might be necessary to move quicker and as a last resort, we accept that statutory instruments could be brought in afterwards and retrospectively approved.

I will not labour the point other than to say that if the Minister for Health, Deputy Donnelly, will not accept the amendments, I ask that the House be notified when regulations are made. Let us hope the regulations will not have to be made and we will not see any more restrictions. Let us hope it will not be necessary to introduce new regulations given all the other measures that have been put in place and the fact that people are responding.

Tomorrow, the House will discuss the emergency powers Bill when we will have similar amendments. All of us hope that mandatory hotel quarantine will not be necessary and that the other travel-related measures which have been introduced will suffice. If it is the case that the Minister needs to bring in statutory instruments or regulations, I ask that Oireachtas Members be notified and receive the necessary briefing. That is what the amendments propose. I will not labour the point because we have spoken about this several times. I think the Minister understands the points that have been made. I hope he accepts the amendments but, if not, I hope he will at least accept the spirit behind them and ensure that Oireachtas Members are given proper briefings and information if and when statutory instruments and regulations arise as a result of the passing of this Bill, which I will support.

**Deputy Róisín Shortall:** I have spoken about this principle previously, including this morning and when I spoke previously in debates on Covid-19 legislation, most of which I have supported. This is just a safeguard but it is also about better communication on what the Minister is doing. This is wide-ranging legislation, as is tomorrow’s Bill. The least we can expect is clarity on the statutory instruments and regulations the Minister is introducing under this legislation. He has a free hand as this is enabling legislation in the main which gives him huge powers.

From the point of view of this side of the House, it is important that we are aware of what the regulations are. There are currently no arrangements for notifying us of that. However, that applies not only to Members but also the general public. There has been much confusion about messaging. We have seen over the past couple of weeks kites being flown about what NPHEAT will recommend. Then we have what NPHEAT actually recommends and then the Government's response to those recommendations. All of that might be okay for practising a particular type of politics but from the point of view of the public, there is a lot of confusion about what is actually being proposed. That also applies to those who are expected to implement and enforce those regulations. There has been considerable confusion about that in the past, for example, on the part of An Garda Síochána. Gardaí were expected to enforce regulations that had not even been signed and we were left rooting around trying to find these regulations to see what they mean.

Last week, at the Joint Committee on Health, I asked where we could get a clear list of regulations. I was referred to the website, which showed ten different statutory instruments under the emergency legislation. Work was under way to consolidate each of these so they are not even available on the website at the moment.

This is about better communication. My amendment makes a reasonable proposal. I agree with the two amendments Deputy Cullinane tabled. I am proposing that we would at least be notified in advance of new regulations coming into force, they would be laid before the Houses two days before they come into force and we would be notified of that. I hope the Minister considers this reasonable.

**Deputy Paul Murphy:** I will speak briefly in support of all of these amendments, which add a modicum of democratic accountability to the significant power being given to the Minister. We favoured mandatory hotel quarantine at a certain point in time. We called for it to be introduced across the board as part of a public health system. We said it should not be outsourced and called for appropriate oversight to exist to ensure people's civil liberties and human rights were not being contravened. We have now had the experience of the Government's version of mandatory hotel quarantine. It did quarantine in a partial way, with particular countries targeted and others not. It outsourced it *en masse* to private corporations. It was not part of a public health system - health service staff were not involved in it - and it did not take account of the serious issues raised about civil liberties and so on.

Here we are again. The Government has come back and said it wants the capacity to bring in mandatory hotel quarantine without having to come back to the Dáil, as is correctly proposed in these amendments. That is a real problem for us and we, therefore, oppose the Bill. What will be the purpose of this, especially now in this concrete situation? It is hard to avoid the conclusion that it will be the Government engaging in theatre - potentially racist theatre - by saying it is doing something about this problem. This discussion has arisen in the context of the Omicron variant and all the talk about southern Africa. However, Omicron had been detected in 26 countries as of yesterday. It could be up to 27 by now. Only three of those countries are in Africa, and the UK has the second highest number of detected Omicron cases in the world. However, the Government is not going to introduce mandatory hotel quarantine for the UK. That illustrates that the way in which this is going to be used, in the context of fortress Europe policies and so on, is extremely troublesome as regards the amount of power being given and the way it will be used to try to pretend we are doing something when we are not actually addressing the issues.

**Deputy Peadar Tóibín:** The first question is whether mandatory quarantine works. Man-

datory quarantine was introduced at a time when people were talking about zero Covid and when there was a strong belief, at the start of the whole process, that it was possible to put a fence around the country and protect it from incoming viruses and variants. I do not think anybody would agree that zero Covid could possibly work at this point in time. I also do not think anybody would agree that mandatory quarantine actually works, because the minute a variant is identified in any part of the world, you can bet your bottom dollar it is likely to be here already and likely to be in circulation in other parts of the world anyway. Someone might make an argument that mandatory quarantine should be used to stem the flow and so on but the Government is looking in the wrong places. It is leaning on the people through restrictions and radically reducing people's rights, and the Irish Council for Civil Liberties has indicated that there is a significant human rights aspect to these types of detentions, yet the obvious stuff with regard to protection of life is not being focused upon. Most of the deaths that have happened in this State since the start of the illness have happened in a hospital or nursing home. Most of the people who have died caught Covid in a nursing home or hospital. They are the locations of most damage, pain and suffering and yet they are the areas that get the least debate and discussion in this Chamber. I cannot remember the last time we had a focus in the national media, or politically, on those two sectors.

We are now focusing on children in schools, when no child under the age of 14 has died since the start of the pandemic. Some 55 people under the age of 44 in the whole State have died with Covid in the last two years. That is fewer than have died as a result of car accidents. It is important and shocking that these deaths have happened and our hearts go out to the families who have lost their loved ones in these circumstances. All of those cases are tragic situations, and we as a society need to make sure we do our best to protect each life that exists, but my worry is that the Government is involved in window-dressing to a certain extent, in the same way that masks for schoolchildren is window-dressing. Increasing hospital capacity, bringing ICU beds up from 300 to 560 and increasing hospital beds from 14,000 to 22,000 are the actual actions that would make a significant difference in the saving and protection of life, and in making sure society can function.

**Deputy Michael McNamara:** I am going to make the same points I made last January with regard to the mandatory hotel quarantine proposals that were introduced then. I questioned how on earth we were going to stop a variant coming in by limiting people coming into some frontiers of the State from some countries. At the time I asked the Minister if the purpose of mandatory hotel quarantining was to stop new variants coming in and he accepted that it was. If that was the purpose of it, and if that could be achieved, I would be prepared to look at what is proposed but it is simply impossible. Stopping people from some countries is not going to stop a variant coming in because we know that this new variant is widespread around the world. It is in the United Kingdom and we are not, as previous speakers have said, going to introduce any restrictions on travel to the United Kingdom. I am not suggesting that we should but I am pointing out the futility of what we are doing. It is utterly futile, but it is not free.

Some 10,294 people entered mandatory hotel quarantine. They were detained, realistically. There was a deprivation of liberty involved, although whether it was a classic detention or not is an ongoing debate. Of those 10,000 people, 593 tested positive. When the Government ended mandatory hotel quarantining I was surprised by the reaction, even by the standards of spin. Spin is not unique to this Government. Right across most western states governments now celebrate every measure as a great success that will keep us safe. I am not expecting the Government to keep me safe from Covid because I do not think it should be expected to keep

people safe from Covid. Unfortunately, that is simply not possible. We are in the midst of a pandemic. People need to be cautious; I am not suggesting that they should not be, but I question this idea that we elect a government to keep us safe and that it can do so no matter what happens, whether it is a pandemic or an earthquake. The Government has to be seen to be doing something so it adopts often futile measures.

The success of mandatory hotel quarantining was celebrated and lauded. However, only 593 cases were detected there. During the time that mandatory hotel quarantining was in operation, 151,350 cases were detected in the State, so mandatory hotel quarantining detected 0.39% of cases. Sincerely, what was the point of that? What did it achieve other than maybe to act as a deterrent to people from certain countries coming to Ireland? If that is what it is about, let us be honest about it. Let us say we want to prevent immigration from certain states in southern Africa, because that is all it will potentially achieve. I do not think the idea of entering mandatory hotel quarantine is necessarily a huge deterrent to people who are desperate to come to Ireland, for whatever reason. We had a debate last night about people smuggling. I am not saying that everybody who comes from southern Africa is desperate to come to Ireland. Some are but many are not, and there are returning Irish citizens coming from those countries as well. What is the point of detecting 0.39% of cases? If we were going to prevent this and further variants coming into the country, and if I thought it was even possible to do that, then I would consider supporting this measure but we all know it is not possible because it is already here and in every country of the European Union. This will not be the last variant. I expect there will be further variants because that is what we have been told by many experts.

The director of the National Virus Reference Laboratory at UCD, Dr. Cillian De Gascun, said that it was blind luck that the case of Omicron that is in Ireland was detected. If we are going to rely on blind luck, then let us not pretend that this measure is going to do anything other than pretend to people that it will keep them safe when it is not going to have any impact whatsoever. If it detects 0.39% of a new variant coming into the country, what difference will that make? We in Ireland are probably no worse in this regard than most countries in the European Union but we are going to have to live with the fact that we are in the midst of a pandemic. We must accept the limitations that that will bring to our lives but we should not add to those limitations just for the sake of doing so, such as by putting masks on children, which Deputy Tóibín referred to.

*9 o'clock*

am willing to accept that masks in a supermarket or for a fleeting encounter on a bus might make a difference, but if someone is going to sit a couple of feet away from someone else for six hours per day and breathe the same poorly ventilated air, I cannot accept that a mask is going to stop the transmission of a respiratory virus where people are infectious. The reason for masks in this instance is because we followed the fiction for so long that schools were safe. Schools were not safe. They are absolutely necessary----

**An Ceann Comhairle:** We are wandering now, Deputy.

**Deputy Michael McNamara:** I am.

**An Ceann Comhairle:** Could the Deputy wander back to the subject matter of these amendments?

**Deputy Michael McNamara:** Just because something is necessary does not mean it is safe.



This measure will do nothing to make us safer. It is simply tokenism of the worst kind.

Before he contributes on the Bill, will the Minister tell us what the last chapter of mandatory hotel quarantining cost the State?

**Deputy Catherine Connolly:** I will speak to the amendments briefly. The spirit of all three amendments is the same, but I support amendment No. 6 in particular. It reads: “Before prescribing regulations made under this section, the Minister shall notify and lay before each House of the Oireachtas”. This is the most basic requirement, given the extraordinary powers the Dáil seems intent on giving the Minister.

Turning to the regulations that the Minister will be allowed to introduce, the proposed section 38S starts on page 24 of the Bill and continues to page 28 and gives the Minister the most extraordinary range of powers without any scrutiny. The updated submission from the Irish Council for Civil Liberties, ICCL, tells us that he has had this power to make regulations restricting rights under emergency legislation without Oireachtas scrutiny since March 2020. That is not acceptable. The ICCL believes that the process for making these regulations could be improved significantly and has called for a mandatory consultation with the Minister for Justice and the Irish Human Rights and Equality Commission before regulations are made. The amendments call for scrutiny by the Dáil.

Restrictions on liberty must be targeted and proportionate and what they are trying to achieve must be set out clearly. That last has never happened in this Dáil since the pandemic. We all worked with the Government in the beginning, and here we are nearly two years into the pandemic yet we have not even begun to put a human rights framework on the restrictions that we are introducing. It is in this context that I am supporting the amendments. While I have made it clear that I am not supporting the Bill, the amendments seek to bring some level of scrutiny to the extraordinary powers that the Oireachtas is giving the Minister without any analysis or human rights assessment of those powers or any analysis of the powers he has had to date.

As some of my colleagues have said, we are left in a position of trying to explain to people on the ground what we have passed in the Dáil. We learn from press releases and announcements on the plinth outside and various programmes. That manner of communicating, along with the spin that has dominated the message from the transitional Government and this Government since day one, has undermined confidence in the political system, with appalling consequences for the future. Losing more trust in the political system and in politicians is a warning for the future. The Minister has a chance now to show his bona fides and accept these amendments and accept, at least in theory, that his regulations must be scrutinised by the Dáil.

**Deputy Richard Boyd Barrett:** Mandatory quarantining cannot stop Omicron, yet that is the only reason mandatory quarantining is being considered. What is the point? What is the endgame of putting a large amount of resources and money into putting a draconian measure into place? Although we did not agree with the Minister’s version of mandatory quarantining, we called for mandatory quarantining when the population was not vaccinated and it was believed that vaccination could produce the possibility of the disease’s elimination. We believed it was preferable to try to eliminate the disease in Ireland until a vaccine arrived. There was an objective - keep the disease out until we got the vaccine and it was possible to reopen. We now know that, even with more than 90% of the population vaccinated, we cannot eliminate the disease and we cannot stop the variants, so there is no point in this measure.

It is telling that the WHO has from the word “Go” on Omicron said that there should be no knee-jerk travel restrictions and that there should be tests. We have started to test. That is the sort of thing we need to do - identify the cases, isolate them, trace, have the hospital capacity to deal with the cases and start taking the sort of measures that can limit the transmission in buildings, as we discussed on the ventilation Bill, and so on.

This measure is pointless, so I do not understand why the Minister would pursue it at this stage. We will oppose the measure because it is pointless. If the Minister can set out a reason or objective, then I will be all ears, but I do not see any purpose to this. On that basis, we oppose the measure.

**Minister for Health (Deputy Stephen Donnelly):** I thank colleagues for their contributions. I will speak directly to the amendments in a moment, but with the Ceann Comhairle’s indulgence, I might first address the various points that have been made, given that there has been a useful broader discussion.

I will start with Deputy Boyd Barrett. I am delighted to hear that he is all ears. I am not surprised that he is opposing the measure or that Deputy Paul Murphy said his grouping would also. Deputy Boyd Barrett has opposed almost all, and maybe all, legislation that we have brought through to try to fight Covid.

**Deputy Richard Boyd Barrett:** Not all.

**Deputy Stephen Donnelly:** Maybe not all. I stand to be corrected on that. As is his right, the Deputy advocated articulately for a zero Covid approach. He also advocated for mandatory hotel quarantining for everyone regardless of whether there was any risk or rationale for doing so. It would not have been constitutional as a public health measure. It was interesting to hear Deputy Paul Murphy speak about the need for us to respect civil liberties. The mandatory hotel quarantine system that he advocated for did not remotely seek to achieve any balance between the rights of the person in terms of his or her liberties and the rights of other people in terms of keeping the community safe. It did not matter where people were coming from or what the public health assessment was, everyone would have had to go into quarantine. I was curious to see if he would support this, given that he supported-----

**Deputy Richard Boyd Barrett:** Equality of treatment.

**Deputy Stephen Donnelly:** Yes. Equality of treatment. Everything for everyone regardless of whether there was a rationale to deprive them of their liberties.

**Deputy Paul Murphy:** Why did the Government not put the US on the list?

**An Ceann Comhairle:** Deputy, please allow the Minister.

**Deputy Stephen Donnelly:** That is what equality of treatment would have achieved and is what the Deputy advocated for.

**Deputy Paul Murphy:** That is not what the Government did.

**Deputy Stephen Donnelly:** I was curious to see what reason he would give for not supporting the Bill this time, given that it seems to be very much in line with what he advocated for in the past, albeit a much more modest version. However, the Deputy is opposing it. Members should remember that we are not here to introduce mandatory hotel quarantine. We are here

because we have very serious public health advice in the context of the new variant, which I hope will prove not to be as deadly serious but, as yet, we do not know. The advice we got was that it may be necessary, if this variant turns out to have some really sinister characteristics in terms of severity, vaccine escape, transmissibility and so forth, to bring in this most serious but targeted measure. That is the public health advice. We are not here to introduce it; we are here to bring in a legislative basis, such that if it is required very quickly, it can be brought in. That is what this debate is about.

Deputy Boyd Barrett has said in good faith that he is all ears and he asked about the rationale. Deputy McNamara may have left the Chamber but he fairly asked, as did I, what is the rationale. In response to Deputy Connolly's point, this is not a light-touch piece of regulation. We all obviously treat this deadly seriously. This is about depriving people of their civil liberties – people who have done nothing wrong. We only do that in the most extreme circumstances, as we did earlier this year. The moment that it was no longer deemed necessary, we closed it down and the legislation lapsed, which is why we are here this evening. The legislative basis went away, as it should. There must be sunset clauses on these provisions.

One could ask why we need it now. What the Government has decided to do is to act on the public health advice, which is to be ready to put targeted, mandatory hotel quarantine in place if needed. Why? We all know why. It is the potential threat of the Omicron variant. We all hope that the characteristics that are found show this not to be such a big threat, but right now, we do not know. We are all reading opinion and hypotheses based on limited data, but we do not know. More time is required. That is the rationale. If the Omicron variant turns out to be a very sinister and serious threat relative to Delta, such that it would for example outperform or replace Delta and have significant ability to evade vaccines and cause severe illness, in that situation the Chief Medical Officer might say we do need to bring in this measure.

No one is suggesting that this will stop Omicron. We know it is here. More and more cases will be found and confirmed through genome sequencing in the coming days and weeks. What are we trying to do? What would be the point if the legislation is implemented? The point would be to slow it down. Similarly, I will be signing regulations this evening for preflight departure tests for people coming into the country, regardless of vaccine status. At the moment, as we all know, if one is unvaccinated or has not had Covid in the past six months, if one is coming into Ireland now one needs a preflight PCR test. That is the current situation. What we are saying is that for those who are vaccinated, for a short period they will also need either a PCR test or an antigen test. It is an extra layer of security. Will it stop the Omicron variant coming in? No, of course it will not. None of us suggests that it would.

It is all about layers of protection. The regulations I will be signing this evening in terms of international travel is one layer. It is imperfect. Hotel quarantine would be another layer. It is imperfect. We have home quarantine in place for the seven listed countries. Is it perfect? No, of course it is not, but it is another layer. It is about putting layers of protection in place to slow down the variant. Why does slowing it down matter rather than perhaps letting it spread here? It is because we are moving very quickly through a booster campaign which is hugely effective. There are very promising antivirals to which we will have access quite shortly as well. Things are changing in a very positive way in terms of the total arsenal of weapons we have available. Slowing this down may prove to be very important. Of course, we do not know yet because there is more we still need to find out.

I do not for a moment believe I will have changed Deputy Boyd Barrett's mind. I do not

believe he is going to vote differently - I fully respect how he is going to vote - but I did want to address the question he and others raised in good faith and that I asked of the CMO, which is why we are here. As Deputy Connolly says, this is really serious legislation that we are proposing. That is the rationale. The Deputy can agree or disagree. We can debate it further, but that is the reason for the legislation.

In response to Deputy Tóibín's point, I agree with an awful lot of what he says. We do need more healthcare capacity. We are putting it in as quickly as the system is able to manage, in terms of hospital beds, ICU beds, home care, diagnostics and operating theatres. We do need more and more. We will continue to do that. Do we need very strong measures in nursing homes, hospitals and other healthcare settings? Absolutely, we do. There are layers of protection in place, none of which is perfect, but it seems to have worked quite well in the more recent waves.

Deputy Tóibín states hotel quarantine is imperfect. Absolutely, it is imperfect. Hopefully, it will not be needed. Hopefully, the information we get on this new variant is such that we do not need to bring it in. I do not want to bring it in. None of us want to bring it in. Hopefully, the CMO does not believe there is a point where it might be warranted, but critically, we want to be able to do it quickly if it is required. That is the answer to the Deputy's question in that regard.

There were various questions about whether it works. I think it is fair to say it does work. If we go back to the operation of the previous quarantine regime we had, the total number of cases was not insignificant, but as a percentage of all cases it was very low. The real benefit of it was reducing the volumes of people coming in from the higher risk countries. If we look at those volumes, the arrivals dropped off a cliff. The biggest public health benefit we get is that we reduce incoming travel from the highest risk places for a period. It most definitely worked from that perspective. Deputy McNamara asked about the cost. It was €24.7 million. I can provide any Deputy who would like it with a breakdown of the cost.

Deputy Connolly raised many issues. I fully respect her position in terms of voting against this Bill. I also agree with an awful lot of what she said in terms of how serious this is. Where I differ, and why I am proposing it and she is opposing it, is because I believe that in terms of balancing a very significant public health threat, taking such extraordinary measures is warranted in a targeted and time-limited way. I fully hear her in terms of how serious what we are proposing is and how serious what we did previously was. The Deputy raised one issue in terms of consultation. I want to clarify that for all of the regulations, there is a legal requirement as part of the process for me to consult with all relevant line Ministers.

I will now speak to the amendments. First, I fully appreciate the spirit of the amendments. More can be done, and I would like to work with colleagues to improve the process in terms of engagement on the regulations, legislation and the pandemic generally. I would very much like to meet with colleagues and work through what would make that easier.

It may not always feel like it, but genuine efforts are made on an ongoing basis. For example, in one of the pieces of legislation we had not that long ago, an amendment was tabled from the Opposition on sunset clauses, which we accepted. There is a lot of information online. Members of the House last year and earlier this year were rightly looking for very comprehensive daily, weekly and monthly information and geographic information. They sought very granular breakdowns. I hope Deputies will appreciate that we have gone to great lengths to try to provide that in great detail online in terms of vaccinations, hospitalisations, ICU, geographies

and in many other areas. I hope that is valuable.

I also gave a commitment at the health committee recently to make sure that its members are aware of these amendments specifically. I immediately sent it copies of the regulations. I am very happy to give an undertaking this evening that that would be for health spokespersons, all Oireachtas Members or anybody who wanted that. There will be no problem in doing that.

Specifically with reference to what these amendments would do, while I fully accept their spirit, I cannot accept them. We can and should do more by way of engagement. If these amendments were passed, the Government would agree certain actions. Those would be written up into regulations. Line Ministers would be consulted on those regulations and after a consultation period, I would then sign the regulations but they could not be activated straightaway because once I signed them, they would have to be laid before the Houses for a minimum of 48 hours before they could come into effect. That is, first of all, creating a two-day delay. Once they had been laid before both Houses, if both Houses did not vote to accept the regulations, the regulations would fall. That really would not work.

It would not work for the Oireachtas, by the way, either. Not including the hotel quarantine regulations, I signed in excess of 130 Covid-19 regulations. Presumably, the purpose of them being laid before the Houses and voted on is that there would have to be debate, which we would all quite rightly want to have. With some 130 such debates in the last 18 months in the Dáil and the Seanad as well as with votes, one can imagine the time that would have taken up. It would most definitely have meant that very important legislation that the Oireachtas needed to deal with would simply never get seen to. A vast amount of time would be required by the Oireachtas to scrutinise, debate and then vote on 130 plus regulations, which does not include the mandatory hotel quarantine ones.

Essentially that would take up a great amount of time here which would mean very important priority legislation would not happen. It would slow down our ability to respond and would also create great uncertainty. The Minister for Health would sign these into law, they would become law but they could not be activated under law for 48 hours. It is possible that they could then fall as law within 14 days if both Houses did not vote on them. One can imagine that this would create significant uncertainty for patients, for people travelling, for enforcement, for operators and so forth. For all of those reasons, I cannot accept the amendments but, as I said, we can and I would like to do more.

In the spirit of the Second Stage debate, and since we had the Second Stage debate, I met the Department to discuss the regulations on travel this evening and have asked it to create comprehensive briefing notes for all Members of the Oireachtas in an effort to try to start putting this into action. All Members will, therefore, be receiving a briefing note on that and I would like to continue doing that.

Some of the regulations are very minor things but some are obviously very serious and of great import and, of course, all of the Members should be able to see them, have them sent directly to them and receive briefing notes on them when they are material. Some of them are not really material. I appreciate the amendments and I understand why they have been tabled which is why I cannot accept them but there is more that we can do.

**An Ceann Comhairle:** Is Deputy Cullinane pressing the amendment?

**Deputy David Cullinane:** I am.

Amendment put and declared lost.

Section 1 agreed to.

NEW SECTION

**Deputy David Cullinane:** I move amendment No. 2:

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

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

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

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

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

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

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

(c) where, following the agreement of the Joint Oireachtas Committee on Health, the need for such a regulation is deemed urgent, every relevant statutory instrument

may be laid before each House of the Oireachtas as soon as may be after it is made for the purpose of this section.

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

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

had effect—

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

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

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

Amendment put and declared lost.

Section 2 agreed to.

### SECTION 3

**An Ceann Comhairle:** Amendments Nos. 3 and 4 are related and can be discussed together.

**Deputy Stephen Donnelly:** I move amendment No. 3:

In page 5, line 19, to delete “section 38S(1)(g)(i)” and substitute “section 38S(1)(j)(i)”.

These are technical amendments arising from a drafting error in the Bill. They are very minor and refer to drafting matters and if any Member would like me to go into a detailed note, I have one, but these are essentially just technical amendments.

Amendment agreed to.

**Deputy Stephen Donnelly:** I move amendment No. 4:

In page 6, line 37, to delete “subsection (6)” and substitute “subsection (7)”.

Amendment agreed to.

**Deputy Duncan Smith:** I move amendment No. 5:

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

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

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

or

(ii) a termination of pregnancy,

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

We raised this issue yesterday on Questions on Promised Legislation through our leader, Deputy Kelly. I raised the matter today on Questions on Promised Legislation with the Tánaiste, Deputy Varadkar, whose response I interpreted as being quite positive. I was hoping, somewhat naïvely, that we had come to the Chamber tonight with a view that the Minister might be accepting this amendment.

This amendment aims to ensure that for people travelling for the reason of the termination of a pregnancy, this would be included in the definition of an exempted traveller from having to take a polymerase chain reaction, PCR, or antigen test. We all hope we are debating mandatory hotel quarantine in the abstract and that we will not have to bring it in any way, shape or form.

What is not abstract in any way is the impact that the legislation, as currently drafted, will

have on people who are having to travel for a termination. There is an exemption in section 3(26)(f) for a person: “who travels to the State for an unavoidable, imperative and timesensitive medical reason and that reason is certified by a person who is a registered medical practitioner or a person holding an equivalent qualification outside the State” from both providing a negative antigen and PCR test. This differs from regulations which underpin the previous Health (Amendment) Act in this area which said that a person was an exempted traveller where the person “is returning to the State having travelled to a state for an unavoidable, imperative and time-sensitive medical reason.”

The issue here is that the Minister’s Department has refused to clarify if a termination is considered an exempted group travelling for medical purposes. That is quite frankly unacceptable given where we are in this country in this. If people are travelling for a termination, they are usually later on in their gestation for a medical emergency and need emergency intervention. They are in a great deal of pain, having to travel at short notice, are travelling on a Monday for procedure on a Tuesday to come back on a Wednesday. To impose on them a requirement for a PCR and antigen test, for even the logistical never mind even the cost reasons - and we can discuss cost at whichever level it is - in situations where people are usually having to travel at the last minute and to pay high fares for such flights, is quite frankly unacceptable. It is immoral and lacks any kind of compassion and is out of step with where Ireland is now and where the Minister would like to see it. We have been in contact with the Abortion Support Network in the UK and it said that this is an issue and it is dealing with women coming from our country.

We raised this on Questions on Promised Legislation yesterday and today. I flagged this on Second Stage this morning also but unless the Minister says something which is going to give real comfort that this is going to be included, I will be pushing this to a vote.

**Deputy David Cullinane:** I will be very brief on this amendment. I commend the Deputy on tabling this amendment as it is a very important one which I was hoping the Minister would accept. We have already talked about what this legislation is intended to do. The Minister set out the rationale for that and it is not going to stop this new variant from coming. If we were to introduce mandatory hotel quarantine, this would be to slow it down. These are the layers of protection the Minister talked about. If that is the case, then we can make exceptions in very limited circumstances.

When we last talked about mandatory hotel quarantine, one of the things that was said to us was that it was the hard cases when they happened which would become problematic. For the vast majority of people it is an inconvenience, yet it is a curtailment of their civil liberties for a time period. For the majority of people, however, I would think that it is something that they would be prepared to do if it meant that it was playing a part in the overall arsenal of tools that we have to deal with Covid-19. In circumstances, as the legislation states, where a persons is come back from “unavoidable, imperative and time-sensitive medical treatment” or a termination of pregnancy, I have to say to the Minister that an exception could be made. I support this amendment and I hope this Minister does, too.

I welcome some of the points the Minister made earlier in relation to more engagement with the Opposition. I am still not clear what that is. We have been talking about these issues for a year and a half. We have heard lots of promises and the Minister has made promises. They simply have not materialised. It would be important for the Minister to write to Members of the Oireachtas to set out what he is going to do when he makes statutory instruments and regulations. At the very least, we should receive an email to tell us that the Minister has signed them



and they are up on the website. That would be a start, and the absolute minimum. That does not even happen. I am interested to hear what it is the Minister is going to do, as opposed to him just telling us here that he might do more.

I am fully supportive of this amendment.

**Deputy Róisín Shortall:** I strongly support this amendment. I must say, it was news to me that there could be issues for people in these circumstances, needing a termination. Obviously, given its nature, it is a very time-sensitive issue. The Minister must absolutely clarify what the situation is for people who find themselves in these circumstances. Unless he can do that, I strongly urge him to accept this amendment. It would be intolerable for anybody to find themselves in these circumstances. I commend Deputy Smith on bringing forward this amendment. I look forward to hearing the Minister's clarification on it.

I, too, welcome what the Minister has said about providing better communication regarding statutory instruments and regulations. If we were just starting off in the early stages of the pandemic, it would be fine to hear that, but we are all here with the experience of 20 months. In the last 18 months since the current Government came into office, in particular, we have had to plead with the Minister and the Taoiseach for basic information. We have had to beg them to arrange briefings for us, either at a political level - and there have been hardly any briefings at a political level, which are very much necessary - or indeed, briefings from NPHET or the HSE. We beg for these briefings and I think there have been two since early summer, which happened after us putting a lot of pressure on. That is not acceptable. We should be receiving regular updates on this, particularly in light of the comments I made earlier where I said that in the main, Members on the Opposition side of this House have been supportive of measures that the Government has been taking. The least the Minister could do is to include us in information, such as the modelling, the inside recommendations and the data of NPHET, but we have been left outside entirely. It is very hard to believe that things are going to change at this point. I am sure the Minister understands why we do not place much credibility on those undertakings.

The final point I wish to make concerns amendment No. 6. This amendment is not proposing a vote; it is simply proposing that any new regulations would be notified to Members and laid before the Houses. The purpose of the amendment is to allow for better communication, as I said earlier, and to alert us, as Members of the House, to what is happening, so that we know what the Government is proposing. It is also to alert enforcement agencies and the general public with clear, concise and factual information, as opposed to the kind of spin that people are trying to find their way through. There is far too much spin. I just wanted to clarify that. What the Minister said earlier about a vote and delays that may apply to other proposals does not apply to amendment No. 6. I will press that further when we get to that point.

On amendment No. 5, I am strongly supportive of it. I call on the Minister to provide crystal-clear clarification on the issue.

**Deputy Bríd Smith:** I will not take much time; I wish to ask a question. I am a bit puzzled. My understanding is that the highest rate of Omicron is in the UK. Would the Minister ever envisage introducing mandatory hotel quarantine for people coming from the UK? Although I support the amendment, if the Minister does not envisage that, then the amendment will not really be applicable. I am not arguing against it; I am trying to figure out what is in the Minister's head. If the Minister is not going to introduce mandatory hotel quarantine for people coming from the UK, then this amendment will not be necessary, because the vast majority of

terminations, in cases where women are forced to go abroad, take place in the UK. It illustrates a point about the lack of sufficient abortion services in this country. I ask the Minister to clarify whether he envisages introducing mandatory hotel quarantine for people coming from the country with the highest rate of Omicron. If he envisages doing so, I ask him to clarify if that would make this amendment irrelevant or not. I hope he follows my line of questioning.

**Deputy Richard Boyd Barrett:** It really directly follows on from that and goes back to the point I made earlier in asking what the point is here. My understanding is that the Minister does not envisage introducing mandatory hotel quarantine for UK arrivals, or at least, that is the signal we got. What we were talking about is states like South Africa, where there have been restrictions placed on travel. I think they are pointless, as does the WHO. The restrictions are punishing the people who helped us to identify Omicron, which may not even have originated in South Africa. It quite possibly did not originate there. In any event, it is in the UK. Every single day, people are travelling north, south, east, west, and so on. It all seems rather pointless. I am beginning to wonder whether we are debating a piece of legislation, which I know everybody is saying we do not want to have to put into place, when the Government does not even envisage any remote possibility that it is going to be deployed.

I support Deputy Duncan Smith's amendment, because the thought that somebody coming back from having a termination would be put in mandatory hotel quarantine against the background of something that seems rather pointless, in any event, seems absolutely unbearable. It begs the question of what the whole point of this is and what the Government sees happening. The Minister was scoring a few political points - and fair enough - about our position before, but our position was linked to a strategy. There was a purpose. The purpose was to keep the virus out until we got vaccinated, because we were close enough to elimination. If we eliminated it pending a vaccine, we could open up. The Minister disagreed with that strategy, but it was a legitimate strategy. It was a strategy that was followed by New Zealand.

I am trying to find out what the strategy is here. If the strategy was to keep out Omicron or even slow it down, then the restrictions would be applied now. They would apply, for example, to England and the Netherlands - not just to South Africa and the rest of them. If the Government wanted to slow down the virus, they would apply the restrictions now. If we do it in two or three weeks, when Professor Tony Holohan or somebody decides that Omicron is actually a real problem, it will be absolutely too late. I do not see the logic of what the Government is doing. I am not out to score political points; I am just trying to understand the point. I do not really see the point, unless the Minister is actually telling us that he is thinking, in the relatively short term, that it is a serious possibility that mandatory hotel quarantine could be required for people coming from the UK, the Netherlands or wherever. In the case of abortion services, obviously, we are primarily talking about the UK.

**Deputy Peadar Tóibín:** I think it is incredible that a Bill that is supposed to be about the saving of lives has seemingly turned into a debate about the ending of other individual human beings' lives. Many people watching the debate will be quite confused.

On Government powers, if you give Government powers, as sure as night follows day, the Government will use those powers. That has been the way of every step during this pandemic.

On the pre-flight test regarding vaccination status, that is an admission that vaccines do not stop transmission. It is also an admission that it is now necessary to test people for access to places. It is an argument that we, in Aontú, have been making since the start of the debate on

the introduction of the Covid pass. It is great to see that the Government has come onto that ground at last. Covid is spreading among vaccinated people quite regularly and normally in this country. The Covid pass has no effect in stopping that transmission.

The problem that I have with regard to the vaccination mentioned by the Minister is that he talked about PCR tests 72 hours before departure. During the week, the Minister for Housing, Local Government and Heritage said that a person could get a PCR test in Ireland, fly out of Ireland, and come back within the 72 hours and use the pre-flight PCR test as the PCR test to get them back into the country. Will the Minister confirm whether that is the case?

**Deputy Stephen Donnelly:** The comments were not on the amendment, which is what I want to address. For clarity, the regulations will provide for up to 72 hours for a PCR test and 48 hours for an antigen test. We have had a 72-hour requirement for PCR tests for some time. Regardless, therefore, of the regulations we bring in tonight, the current rules are that, for those 12 years or older, someone who is unvaccinated and who has not had Covid within the past six months has to get a PCR test within 72 hours of coming in. We are already doing that. For those people, the regulations today will not change anything. They change something for those who are vaccinated or who have recently recovered.

The closer to the flight, the better. The fact it is 72 hours rather than 48 hours is purely an operational consideration for people. It can take some time. A person has to book a PCR test, wait for it and wait for a result, and it is not always possible. We can imagine a situation where somebody is trying to get it within 48 hours of a flight taking off, and it is just not possible to do. The closer to the flight, the better. It is to leave time to ensure the test can happen.

**Deputy Peadar Tóibín:** Will the test that was taken in Ireland suffice even after the person has travelled to another country and come back?

**Deputy Stephen Donnelly:** Yes, the stipulation is not around where the test was taken but when. We can all find cases where it will not work terribly well. We can all find circumstances where a person could, technically, get a PCR test here before leaving, go to London-----

**Deputy Peadar Tóibín:** You could go to South Africa.

**Deputy Stephen Donnelly:** -----for a day and come home. You could not go to South Africa because you would have to home quarantine for ten days. *In extremis*, we can all find things in the legislation that do not necessarily work. We can also say there are people who are fully vaccinated who still end up in hospital, but that does not mean we do not provide vaccination. None of the measures are perfect. They are all imperfect layers of protection. We could spend the evening finding any ways of saying any particular measures do not work in certain cases. We know that. It is all about layers of imperfect measures that add up, I hope, to decent protection.

**An Ceann Comhairle:** We should focus on the amendment.

**Deputy Stephen Donnelly:** I beg your pardon. Yes, we should. It is late. I will not accept the amendment, but for the right reasons. What we want to achieve will be covered in the regulations. As far as I am concerned, the rationale is laid out in the regulations and the legislation, which relates to an imperative, time-sensitive medical reason. A termination of pregnancy absolutely qualifies, unambiguously. We have ended up with the Bill as it is now because when the original Bill was drafted, we were concerned about people who needed to get into

the country quickly for urgent medical care and we wanted to provide an exemption for them from hotel quarantine. That was in the original legislation. We then quickly added to it, partly through debate in this House, for people who needed to leave the country for medical reasons. Obviously, they need to come back into the country. That might be a child going to Dresden for proton therapy for cancer or a woman, as Deputy Smith said, going to the UK for a termination of pregnancy, so we put that in the regulations.

The regulations have an advantage over the legislation in that they are more adaptable. For example, when we regulated, we were able to say it applied not only to the person travelling for care but also to somebody who was caring for them. It allowed us greater flexibility in that regard. There is an additional protection here, which I think we will all welcome, relating to applying for exemptions. They can be got ahead of time if there is any doubt.

I do not want to single out termination of pregnancy, given I think it should be considered as part of mainstream healthcare. I do not want to create a list including termination of pregnancy, urgent cancer treatment or whatever it may be. As far as I am concerned, that is one of many urgent medical reasons people can travel. If we bring in mandatory hotel quarantine - we all hope we will not - I give a clear undertaking here the regulations will reflect that. As far as I am concerned, there can be no question as to whether termination of pregnancy qualifies as imperative, urgent and time sensitive, as per the legislation. I hope that speaks directly to what the Deputy wants to achieve. It is certainly what I want to achieve and what most Deputies will want to achieve.

Amendment put:

<i>The Dáil divided: Tá, 47; Níl, 63; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Andrews, Chris.</i>	<i>Browne, James.</i>	
<i>Bacik, Ivana.</i>	<i>Burke, Colm.</i>	
<i>Berry, Cathal.</i>	<i>Butler, Mary.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Calleary, Dara.</i>	
<i>Browne, Martin.</i>	<i>Canney, Seán.</i>	
<i>Buckley, Pat.</i>	<i>Cannon, Ciarán.</i>	
<i>Cairns, Holly.</i>	<i>Carey, Joe.</i>	
<i>Carthy, Matt.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Clarke, Sorca.</i>	<i>Chambers, Jack.</i>	
<i>Connolly, Catherine.</i>	<i>Collins, Niall.</i>	
<i>Cronin, Réada.</i>	<i>Costello, Patrick.</i>	
<i>Crowe, Seán.</i>	<i>Cowen, Barry.</i>	
<i>Cullinane, David.</i>	<i>Creed, Michael.</i>	
<i>Daly, Pa.</i>	<i>Crowe, Cathal.</i>	
<i>Doherty, Pearse.</i>	<i>Devlin, Cormac.</i>	
<i>Donnelly, Paul.</i>	<i>Dillon, Alan.</i>	
<i>Ellis, Dessie.</i>	<i>Donnelly, Stephen.</i>	
<i>Farrell, Mairéad.</i>	<i>Donohoe, Paschal.</i>	
<i>Funchion, Kathleen.</i>	<i>Duffy, Francis Noel.</i>	
<i>Gannon, Gary.</i>	<i>Durkan, Bernard J.</i>	

<i>Gould, Thomas.</i>	<i>English, Damien.</i>	
<i>Guirke, Johnny.</i>	<i>Farrell, Alan.</i>	
<i>Kenny, Gino.</i>	<i>Flaherty, Joe.</i>	
<i>Kenny, Martin.</i>	<i>Flanagan, Charles.</i>	
<i>Kerrane, Claire.</i>	<i>Fleming, Sean.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Foley, Norma.</i>	
<i>McNamara, Michael.</i>	<i>Griffin, Brendan.</i>	
<i>Munster, Imelda.</i>	<i>Harris, Simon.</i>	
<i>Murphy, Catherine.</i>	<i>Haughey, Seán.</i>	
<i>Mythen, Johnny.</i>	<i>Heydon, Martin.</i>	
<i>Nash, Ged.</i>	<i>Higgins, Emer.</i>	
<i>O'Callaghan, Cian.</i>	<i>Hourigan, Neasa.</i>	
<i>O'Rourke, Darren.</i>	<i>Humphreys, Heather.</i>	
<i>Ó Broin, Eoin.</i>	<i>Kehoe, Paul.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Lahart, John.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Lawless, James.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Leddin, Brian.</i>	
<i>Pringle, Thomas.</i>	<i>Madigan, Josepha.</i>	
<i>Quinlivan, Maurice.</i>	<i>Martin, Catherine.</i>	
<i>Ryan, Patricia.</i>	<i>Matthews, Steven.</i>	
<i>Shanahan, Matt.</i>	<i>McAuliffe, Paul.</i>	
<i>Shortall, Róisín.</i>	<i>McGrath, Michael.</i>	
<i>Smith, Bríd.</i>	<i>Moynihan, Aindrias.</i>	
<i>Smith, Duncan.</i>	<i>Moynihan, Michael.</i>	
<i>Stanley, Brian.</i>	<i>Noonan, Malcolm.</i>	
<i>Tully, Pauline.</i>	<i>O'Brien, Darragh.</i>	
<i>Ward, Mark.</i>	<i>O'Brien, Joe.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Duncan Smith and Róisín Shortall; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

*10 o'clock*

**Deputy Róisín Shortall:** I move amendment No. 6:

In page 27, between lines 32 and 33, to insert the following:

“(1A) Before prescribing regulations made under this section, the Minister shall notify and lay before each House of the Oireachtas a copy of the regulations not less than 48 hours before they come into effect.”.

Amendment put:

<i>The Committee divided: Tá, 48; Níl, 60; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Browne, James.</i>	
<i>Bacik, Ivana.</i>	<i>Burke, Colm.</i>	
<i>Berry, Cathal.</i>	<i>Butler, Mary.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Calleary, Dara.</i>	
<i>Browne, Martin.</i>	<i>Cannon, Ciarán.</i>	
<i>Buckley, Pat.</i>	<i>Carey, Joe.</i>	
<i>Cairns, Holly.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Canney, Seán.</i>	<i>Chambers, Jack.</i>	
<i>Carthy, Matt.</i>	<i>Collins, Niall.</i>	
<i>Clarke, Sorca.</i>	<i>Costello, Patrick.</i>	
<i>Connolly, Catherine.</i>	<i>Cowen, Barry.</i>	
<i>Cronin, Réada.</i>	<i>Creed, Michael.</i>	
<i>Crowe, Seán.</i>	<i>Crowe, Cathal.</i>	
<i>Cullinane, David.</i>	<i>Devlin, Cormac.</i>	
<i>Daly, Pa.</i>	<i>Dillon, Alan.</i>	
<i>Doherty, Pearse.</i>	<i>Donnelly, Stephen.</i>	
<i>Donnelly, Paul.</i>	<i>Donohoe, Paschal.</i>	
<i>Ellis, Dessie.</i>	<i>Duffy, Francis Noel.</i>	
<i>Farrell, Mairéad.</i>	<i>Durkan, Bernard J.</i>	
<i>Funchion, Kathleen.</i>	<i>English, Damien.</i>	
<i>Gannon, Gary.</i>	<i>Farrell, Alan.</i>	
<i>Gould, Thomas.</i>	<i>Flaherty, Joe.</i>	
<i>Guirke, Johnny.</i>	<i>Flanagan, Charles.</i>	
<i>Kenny, Gino.</i>	<i>Fleming, Sean.</i>	
<i>Kenny, Martin.</i>	<i>Foley, Norma.</i>	
<i>Kerrane, Claire.</i>	<i>Griffin, Brendan.</i>	

2 December 2021

<i>Mac Lochlainn, Pádraig.</i>	<i>Harris, Simon.</i>	
<i>McNamara, Michael.</i>	<i>Haughey, Seán.</i>	
<i>Munster, Imelda.</i>	<i>Heydon, Martin.</i>	
<i>Murphy, Catherine.</i>	<i>Higgins, Emer.</i>	
<i>Mythen, Johnny.</i>	<i>Hourigan, Neasa.</i>	
<i>Nash, Ged.</i>	<i>Humphreys, Heather.</i>	
<i>O'Callaghan, Cian.</i>	<i>Kehoe, Paul.</i>	
<i>O'Rourke, Darren.</i>	<i>Lahart, John.</i>	
<i>Ó Broin, Eoin.</i>	<i>Lawless, James.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Leddin, Brian.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Madigan, Josepha.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Martin, Catherine.</i>	
<i>Pringle, Thomas.</i>	<i>Matthews, Steven.</i>	
<i>Quinlivan, Maurice.</i>	<i>McAuliffe, Paul.</i>	
<i>Ryan, Patricia.</i>	<i>McGrath, Michael.</i>	
<i>Shortall, Róisín.</i>	<i>Moynihan, Aindrias.</i>	
<i>Smith, Bríd.</i>	<i>Moynihan, Michael.</i>	
<i>Smith, Duncan.</i>	<i>Noonan, Malcolm.</i>	
<i>Stanley, Brian.</i>	<i>O'Brien, Darragh.</i>	
<i>Tóibín, Peadar.</i>	<i>O'Brien, Joe.</i>	
<i>Tully, Pauline.</i>	<i>O'Dea, Willie.</i>	
<i>Ward, Mark.</i>	<i>O'Donnell, Kieran.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Róisín Shortall and Cian O'Callaghan; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

Sections 3 and 4 agreed to.

NEW SECTION

**Deputy David Cullinane:** I move amendment No. 7:

**“Report of the Minister**

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

- (a) information, including statistical breakdown, on implementation of these provisions;
- (b) information, including statistical breakdown, on breaches of these provisions;
- (c) information on how public duty of equality and human rights has been reflected in their application; and
- (d) concerns identified and recommendations for improvement.”.

We have discussed some of this already, but this is a different element to what we have looked for. When regulations and statutory instruments are put in place by the Minister, they are laid before the House before they come into effect. They are debated, voted on, and so on. This amendment seeks to provide for this to happen not less than two weeks before any motion for a renewal of the provisions of the Act. As the Minister will be aware, on several occasions motions had to be brought forward to extend the sunset clauses. Very often the criticism from the Opposition, which was justifiable, was that those renewals were sought without any information being laid before the House regarding the statistical breakdown on the implementation of the provisions that were in place, breaches of the provisions, if any, and how the public duty of equality and human rights had been reflected in their application.

Several Deputies spoke about this earlier. We have had no look-back at any of the previous regulations or statutory instruments that were introduced. Essentially, this amendment is seeking to have a look-back and a report that will examine all of this and recommend improvements. That is a reasonable request from the Opposition. If the Minister does not accept the amendment, I will be pressing it.

**Deputy Róisín Shortall:** I support this amendment. It is important that we have the data to inform us when it comes to questions about rolling over legislation. In the main, the Minister has had support where he has made a case for it, but there has been a terrible dearth of data on the implications of any of this legislation. It took quite a long time to get any information - for example, on the rate of enforcement and the numbers of prosecutions - and a breakdown of the detail. We need information in so many other areas. We cannot even get a list of consolidated regulations or statutory instruments. There is no cataloguing of measures the Government has introduced under the emergency legislation. That is bad practice. In most cases, the Minister has got a blank cheque with all the Covid legislation. There is great confusion over the regulations and a genuine lack of clarity. That is why we had the previous vote. With regard to rolling over the legislation, we should have the basic information.

The Minister said that, tonight, after this debate, he will sign new regulations and require-



ments for people travelling. They will need a PCR test within 72 hours of travel, or an antigen test. I raised this subject with the Minister this morning but he did not respond. I listened to his wrap-up. We have been hearing for the past 20 months that, when it comes to once-off tests and negative results, antigen tests are not reliable. We have been told that the whole time. We know that, when it comes to positive results, antigen tests are really reliable, in the order of 80% plus. A positive result is very reliable; a negative result is not at all reliable. Those of us who have been in favour of antigen tests have made it clear all the time that it is about having a screening tool. Antigen testing is a very useful screening tool. Now, inexplicably and suddenly, the Minister is saying that, to reduce risk from people travelling, it is fine to get a negative antigen test within 48-hour period. I find it hard to understand how that can in any way be meaningful. Professor Gerald Barry said on the radio this morning that it is really a box-ticking exercise.

The Minister confirmed that those who wish to go to, say, London for the weekend can get a PCR test done. That one PCR test will take them to London, where they may go clubbing, go to a match, take the tube and go to an airport to come back again. Again, it is pretty meaningless. It does not really provide any assurance of safety or reduce risk.

We have been making the point that the Government does things that are fairly meaningless and just amount to being able to tick a box to indicate we are doing something. It is hard to see how either of the measures that the Minister is going to sign into regulations this evening will make any difference to anything. They are certainly not going to reduce the risk of the importation of the virus. Can the Minister explain how it is that he is now saying it is acceptable that a negative once-off antigen-test result, which only tells one about a point in time and that is not reliable anyway, can mean anything or be of any use?

**An Ceann Comhairle:** It is getting very late.

**Deputy Thomas Pringle:** I will not be long. I have not been here for most of the debate, so I just want to mention that. It is vital that the amendment be supported because all legislation should require a reporting procedure. The Minister will say regulations are published and may be examined in the Oireachtas Library, but they should be brought back to the House here. This is serious legislation and has an impact on people's lives and the decisions we make here. It is vital to scrutinise it.

**Deputy Catherine Connolly:** I support this amendment and thank Deputy Cullinane for tabling it. This process has been difficult and the time allowed is very short. It is an essential amendment if we are seriously interested in this subject. While the Minister did not use the word "draconian", he acknowledged this legislation has serious implications for human and fundamental rights. If he means that, he should note that this is the most basic amendment he could opt for. It requires a statistical breakdown and the identification of the concerns. The Irish Council for Civil Liberties states sunset clauses in emergency legislation are meaningless if they are renewed with no detailed review of the legislation's effectiveness and impact on rights. It adds that all future extensions of legislation must provide for a robust analysis and in-depth scrutiny. This should be done for all legislation that has any sort of penalty, but in this case, in a pandemic in which we are introducing and rolling over draconian legislation, it is the most basic requirement.

**Deputy Peadar Tóibín:** The truth is that the Government is travelling blind. It has been blindsided. I am not necessarily saying it is the Government's fault, because many things have happened that people did not accept. I am not saying anybody could be fully aware of what is

going to happen but the Government was going to wrap up NPHE in October. This is how close we were to the Government saying it was all done and dusted. Mr. Paul Reid said that, once we reached a vaccination rate of 80%, all restrictions would be lifted in the State. The level of transmission between people who are vaccinated is far higher than anybody expected. I asked the Chief Medical Officer whether any scientific research was done on whether Covid passes work, and he said there was not. I have asked for evidence about mandatory masks for young children in schools, but the Government has provided none so far. In many ways, we are working in an evidence-free zone so, at the very least, we need to collect the data that have been produced to make sure people can understand them. Have any scientific studies been done on whether mandatory quarantine works?

**Deputy Stephen Donnelly:** The points on masks and antigen testing are not relevant to the amendment. You cannot win. The Deputy stood up in this House time and again to say we need antigen tests and asked why we did not have them. When we bring them in-----

**Deputy Róisín Shortall:** Sorry, as a screening tool. The Minister knows they are a screening tool.

**Deputy Stephen Donnelly:** I did not interrupt the Deputy. She came in and said we need antigen tests and asked why we did not have them. The Government stated we have antigen tests and the Deputy stood up and said it was outrageous that we have them because an expert said they should not be used. You cannot win, in fairness.

**Deputy Róisín Shortall:** The Minister is completely misrepresenting the point

**Deputy Stephen Donnelly:** Countries all over Europe are using antigen tests for exactly this kind of purpose. I have supported them for a long time. The Deputy has said more times than I can count or remember that the Government needs to embrace antigen tests. When we use antigen tests, the first thing the Deputy says is that we should not be using them. That is just extraordinary.

**Deputy Róisín Shortall:** Not for once-off-----

**Deputy Stephen Donnelly:** I will speak to the amendment. I fully appreciate its intent. I cannot accept it because of technical concerns, such as the lack of definition in respect of certain matters, but I believe that what the Deputy is seeking to do is entirely appropriate and reasonable. I would like to commit to two things, to go further. First, I have a report on the operation of mandatory hotel quarantine to date. It does not go as far as Deputy Connolly desires in terms of human rights analysis, which is a matter we need to take seriously, but it focuses on hotel quarantine to date in some detail. I would like to share that and I will ask the Department to do so. I hope to God not only that we will not need an extension, but also that we will not need to bring it in in the first place. If we end up back here having to debate and potentially vote on an extension of those powers, I will absolutely commit to asking the Department to provide all colleagues with whatever analysis is possible on the operation to that date. This can inform the debate. If we want to do a session at the health committee, maybe we could do that too. We could also do a technical briefing. I want to embrace trying to provide more briefings. I cannot accept the amendment but I am happy to commit to doing something equivalent, and to go a bit further on it with regard to providing the information we have to date.

Amendment, by leave, withdrawn.

Section 5 agreed to.

#### TITLE

Amendment No. 8 not moved.

Title agreed to.

Bill reported without amendment and received for final consideration.

Question put: "That the Bill do now pass."

**Deputy Richard Boyd Barrett:** Vótáil.

**An Ceann Comhairle:** Will the Deputies dissenting who are claiming a division please rise in their places?

*Deputies Boyd Barrett, Connolly, Gino Kenny, McNamara, Pringle, Bríd Smith and Tóibín rose.*

**An Ceann Comhairle:** As fewer than ten Members have risen in their places, I declare the question carried. In accordance with Standing Order 82, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil. The Bill will be now be sent to the Seanad.

#### Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Michael McNamara - to discuss paediatric orthopaedics at the National Orthopaedic Hospital Cappagh; (2) Deputies Ruairí Ó Murchú, Thomas Gould, Joan Collins, Paul Donnelly, Aengus Ó Snodaigh and Mark Ward - to discuss the planned removal of community and voluntary addiction network groups from the National Oversight Committee; (3) Deputy Michael Moynihan - to discuss availability of dental treatment to medical card holders under the dental treatment services scheme; (4) Deputy Chris Andrews - to discuss the lack of meaningful engagement by St. John Ambulance in the independent review into historical child sexual abuse within the organisation; (5) Deputy Éamon Ó Cuív - to discuss steps to ensure sufficient home carers to provide all home care hours and approved home care packages by the HSE; (6) Deputy John Lahart - to discuss using the National Treatment Purchase Fund to provide child or adolescent psychological and other mental health assessment needs; (7) Deputy Marian Harkin - to discuss the crisis in the hospitality industry and the need for continued supports for the industry; (8) Deputy Niamh Smyth - to discuss actions by the Department of Health following a third outbreak of avian influenza in County Monaghan; (9) Deputy Colm Burke - to discuss confirmation that the N20/M20 road project from Cork to Limerick will proceed; (10) Deputy David Stanton - to discuss further developments with regard to the proposed closure of the Owenacurra Mental Health Centre, Midleton, County Cork; (11) Deputy Martin Browne - to discuss if the Dean Maxwell unit, Roscrea, is included under the national development fund to replace and refurbish the community nursing units; (12) Deputy Kieran O'Donnell - to discuss plans to extend the free availability of antigen testing to special education schools; and (13) Deputy Paul Kehoe - to discuss when the people of Enniscorthy can expect the flood defence

scheme for their town to be signed off to proceed to construction.

The matters raised by Deputies McNamara, Michael Moynihan, Colm Burke and Andrews have been selected for discussion.

## **Saincheisteanna Tráthúla - Topical Issue Debate**

### **Health Services**

**Deputy Michael McNamara:** I thank the Minister of State, Deputy Rabbitte, for taking this matter. I acknowledge it is an issue the Minister of State is aware of but it is important to raise it again. I am far from being the only person who has raised it. I know that Deputies Brendan Smith and Cahill previously raised this issue. The Minister of State will have met a constituent of mine who highlighted to me the issue. One hears about waiting lists and about difficulties in the health system but it really brings it home when one sees the impact that it has on people. Perhaps I am not very good at understanding situations until I see them. The waiting lists that exist in Ireland for scoliosis and similar problems that children suffer from are simply unacceptable in any First World country. We are talking about a relatively small sum of money - and I appreciate that we are often talking about such small sums of money - but it is probably not a small sum of money, as it is €72 million. In normal times, that would be a very large sum of money. In Covid-19 times, however, money almost becomes no object when we just throw money at problems. I am not here to talk about Covid-19 or waste in that regard but I am here to talk about the very significant impact that these procedures have.

The constituent of mine that the Minister of State met was one of the lucky ones because he was one of those who were most severely affected. Because he was very severely affected, he eventually received treatment. He spent the first number of years of his life unable to walk or stand. It is simply unacceptable that we vest that upon our children because we take extraordinary measures to try to protect people from that from which we cannot protect them, which is something like a pandemic, but we take such few measures to try to deal with that which is eminently treatable in the most countries.

Just last week, the surgical procedures for children on that waiting list were stopped again in Temple Street Children's University Hospital. This is not a criticism of Temple Street in any way. I appreciate that resources are greatly stretched. I visited a children's hospital recently. There has been a significant increase in respiratory virus, RV, which would not have a particular impact on me or the Minister of State, but has a significant impact on children. It is simply not good enough that the treatment of children is being stalled in this way, given the impact it has on their lives.

**Minister of State at the Department of Health (Deputy Anne Rabbitte):** I thank the Deputy for the opportunity to discuss Cappagh hospital and orthopaedics. I acknowledge my colleagues, Deputies Brendan Smith, Cahill and McAuliffe, who brought me to Cappagh hospital and gave me the opportunity to see at first hand what the Deputy has articulated to me. The Deputies also gave me the opportunity to meet the mother of the Deputy's young constituent, and I also met one of Deputy Cahill's constituents.

Deputy McNamara is right. It is not until one comes face to face with a parent who can very clearly outline the exact impact this has on the development of the child and his or her opportunity of attending school that one fully appreciates it. It prevents the child from being equal with his or her peers, whether in the community or just in the course of the ordinary accessing of services. What I discovered from Cappagh hospital was the opportunity to progress and have development.

In speaking about Cappagh hospital, it would be remiss of me not to reference Mr. Connor Green and the phenomenal work he has done with the tools at his disposal to work between the various hospitals. When I was out at Cappagh hospital, I visited Cappagh Kids. We in this House may talk about separate rooms and isolation and everything else, but that is not what is afforded to the patients in Cappagh Kids. Those involved in that initiative actually provided space to be able to carry out those surgeries.

It is my understanding that in 2021 €1.64 million was provided to Cappagh hospital under the access to care plan to assist with some of those who have been waiting for a long time. I know the hospital has an application in this year for €2.6 million to address that as well. It may be the case that some departmental officials and others need to understand how Cappagh hospital works. It does not have enough high-dependency units to drill down and do more of those surgeries. The ask of the hospital is that it would be supported with €88 million to provide two extra theatres and nine high-dependency beds. By having those sorts of beds, the hospital could become the centre of excellence for orthopaedic surgery not just in the Ireland East Hospital Group, but a centre of excellence in delivery for all of Ireland because we have some of the best physicians there. That also supports hospitals such as those at Temple Street and Crumlin, as well as Children's Health Ireland.

While votes were taking place in the Dáil earlier, I spoke to the Minister for Health and asked him to accompany us on a visit to Cappagh Hospital to see it first hand and to see Cappagh Kids in operation. He would meet Mr. Green and the clinical team there to understand why the hospital should be a stand-alone elective hospital for orthopaedics and a centre of excellence on the east coast. I plead with the HSE, in the context of its capital plan and the applications it is sending in, that while consideration is being given hospitals in Cork and Galway, when Dublin is being considered, perhaps there is a need for Cappagh hospital to be a centre of excellence in orthopaedic care on the east coast. It is structurally located near an exit off a main motorway and there is access land, so even if a modular unit is not going to be built straight away, it could be converted. It is important to acknowledge the recruitment challenges within the HSE.

**Deputy Michael McNamara:** I thank the Minister of State. I am glad to hear that the Minister for Health will go with her. I have often wondered whether we should have a Minister for Health and a Minister for Covid response. I do not agree with the Minister, Deputy Donnelly, but I appreciate that he must be completely overwhelmed with the Covid response and the requirement to restructure and refocus the healthcare system still exists and pertains. I am delighted to hear he is able to find the time to go to Cappagh hospital and see what they do. I think one needs to see the children who are being treated, but also the children who are not being treated, to understand the priority of this issue. When mentioning Deputies Brendan Smith and Cahill, I did not mean to exclude Deputy McAuliffe. All I can say is that I hope the Deputies are able to prevail on the Minister for Health and impress on him how important this issue is and that maybe something good can come out of it. It is important that those at Cappagh hospital be able to continue their important work and it is very important for the development of children that they are not suffering from debilitating conditions that are so eminently treatable.

I appreciate that it is a lot of money, but it is not a huge amount in the context of even the general health budget, much less the health budget we have now. It is good news that the Minister is at least going to the hospital and I hope he will be as struck as the Minister of State clearly has been by the impact this investment might make. Ultimately, in a Department such as the Department of Health, the Minister holds the purse strings. I hope he will be able to announce something positive.

**Deputy Anne Rabbitte:** It is important to state that, as with all capital projects, this project must progress through the various stages of public spending code and the HSE's capital project manuals and approval protocols in the first instance. The project is currently at a strategic assessment stage and its progress is subject to approval and availability of funding. It is also important to state, however, that decisions are currently being made in respect of elective hospitals. The National Treatment Purchase Fund, NTPF, funding does not support these children because we cannot outsource them across the border or send them to other countries for care for the simple reason that the HSE has clearly stated that the outsourcing of spinal patients to external providers in the UK and Europe has not been overly successful as spinal patients often require additional follow-up and management of post-operative complications. These factors are compounded by the difficulties associated with travel overseas by patients, especially now during Covid. Although the Government is committed to the NTPF and wants to ensure the waiting list can come down, there is no short cut to supporting these families apart from having an elective service providing start-to-finish delivery of care under one roof. That cannot be on an *ad hoc* basis. I look forward to the Minister, Deputy Donnelly, joining me. I thank all the Deputies involved for their support on this. It is one of the topics on which Deputies from all parties and none are united in wanting to get a solution.

### **Dental Services**

**Deputy Michael Moynihan:** I thank the Acting Chairman and the Office of the Ceann Comhairle for giving me the opportunity to raise this issue. In the past year or so in particular, many of my constituents who have a medical card have contacted me regarding their inability to access dental care. It seems that dentists have moved away from medical card patients. Obviously, dentists are overwhelmed by the volume of work they are doing and all dental practices, which do great work, are overloaded with case work. However, an issue has arisen, which is that some dental practices do not have the capacity to take on medical card holders. Right through, people have been ringing my office to say they cannot get a dentist because the dentists no longer take medical cards. I thank the Minister of State for taking this issue. I want to understand why dental practices throughout the country, not just in my area, are moving away from taking on people with a medical card. Those with a medical card can access GP services through their card. The medical card is means-tested and, as such, holders may not have the funds to access serious dental treatment when in crisis or severe pain. They also want routine dental treatment. This is not only for adults but for young people as well who have to get dental treatment. The Government needs to first of all acknowledge that there is an issue throughout the country with dental practices being unable to take on medical card holders and to understand the reason for this. I am always asking why treatment is not available for this group. The Government needs to forcefully look at this issue which is developing up and down the country. People are travelling long distances to dentists who accept the medical card. It is leading to major anxiety and challenges and storing up problems, even on the routine side of dental treatment. If that is not done properly, it will store up more problems down the line and the Government, through the

Department and the HSE, will have to deal with it.

Will the Minister of State acknowledge the crisis and that something needs to be done? We need to understand why dentists have moved away from accepting the medical card. What does the Government or the HSE intend to do to resolve this issue? It is fundamental that everyone is able to access dental treatment whatever his or her income level. We are a republic and we should ensure everybody gets the treatment they deserve, be that acute or routine dental treatment. I ask the Minister of State to acknowledge this issue and see can be done to resolve it. It is a problem in my area and throughout the country.

**Deputy Anne Rabbitte:** I thank the Deputy for raising this important matter, which I am taking on behalf of the Minister for Health, Deputy Stephen Donnelly. The Minister is acutely aware that access to dental services for medical card holders under the dental treatment services scheme, DTSS, has become an ever-increasing problem during the pandemic. The problem is that too many dentists contracted by the HSE to treat medical card patients have chosen to leave the scheme. This has led to difficulties for medical card patients in accessing dental care. There is the added problem of medical card patients being displaced by the abundance of private work. I know some parts of the country have been particularly affected and the Minister is very concerned about this.

The Minister has listened to the dentists and the Irish Dental Association and has heard their frustrations with the scheme. They are firmly of the view that the range of services available to patients under the scheme and the fees payable to contracted dentists are out of kilter in today's environment. The Minister does not disagree with them. He fully accepts there is a need to align the scheme with best international evidence and practice, as outlined in *Smile agus Sláinte*, the new national oral health policy which was published in 2019. Regrettably, the Covid-19 pandemic caused the roll-out of the policy to be delayed and the proposed reviews of the DTSS to be deferred. However, the Minister has given a commitment that there will be a root-and-branch review of the scheme, and his officials and the HSE expect to be in a position to begin that work early in the new year. In the meantime, he wants the contracted dentists and their representative association, the Irish Dental Association, to work with him and his officials to address the immediate issues of concern and ensure we have an abundance of dentists available to provide services to medical card patients.

The Minister has also heard what the dentists had to say about the viability of the scheme, and he wants that addressed too. He secured an additional €10 million in budget 2022 to address that problem and he hopes an agreement can be reached very quickly on how that money can be used to address some of the immediate problems with the scheme, pending the full root-and-branch review.

I am aware that a preliminary engagement with the Irish Dental Association was held in June this year and that the Minister's officials and the HSE will invite the Irish Dental Association in for further talks in the coming weeks. The Minister hopes the association will respond positively to that invitation in order that we can put in place immediate solutions for the benefit of patients and the dental community. In the meantime, his officials are engaging with the HSE public dental service, the in-house salaried service, which is seeking to provide cover for any medical card patients who are experiencing problems in accessing a service from their local dentist.

**Deputy Michael Moynihan:** The issue here is that dentists have withdrawn from the

scheme. I gather from the Minister of State's reply, for which I thank her, that an engagement was held in June. That is almost six months ago. This is a crisis. What has happened during those six months? Extra funding has been made available in the budget. What is the commitment? I fear the words "early in the new year". There are a number of weeks left in 2021. The urgency of this matter does not merit waiting until the new year or four, five or six weeks for serious engagement with the Irish Dental Association to take place. During the meetings held in June, the Department and HSE were obviously made aware of the issues on the dental side that were making the scheme unworkable. The dentists are only withdrawing because the scheme is unworkable. What are the issues that caused them to withdraw from it?

I implore the Minister of State to ask the Minister and the HSE to arrange immediate discussions with the Irish Dental Association, not in a number of weeks' time but this week and next, to try to find a solution for this. Deputies are being contacted by many people in acute pain who have been looking for help and support to get dental treatment. That is not acceptable in this day and age.

I ask the Minister of State to impress on the Minister the need to immediately start talks with the Irish Dental Association and to put a resolution in place that will bring dentists back into the scheme and ensure people with medical cards can access dental treatment. This is a matter of extreme urgency.

**Deputy Anne Rabbitte:** I take on board everything the Deputy said and I will liaise directly with the Minister, Deputy Donnelly. It is important to say on his behalf that his officials have been engaging with the dental profession. He has secured funding. I will speak to the Minister about taking immediate action and engaging with the Irish Dental Association. All Deputies are contacted by constituents who are severely impacted by this, such as a 17-year-old who needs to have her teeth cleaned before she gets orthodontic treatment and cannot access treatment. It is creating delays and causing a crisis of confidence for young people. People are in extreme pain. The confidence issue has a huge impact on young people. In that regard, I will take the matter up with the Minister, probably tomorrow.

## **Road Network**

**Deputy Colm Burke:** I am seeking confirmation that the N20-M20 road project from Cork to Limerick will proceed with urgency in view of the fact, as reported in *The Irish Times* recently, that 62 people have died on this road in the past 25 years. Between 2016 and 2018, 87 collisions were recorded on the N20, seven of which involved the death of road users, and a further 13 collisions led to serious injuries, with the remaining 67 resulting in minor injuries to road users.

The route of this project was to be announced in September. Even if the route was announced in the morning, we should consider the case of the bypass for Ringaskiddy. Although it was announced in 2014, it took six years before it was finally signed off on as the route. There is huge pressure locally to allow the existing route, especially the stretch from Cork to Mallow, to continue to be used but that it be upgraded and widened.

*11 o'clock*

Bypasses are to be constructed around Mallow, Buttevant and Charleville. A new road



will obviously have to be built from Mallow to Charleville because a section of this route is extremely dangerous and not suitable for the volume of traffic that uses it. To give the Minister an idea of this volume of traffic, 25,000 cars pass the section from Waterloo Road and Blarney to Cork City every day. Some 17,000 pass the section around the Mallow area. The figure is the same for the section in the Limerick area. Some 13,000 cars a day use the section from Charleville to Buttevant on what is an old country road.

I will give the Minister an idea of the challenges this presents. There are 625 access points onto the N20. Some 216 of these provide access to fields, 295 to houses and 114 to public roads. That is the challenge faced by anyone travelling on this road. Someone may suddenly decide to turn right and leave the road while one is behind them. There is also the danger of having to cross the path of oncoming traffic.

We face a major challenge. There is a massive volume of traffic comprising both cars and commercial vehicles. As the Minister will know, the Port of Cork has been upgraded and now has additional capacity. We will, therefore, have further commercial freight traffic using this road in the coming years. I ask that this project be prioritised and not postponed again because, if we decide to start in the morning, we will still have a long journey to travel before we turn the first sod on this project.

**Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman):** I thank the Deputy very much. I am taking this issue for the Minister, Deputy Ryan. Obviously, as Minister for Transport, Deputy Ryan has responsibility for overall policy and Exchequer funding in respect of the national roads programme. Once funding arrangements have been put in place with Transport Infrastructure Ireland, TII, under the Roads Acts 1993-2015 and in line with the national development plan, NDP, the planning, design, improvement and upgrading of individual national roads is a matter for TII, in conjunction with the various local authorities concerned.

TII ultimately delivers the national roads programme in line with Project Ireland 2040, the national planning framework and, of course, the NDP. In the new NDP, which was launched in Cork in October, approximately €5.1 billion is earmarked for new national road projects up to 2030. This funding will enable improved regional accessibility across the country as well as compact growth, which are both key national strategic objectives. The funding will provide for the development of numerous national road projects, including the completion of projects which are already at construction stage and those close to it and the development of a number of other projects. The N20-M20 project is included on the list of projects to be progressed during the period covered by the NDP.

The existing N20 is a national primary road which, as the Deputy mentioned, connects the cities of Cork and Limerick. Buttevant, Croom, Charleville, Mallow and Blarney are all major towns along the route. The N20-M20 project is included in the list of projects to be progressed in the NDP and it is being actively progressed. This year alone, TII allocated €5 million to Limerick City and County Council to progress the scheme. The N20-M20 road corridor options to augment or replace the existing N20 Cork-Limerick road are currently being evaluated by TII. These options include a new motorway, the M20, or the upgrading of various sections of the N20. These road options largely follow the existing N20 corridor.

As part of the evaluation, rail scenarios are also being considered as potential solutions in improving Cork-Limerick connectivity. The two rail scenarios being considered by the project

team cover the existing Cork to Limerick rail line and a new rail line spur from Charleville to Limerick. Overall, this project has the potential to improve safety - the Deputy spoke about safety issues - and journey time reliability for passenger and freight traffic using the route. More generally, it has the potential to provide economic benefits to the region.

With regard to the next steps, an online public consultation on the possible route options, carried out by the N20-M20 project team, had a high level of public engagement. The closing date for submissions was extended to 15 January 2021. The scheme is currently at route option selection stage, where all the road and rail options I have mentioned will be considered. The preferred transport corridor is expected to be announced by TII in the first half of next year. Subsequent to this, work on design and environmental evaluation will be undertaken by the project team, in addition to the scheme business case required under the public spending code. The business case is expected to be submitted to the Department of Transport and the Department of Public Expenditure and Reform in early 2023 for Government decision. Subject to its approval, the submission of any necessary statutory documents for the project to An Bord Pleanála will follow thereafter.

**Deputy Colm Burke:** I am concerned that the Minister has spoken about the first half of 2022. It was my understanding that planning for this project was to start in January 2022, in other words, the route would have been identified by that time. Consideration has already been confined to two possible routes with regard to bypassing Mallow and so on. The Minister is now talking about the first half of the year. I am a bit concerned about that. When he speaks about the first half of the year, does he mean January or June? There is a huge difference. As I said, the volume of traffic on this road will not decrease. We need work to be carried out. I highlighted what occurred in respect of the Ringaskiddy bypass, which is in the constituency of the Taoiseach and the Ministers, Deputies Coveney and Michael McGrath. From the day the route was announced, it took six years before the route was finally agreed and all of the court proceedings and so on concluded. We still have not turned a sod on that project. I ask that this issue be given priority and that there be no further delays.

**Deputy Roderic O’Gorman:** I take the Deputy’s point with regard to clarity on what is meant by the first half of the year. I cannot deliver that clarity right now. I will engage with the Minister, Deputy Ryan, and ask him to come back with some more clarity on that particular point. It is important to note that the route selection element is being progressed. TII is actively progressing it and is engaging with Limerick City and County Council and providing money to undertake those design and research elements of the project. It is recognised that this project has the potential to address the safety issues on the route, issues of connectivity between our second and third cities more widely, and wider issues in respect of economic development. The project will form part of the further development of the Atlantic economic corridor and further subsequent connections to west Cork and Kerry. As I have said, that route selection element is to take place in the first half of next year. We will seek further clarity on that for the Deputy. The business case is coming to Government. Even in my own Department, when we have these big projects we have to make business cases. Of course, that is appropriate to ensure that public money is used wisely. Everyone recognises that the N20 is a strategically important route. It is recognised that the route is not fully fit for purpose at present. We have to address those safety issues and make the route more efficient with regard to journey times. Those goals will be progressed through the strategy outlined.

## Child Abuse

**Deputy Chris Andrews:** I thank the Acting Chairman for staying to this hour. I appreciate it. I also thank the Minister for coming in at this hour and giving me the opportunity to discuss this very important matter. Most people will be well aware of the work St. John Ambulance does and the services it provides. We are all used to seeing its presence at a wide range of sporting events including GAA, soccer and rugby games, in the RDS and at various community events. The vast majority of people who are well used to seeing St. John Ambulance personnel will not be aware of the dark history of the organisation or of the dark influences that seem to linger within it. I am speaking of the child and adult sexual abuse carried out over a number of years by senior members of the organisation. I commend the bravery of three survivors, Mick Finnegan, Paul Mulholland and Martin Hoey, who have spoken out publicly of the horrific sexual abuse they experienced when they were members of the organisation. Mick Finnegan was only 14 or 15 when the abuse started. Some of his testimony is harrowing, distressing and sickening.

Since this independent review into historical child sex abuse within St. John Ambulance began, the leadership of that organisation has effectively refused to take part in this review. It is nine months since the review began and I have been informed that St. John Ambulance has provided no material to Dr. Geoffrey Shannon to aid his review. Mick Finnegan recently met Dr. Shannon and showed him some documents that he had from the St. John Ambulance and this was the first time that Dr. Shannon had seen documentation from the organisation. St. John Ambulance is effectively stonewalling the review process. I have a deep concern that the organisation is closing ranks to protect rapists and sexual abusers who may still be active members of St. John Ambulance.

Every week St. John Ambulance continues to provide medical support to sporting and community events throughout the country. We cannot be passive observers of an organisation with a history of sexual abuse that refuses to comply with a review into that abuse. If St. John Ambulance were serious about this process, it would be more active in engaging with the process. It would be writing to older members, which it has not; it would be putting out public notices, which it has not; and it would be using its social media platforms to look for more information, which it has not.

No real action has been taken against any organisation like St. John Ambulance. We need action. We need the Minister to push it to ensure it engages in a meaningful way because clearly it has not. An organisation that has closed ranks and has not engaged with the review into sexual abuse is providing medical support to sporting and community events every week. I ask the Minister to address this as a matter of urgency to ensure that those who have carried out these horrific sexual abuses are held to account. Those who remain silent in the full knowledge that senior members of St. John Ambulance were doing what they were doing need to be held to account.

**Deputy Roderic O’Gorman:** I thank the Deputy for raising this important matter. Reports of historical sexual abuse in St. John Ambulance in the 1990s have been highlighted over recent years. Initially the case concerned three men who made allegations against one named adult. Two of these individuals were under 18 at the time of the abuse.

All three people and the accused were volunteers with St. John Ambulance. A fourth man came forward in November 2020 and a fifth in recent months. It is my understanding that a

Garda investigation is under way into all these allegations and also that a number of civil cases are in train. As I am sure the Deputy is aware, the Charities Regulatory Authority, under the aegis of the Department of Rural and Community Development, is Ireland's statutory regulator for charitable organisations, including St. John Ambulance. Neither my Department nor I has any role in the governance of St. John Ambulance.

Nevertheless, my role and that of the Department of Children, Equality, Disability, Integration and Youth in collaboration with Tusla, the Child and Family Agency, is to protect children now. I met the board of St. John Ambulance in late 2020, and I am satisfied that the organisation in its current form is now taking the matter of child protection seriously. The organisation has worked with Tusla to ensure compliance with its obligations under Children First and has accepted the recommendations of Tusla to arrange an independent review of the issues raised.

Dr. Geoffrey Shannon, an internationally recognised expert in child protection, was subsequently commissioned by the board of St. John Ambulance in March 2021 to conduct an independent review into the handling of historical child sexual abuse within St. John Ambulance. Dr. Shannon is a leading authority on child protection and child and family law. During three successive terms as special rapporteur for child protection, he produced 12 annual reports as well as a range of reports on matters relating to child protection.

The terms of reference of the review, as fully agreed by Dr. Shannon, set out that he will examine how St. John Ambulance handled past allegations of child sexual abuse relating to the individual in question and any other allegations made. The review is also tasked with examining the current standard of child safeguarding at the organisation.

I understand that given the sensitive nature of this review, Dr. Shannon believes in-person interviews are the best way to proceed. Covid restrictions have led to some initial delays in those interviews taking place, but it is the preferred method. Nevertheless, if in-person interviews cannot be facilitated, arrangements will be made for secure remote meetings between survivors and him. I also understand significant progress has been made in commencing these interviews.

I have personally met one of the individuals who has come forward on a number of occasions. I commend them and all others who, sometimes at real personal cost to themselves, have had the courage to share the horrific experiences that occurred to them in their youth. I encourage them and anyone with any knowledge of issues within St. John Ambulance to come forward and speak to Dr. Shannon. He has provided a dedicated website for people to get in touch and it can be accessed at [stjohnambulancereview.ie](http://stjohnambulancereview.ie).

While the findings will initially be presented to the board of St. John Ambulance, it is my expectation that St. John Ambulance will ensure publication of the review report and I will be looking for this to happen.

It is important to give Dr. Shannon the opportunity to undertake this review and go through the various steps. He is a person of the highest credibility nationally and internationally and it is important to give him the opportunity to do this work.

**Deputy Chris Andrews:** I know the Minister is absolutely on the survivors' side; that is not in question. The difficulty is that Dr. Shannon has had no contact from St. John Ambulance. Its representatives talk about engaging in the process but they do not actually do it. If organisations with a clear history of sexual abuse refuse to co-operate with reviews and investigations

into these crimes, we need more than speeches and words; we need action with sanctions imposed. We need firm action to force their hand to engage with the relevant reviews and investigations. While not directly, St. John Ambulance is receiving thousands of euro of State money every year through various sporting national governing bodies and community groups to which the State provides funds. It does not sit well with me to know that State funds are ending up in an organisation that has closed ranks in the face of a review into sex abuse.

It is deeply concerning that some of those in senior leadership positions in St. John Ambulance knew of these abuses when they were being committed. Even more disturbingly, at that time these same people made jokes and even had songs about these horrific crimes of abuse being carried out. This culture of tolerance of abuse needs to be rooted out. Survivors of sexual abuse should not have to face such barriers in their pursuit of justice. The State should be providing these survivors with the support and resources they need to get that justice. I call on the Minister to take decisive action if St. John Ambulance continues to stonewall this review into child sex abuse. I go so far as to ask him to instruct sporting and community groups to withdraw from using St. John Ambulance at events until this review is carried out in the correct manner. I also appeal directly to sports organisations not to use St. John Ambulance at events they are holding until there is compliance with this review.

**Deputy Roderic O’Gorman:** I want the record to be clear. My Department provides no funding to St. John Ambulance as a youth organisation.

I met a survivor who explained his experience. I subsequently met the board of St. John Ambulance to discuss both its current child protection procedures, which Tusla has assured me are in compliance with Children First, and a review of the historical cases. I encouraged and put pressure on the board members to undertake that independent review of historical practices. That independent review is now taking place. I subsequently engaged with them to ensure that is properly publicised, recognising that St. John Ambulance is an organisation that has been in existence for a long time. Many people have passed through it. Since that, there has been better publication of it on its social media, Twitter and Facebook. I have also published a number of press releases from my Department speaking about this review and encouraging people to participate and to come forward. Through other sources, other complainants or other questions about St. John Ambulance have been made known to me. I have made sure to put them through to the right connections to get in touch with Professor Geoffrey Shannon.

I have absolutely confidence in Geoffrey Shannon to get to the bottom of this. I also think that if he believes he is not getting the co-operation he needs, he will say that. He will not allow himself to be messed around by any organisation. He is far too experienced. If we get to a situation where this organisation is not co-operating, this will be called out. We have to give the person who is an expert in undertaking these sorts of investigations the discretion to undertake the work he is doing. This is a detailed piece of analysis, talking to people some who as we know have been deeply impacted. These are not phonecalls and it is right that these take place properly. I have confidence in Geoffrey Shannon, but if he comes to me or to my Department and says there is a real problem, I will be happy to engage on that point.

The Dáil adjourned at 11.22 p.m. until 9 a.m. on Friday, 3 December 2021.