



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 2 Meán Fómhair 2020*

*Wednesday, 2 September 2020*

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

*Paidir.*

*Prayer.*

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

**An Ceann Comhairle:** I call the Government Chief Whip who has a brief technical proposal to put to the House.

**Minister of State at the Department of the Taoiseach(Deputy Jack Chambers):** It is proposed, notwithstanding anything in Standing Orders, that the proposed arrangements from the Business Committee be taken now, to be followed immediately by Leaders' Questions.

**An Ceann Comhairle:** On foot of the proposal, there are two matters to be decided. Is the proposal for dealing with today's business agreed?

**Deputy Brendan Howlin:** In regard to today's business, as a longstanding Member of this House I want to raise a point of serious concern. Later today, we are to debate a criminal justice Bill which gives new powers of enforcement to An Garda Síochána and penalties for breaches of acts which are now to be criminal acts. This is a Bill that creates penalties for crimes that are not set out in it. It is a very unusual piece of legislation. In other words, it provides for penalties and enforcement procedures for crimes that are not set out.

When we were briefed on this Bill late on Friday evening I asked the Department of Justice officials when we would know the issues to be criminalised and they said that they did not know.

The crimes to be penally sanctioned are set out now in regulations published yesterday by the Minister for Health. The regulations published yesterday were a compendium, basically a recitation, of all of the regulations, some of which are penal and some of which are merely advisory and carry no penalty. The difficulty for the House is that insofar as this legislation relates to pubs and restaurants, relevant provisions, as far as I can determine from the regulations published yesterday, relate only to the keeping of records. In other words, in terms of what is being penalised, it will be a requirement under penal sanction to keep records of visitors to pubs and what they order.

We do not know what else will be encompassed by the regulations. When we take the Bill,

the Minister for Justice, who is taking it, will not be in a position to answer our questions, no more than her officials were able to answer our questions, because she is not the Minister making the regulations. I seek the Ceann Comhairle's guidance as to how we can pass legislation that creates criminal offences that we do not know, and which can be renewed or changed tomorrow by new regulations.

**An Ceann Comhairle:** There was considerable debate on this matter at the Business Committee. I understand that six hours is provided for Second Stage consideration of this matter. I note Deputy Mattie McGrath is indicating. Is it on the same matter?

**Deputy Mattie McGrath:** On the same matter, this is farcical in the extreme. Section 13 gives the Minister for Health powers to introduce different regulations, as Deputy Howlin has alluded to. There is so much uncertainty around this area. We all bought into this situation in good faith back in March last and we did our best with regard to emergency sittings and legislation but this is a step too far. We are legislating to penalise and criminalise people and to further penalise a sector of the community that is already closed down and so it cannot break any rules. It should not be closed. This is silly. The Rural Independent Group is vehemently opposed to this legislation. We are giving them these powers and we do not know if the Minister for Health will have the power even to authorise entry into people's homes. It is draconian.

**An Ceann Comhairle:** Again, we will have six hours to debate this. We will try to get clarification on the point raised.

**Deputy Richard Boyd Barrett:** I echo the point about section 13 in particular. There is a big concern that this gives powers way beyond what has been publicly discussed as the purpose of this Bill. The Bill potentially could be a Trojan Horse for other measures which would give rise to significant concern and controversy and could very seriously infringe on civil liberties. I have deep concerns about that. The debate may not in fact cover those issues. We are talking about unspecified powers that could evolve into other things afterwards. We did seek assurances from the Government, but sections of the Bill essentially mean that all those assurances could come to nothing.

We ended the last session of the Dáil in a very acrimonious situation. We object to the speaking order that commences today arising out of the moves by the Government essentially to push some of the smaller parties and groups way down the speaking order. We are not going to let up in our objections to that. We believe it is an attempt to mute and silence the Opposition. We will continue to object to a speaking order that allows the Government to become the Government and the Opposition for the most important part of political debate.

**An Ceann Comhairle:** The Deputy's point has been well made before.

**Deputy Catherine Murphy:** We had a discussion at the Business Committee and some of us will be very unhappy with the fact that the process is not the best practice to start with. Some of us are living with that even though it is far from ideal. That has been pointed out and noted. One of the concerns was that there would be additional measures introduced in the legislation. Where that is not the case, the very fact that additional regulations can actually alter the intent of the Bill or at least the understanding of the offences is very problematic. We will not have an opportunity to input into those regulations. The law cannot be grey; it has to be black or white. A person either commits an offence or does not. This has the potential to cause terrific confusion although the legislation was supposed to be fairly clear-cut in its parameters.

**Deputy Jack Chambers:** We had a significant discussion and debate on this at the Business Committee. We facilitated a briefing, and an early draft of the Bill was sent to everyone with opportunities for amendments as well. We have also given a six-hour debate on Second Stage and have agreed to facilitate additional time for Report and Final Stages on Thursday. It is also important to say that there is priority required for this Bill. There are issues and further consequences around it not being progressed. We would like to see it progress to the Seanad next week. We are taking people's concerns on board. The Minister for Justice and Equality will respond to people's concerns on Second Stage. That is the purpose of Second Stage debate.

On speaking time, what was sought before the recess was to give back bench Deputies and Deputies on the Government side some increase in their proportionate speaking time, which they have a right to have in this House. There has been no reduction in the allocation of speaking time for any smaller party or group. It is important not to misrepresent the factual change that occurred prior to the Dáil recess. There is a zero percent reduction in speaking time allocation for smaller parties and groups. It is important we have a factual position on this. We have sought to work with the Business Committee, and it was agreed at the Business Committee, as the Ceann Comhairle will remember, that if we provided a briefing and early publication of the Bill, all Members of the House would seek to facilitate this because of its urgency and importance in the context of Covid and the response to Covid from the State. If people want to delay this Bill for a number of weeks, it will have a public health consequence. It is important for people to have that in mind as well if they are to oppose the business today.

**Deputy Brendan Howlin:** I have a point that may be best directed to the Ceann Comhairle. I thanked the Government for the briefing but those who gave that briefing were not party to the making of the regulations. This is a Department of Justice and Equality Bill and it will be taken by the Minister for Justice and Equality, who has no hand, act or part in the drafting of the regulations in question. The officials told us that. That is my difficulty. It is an unusual piece of criminal law that sets out penalties and enforcement procedures for crimes that are not in the Bill itself. We must have a very clear understanding of crimes that can take away a person's livelihood.

I do not take the advices kindly from the Government Chief Whip to suggest in any way that anybody in this House wants to cause any difficulties in combatting Covid-19. We need to bring the public with us on this unified battle and we must have clarity with the criminal sanctions. We need to know what will be criminalised and what may be added to the list of criminal actions. Those questions are for the Minister for Health and not the Minister for Justice and Equality.

**An Ceann Comhairle:** The Deputy's questions are absolutely legitimate. If I heard the Chief Whip correctly, he stated quite unambiguously that these questions will be answered in the course of the six-hour Second Stage debate. If they are not, I suggest to the Deputy we can reconsider the matter at the end of Second Stage.

**Deputy Mattie McGrath:** It is the wrong Minister.

**An Ceann Comhairle:** There is collective responsibility at the Cabinet. I am sure if we are told by the Government we will get the answers, we will get them. Let us not presume we will get the wrong answers.

**Deputy Mattie McGrath:** We are going to have the wrong Minister.

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**An Ceann Comhairle:** There is collective responsibility.

**Deputy Mattie McGrath:** We have had the lecture already. It is our duty to scrutinise this legislation and ensure the public can support it.

**An Ceann Comhairle:** We are all trying to have a reasonable discussion and deal reasonably with this. Nobody is going to lecture anybody.

**Deputy Michael Healy-Rae:** It is very misleading for the Government Chief Whip to stand up here and speak about fair play at a time when he and others have orchestrated over the past number of weeks a co-ordinated attempt to silence our group and Independent Deputies in particular. They have done everything to try to marginalise us and put us to the back in every way possible, silence us and keep us down. I have a message for the Chief Whip; specifically because of what the Government has done, it will now draw the wrath of the Independents, as it was underhanded, wrong, unfair and devious.

**An Ceann Comhairle:** Deputy Healy-Rae-----

**Deputy Michael Healy-Rae:** I want to out him today for what he did. He stood up a moment ago to make a bit of a speech. It was ridiculous and outrageous because we all know what he did over the past number of weeks.

**An Ceann Comhairle:** The man or woman has not been born that could silence the Deputy.

**Deputy Pearse Doherty:** I was going to make a point but Deputy Martin Kenny may be able to speak better to this. We raised concerns that the offences are not being set out in the legislation, but our understanding now is that the regulations are to be published before the legislation is fully dealt with and there will be clarity in that respect. It would be helpful if the Minister for Health could clarify this for the House today. Will we see the regulations before the passage of this legislation?

**Deputy Martin Kenny:** I was going to make the same point. I understand these regulations are to be published. We need a commitment from the Minister that this will happen immediately. We are dealing with legislation that may be quite appropriate for most cases but there is a difficulty where the actual offences are not clearly stated. Everybody would have a difficulty in this regard and common sense should apply. The regulations should be published before we move past considering the Bill.

**Deputy Brendan Howlin:** There is to be a range of regulations, some of which will be germane to this discussion. Some of them carry penal provisions and some do not. It is not clear what is penal and what is not.

**An Ceann Comhairle:** Does the Minister for Health wish to comment?

**Minister for Health (Deputy Stephen Donnelly):** In response to Deputy Howlin's point, I note that the regulations make what is penal and what is not absolutely explicit. All the regulations are available online. The wording in the regulations states that "this is a penal provision". For example, I recently signed new regulations regarding gatherings in people's houses, weddings, sporting events and gatherings in theatres, cinemas, etc. None of those regulations includes the stipulation that it is a penal provision. In a very limited number of cases, including the three regulations associated with pubs, the regulation states that "this is a penal provision".

Under the Health Act 1947, there is a very blunt instrument which is not fit for purpose and which I am seeking to remedy. The 1947 Act only allows for a penal provision to carry a fine of up to €2,500 or up to six months' imprisonment. That is not fit for purpose for what we are trying to achieve with regard to Covid-19, and we are seeking to amend it with more appropriate penalties. However, the legislation before the House today is entirely within the remit of the Minister for Justice, and I will defer to her on all issues pertaining to that legislation, as I am sure the Deputies will understand. I can assure the House that there is full transparency, as there must always be, around what regulations are in force at a given time and which are penal provisions.

Question, "That the proposal for dealing with today's business be agreed to," put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with Thursday's business agreed?

**Deputy Richard Boyd Barrett:** I must object for the same reasons as apply to the speaking arrangements. We will see a situation where many of the Opposition parties and groups will not get to speak until two or three hours into a debate. That is a devious and underhanded attempt by the Government to silence the Opposition. In response to the Minister I note that unless there is a guillotine, backbenchers have always had as much speaking time as they want on legislation. The debate has gone on until the exhaustion of all speakers. It is utterly dishonest of the Government to say that it has not done something to gag, mute, undermine, neutralise and marginalise opposition voices. In a situation which is now looking very precarious as we face the threat of Covid-19, in which we need as much co-operation as possible, the Minister and the Government have made a big mistake. We are not going to let this go.

**Deputy Mattie McGrath:** What the Government and the Chief Whip have done amounts to downright blackguarding. Some 14 groups will have spoken in today's debate before our group gets to speak. If the experience over the past four years and before has taught me anything, it is that Government backbenchers have a habit of not turning up. The Ceann Comhairle is well aware of that, as is everyone else here. As I said when we last debated this, this is a three-card trick. We will not be able to know when our group is to speak. We had a situation where one group would speak after another. Now the debate will pass back and forth between the Government and other groups. This is nothing but a deliberate trap to trick us out of our speaking rights and silence us. We will be raising this objection every day.

**An Ceann Comhairle:** We will have to engage with each other as colleagues to find a more constructive and co-operative approach to the conduct of business.

Question, "That the proposal for dealing with Thursday's business be agreed to," put and declared carried.

**An Ceann Comhairle:** With Members' indulgence I would like to make a few remarks before proceeding to Leaders' Questions. I feel it is appropriate to do so at the start of our autumn term. As we are all aware, an event in Clifden gave rise to the Taoiseach's decision to recall the Dáil early. The Taoiseach, the Tánaiste and many other leaders and public figures have said, quite rightly, that the dinner hosted by the self-styled Oireachtas golf society should never have happened. Members, we all make mistakes. There is not one among us who, if he or she had his or her time over, would not change his or her approach to some issues or perhaps not engage with certain situations at all. That is perfectly normal. What is not normal, however, is for



well-intentioned, intelligent and otherwise competent people to make a collective decision that is in itself fundamentally wrong.

Serious and indefensible breaches of public health regulations occurred on 19 August in Clifden. These breaches were either the result of collective crass stupidity or arrogant delusion, or both. The event and the circumstances which flowed from it have damaged public confidence in our public system, and confidence was not high at the best of times. Confidence in this Dáil has been damaged. As we gather today, it is incumbent upon us collectively to commit to working together to rebuild confidence in our parliamentary system. As legislators, we make the rules, but the rules apply to everyone and there can be no exceptions or special treatment. There must be fairness, consistency and solidarity as we tackle the scourge of Covid-19.

Those who seek to fan the flames of understandable public anger are not serving the public interest. Neither was the public interest served by the sort of conduct we witnessed here on 30 July, in our closing session. If public confidence in the Thirty-third Dáil is to be restored, then the public must be satisfied that the Dáil can conduct its business in a manner that is respectful, constructive and as collegial as any political system can be. Those who advocate crude majoritarianism are as misguided as those who would shout down alternative voices. Again, I put it to Members that we must strive to listen actively to each other, to work together and to demonstrate to the Irish public that our one and only objective is to serve the best interests of that public.

To conclude, I have asked the Oireachtas golf society to consider disbanding itself. I have also satisfied myself, on foot of research done by the Clerk of the Dáil, that that golfing society was never formally established by the Houses of the Oireachtas, nor has it ever in its 50 years of existence been subvented in any way by these Houses. I have asked the Clerk of the Dáil to establish whether there are any other groups in existence operating under the Oireachtas name and symbol and to report on this at the earliest possible date to the Committee on Procedure.

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

**An Ceann Comhairle:** I call the leader of the Sinn Féin Party, Deputy McDonald. She has some additional time today because of the new parliamentary arrangements.

**Deputy Mary Lou McDonald:** That is excellent and is, I am sure, met with joy universally. I thank the Ceann Comhairle for his opening statement.

There are many things I might have raised with the Taoiseach today as we return to session. I did not think I would be raising the issue of energy costs, but here we are. This morning, people woke to the news that some 1 million of them are to face higher electricity costs from the beginning of October. This is a result of the 3.4% price hike announced by Electric Ireland. It is important that we all understand the level of anger and stress this news will bring. There is no doubt that the past six months have been incredibly difficult for people. Many have lost their jobs and many others have seen their household income collapse. It is fair to say that families throughout the land are struggling to make ends meet, with hundreds of thousands of people reliant on State income support and many others working reduced hours. Indeed, many people wonder whether they will ever go back to normal working life again. Those working

from home have already seen their energy costs increase as a result. Ordinary people have also faced price hikes by insurance companies and banks. The last thing people can afford now is higher electricity bills as we move into winter.

This move by Electric Ireland will add further financial pressure on families. Sinn Féin believes that a freeze on energy prices during the current Covid-19 pandemic should be introduced. There are big fears among the public that this particular hike will kick-start a deluge of price increases. In blunt terms, that would lead to many families finding it incredibly difficult to heat their homes or to turn on a light during a winter that falls in the middle of a global pandemic. EUROSTAT tells us that consumers in Ireland already pay some of the highest electricity prices in Europe. We know that hundreds of thousands of people live in what is called fuel poverty but which means they struggle or are unable to heat their homes. It should be said also that the Government is planning to introduce a significant hike in the carbon tax in the upcoming budget and that this will put increased pressure on those same families.

One cannot blame people, therefore, for thinking that, even in the grip of a public health emergency, rip-off Ireland is alive and well and that big companies will make sure they get their pound of flesh. People hear the words of solidarity and the slogan that we are all in this together and they see the comforting television adverts from companies telling them not to worry or stress and that their service provider has their back, but then their bills go up again.

I say to the Taoiseach very clearly and explicitly that this hike in energy prices is an ask too far. It goes directly against the fairness and understanding that we urge among the public whom we serve. Rather than hiking prices, energy providers should be working with their customers. They should recognise the circumstances in which we find ourselves and they should be moving towards the freeze in prices and costs to which I referred. I ask the Taoiseach to intervene on this matter. I ask him to direct the Minister for Communications, Climate Action and Environment, Deputy Eamon Ryan, to intervene with the regulator, the utility companies, the network provider and anyone else with whom he and the Government must intervene because this needs to be sorted out.

**The Taoiseach:** I fully accept that this news will come as a blow to many consumers in the light of the very significant and severe economic environment within which we are operating. It is not a Government decision. As the Deputy noted at the conclusion of her remarks, the regulators of such utilities and the companies themselves are centre stage in decisions of this kind.

That said, I have no doubt that the Minister and the Government will engage with Electric Ireland on this matter and its overall plans. The Government will work to see how we can continue to alleviate the pressures that many people are under as a result of the global pandemic and the economic fallout from it. The Government intervention to date has, by any yardstick, been unprecedented in terms of endeavouring to help people who are suffering as a result of the pandemic, particularly those who have lost jobs and companies that continue to employ people. Right now, up to 600,000 people are still on the wage subsidy scheme or the pandemic unemployment payment, which is a very significant number. Although certain sectors of the economy have managed to sustain, particularly the knowledge side of the economy, life sciences and technology companies, we know that the hospitality, aviation and other sectors, including the arts and those across the board in tourism, have taken a significant hit. The collapse of international tourism, for example, has resulted in significant job losses in the services sector, in particular in the hospitality sector, and other areas where wages would not have been too high where people are now on unemployment or on the pandemic payment. In that context,



we take the point that any increase in charges negatively affects people. That is why the VAT rate came down yesterday as part of the July stimulus which will be of some help in relation to people on low incomes and in terms of the wider range of charges that people face through their daily lives.

In terms of the forthcoming budget, Government will look actively at how it can support people on low incomes and people on social protection. The Deputy will be aware that in the context of carbon tax, one of the key pillars of the Government's response is to provide for an avoidance of fuel poverty and to provide from the funds that would be generated generous allowances to enable people to deal with the impact of such attacks on the expenditure that they have to incur in their daily lives.

We have been meeting regularly in relation to the implementation and delivery of a wide range of measures that were contained in the July stimulus programme which we announced less than six weeks ago. It involves an injection of close to €8 billion into the economy. We are doing everything we possibly can to get spending delivered on key projects from housing to education right across the board and through that to create employment and opportunities for people. The almost €400 million that we provided to education has been instrumental in a range of minor works carried out in schools across the country, for example, which has enabled people to get work and to get opportunities to ply their trade. That has been very effective. Our provision for housing voids, for example, involving over 2,000 by the end of the year, is also with a view to giving people work. That said, we will engage with Electric Ireland. We will seek to do everything we possibly can to support people who are facing significant household bills across the board.

**Deputy Mary Lou McDonald:** The past six months were very difficult for people and the next six months will equally be difficult as we face into maybe the most difficult winter season in living memory. Big asks are being made of businesses, as the Taoiseach says, of workers and of families. In that context, any hike in energy costs or any utility cost is quite simply out of the question. We have had a hard time, but it has been particularly hard for low-paid workers, low-income families, seasonal workers and younger workers. It is in that spirit that I want the Taoiseach not simply to intervene with Electric Ireland, the Regulator and the networks. I want the Taoiseach to put a stop to this proposed hike and to any proposal to increase energy costs in the coming period.

I also ask the Taoiseach to put a stop to the hike in the public service obligation, PSO, levy levied by the Government which is set to increase by more than 100% in the near future. The Taoiseach needs to stop that also because the rhetoric of support for families and workers who are trying to make ends meet in the most difficult of circumstances has to be matched by action. Not alone must we see an end to this proposed increase by Electric Ireland, it needs to be made clear to all other suppliers that hikes in energy costs are not acceptable and will not be allowed happen. Equally, the Government should cancel this proposed hike in the PSO levy and in a concrete way, demonstrate in that support for workers and families - the people who have kept society together and on whom we are relying for social solidarity to get us through the hard times - that the Taoiseach and the entire Government will, in fact, not simply talk but act.

**The Taoiseach:** The Government did not make this decision relating to Electric Ireland, as Deputy knows well. It is not correct for the Government to interfere with every regulator come hell or high water. We will do everything we can, as we have, in an historic and unprecedented way, to support people in difficulty. That is the Government's objective as we go through an

unprecedented global pandemic. The State intervention measures that have been adopted have been extraordinary, which should be acknowledged. I have outlined some and there are many more. The Ministers for Finance and Public Expenditure, along with the leaders of the three parties which make up the Government, constantly monitor the economic impact of the pandemic and how we can live with it for the foreseeable future through to 2021 in health, education and also economic activity. That involves climate change. We do not want to pull back from our commitment to the agenda around climate change. The Deputy may wish us to do so but we have a comprehensive view that part of the economic rejuvenation of the country is in a green new deal. That has to happen. It will create new jobs and opportunities in renewable energy and other areas. We need to get on with that. We cannot keep resiling from it.

**Deputy Alan Kelly:** This is a fairly difficult question for the Taoiseach but one that the public wants asked today as we return from the summer recess. What is the Government's plan for Covid? Are we going to suppress it? Are we going to try to contain it? Are we going to try to eliminate it? Covid arrived in Ireland at the best time from the perspective of our climate, but we are now heading into six months of grave difficulty. The public needs to know the Government's plan. The Taoiseach has had all summer to think about it, so I presume he will have an answer. The people need to have a vision. The previous Taoiseach set out a vision or roadmap. Will the Taoiseach do so now in reply to me?

There are 221 people on trolleys, which is a signal, as it is only 2 September. What will it be like on 2 December? How will we ensure that the elderly in this country have a life to live? We face into this for at least another year or year and a half, and maybe longer. They must be allowed to live. How will we ensure that people with disabilities, the most vulnerable in our society, have a life to live, access to treatments and the stimulation that they need?

With that in mind, yesterday, the Labour Party published a Bill to provide sick leave and parental leave for workers. I ask the Taoiseach to support this wholeheartedly. The acting Chief Medical Officer and the chief executive of the HSE have both called for this. Ireland is one of only five countries, along with Cyprus, Denmark, Greece and Portugal, which does not have this on a statutory basis. We cannot have a situation where workers going into meat plants or other settings take paracetamol or Calpol to hide their temperature. If they have a choice between going to work with a symptom of Covid or not getting paid, it is a fairly stark choice. That needs to be eliminated for the workers and for society. The Government must do this. There is no choice when it comes to our position with the virus. Otherwise, the Government cannot have credibility if it asks other counties to go into lockdown, as it did with the three counties which have done so, without ensuring there is sick pay for low-paid workers who have a very stark choice of whether to go into work. Of course they should not do so but they would not get paid otherwise.

We must also ensure that all parents and guardians who have children going back to school in these weeks, and this week 30 children in one school had to leave, know they can get paid for the duration of time the school is closed. What alternative have they got? What is the plan? Second, will the Taoiseach ensure in respect of what is an absolutely essential issue as far as we are concerned and about which we have written to all political parties to ask for support-----

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

**Deputy Alan Kelly:** -----he brings in provision for sick pay on a statutory basis and ensures there is parental leave for parents whose children are in schools affected by Covid-19?

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**The Taoiseach:** In the first instance the Deputy has asked about three key points in his part of Leaders' Questions which I have noted and will deal with.

The Government's plan is to suppress the virus and from the very beginning all political parties in this House took it as a basic principle that they would go with the advice of the public health authorities and that was accepted in this House. I am not so sure that it is accepted as much anymore, if truth be told and perhaps the Deputy should say what his views on this are. This is fundamental. We had much consensus from the outset of the pandemic in taking on board the advice, not just of the Chief Medical Officer but of NPHET and the broader public health community. This served us well and if one looks at comparators around Europe and internationally, the countries which broadly speaking - I am not saying to every single letter of the guideline issue - followed public health advice did much better as to mortality, illness and cases than those countries which chose to ignore initially the public health advice. We would all do well to reflect on that point. I sense the rush to try to dispense with this rule and that rule and every other instruction or advice that comes our way. Instinctively, we want to break free from the impact, the restraints and the restrictions of this pandemic. This is easier said than done. We want to suppress this virus but to live with it also. The Government will be producing a plan towards the middle of September which we will bring to the Dáil and which will create a framework around which we can live with the virus.

As I said last week we want to protect lives above all but we also want to protect livelihoods. That is key. As I said earlier we are monitoring the economic fallout which is very significant. We cannot be blind to the reality of the €25 billion to €30 billion deficit this year with further significant borrowing throughout 2021 to maintain and sustain the supports that we have in different sectors of the economy. These are the realities. There is a very strong economic dimension to this that we cannot ignore which does not ultimately trump the health dynamic which is essentially to protect lives and save people, but we have learned a lot from the first phase. We had to suspend elements in the reopening of the roadmap because public health advice said that it was important that we did that. The three local lockdowns, as they were called, in Laois, Offaly and Kildare, which were not quite the same as the national lockdown, worked. We thank the people of those counties who suffered a great deal in implementing and living with the severe restrictions that were introduced. The outcome from a public health perspective is that they worked in reducing and getting the case numbers down. We need to learn lessons from that.

**An Ceann Comhairle:** I thank the Taoiseach.

**The Taoiseach:** I know that the local Deputies and public representatives in those counties from all political parties took much heat and I want to thank them for working with the health and public expenditure Departments to see what we could do to help people in those situations.

**An Ceann Comhairle:** I thank the Taoiseach.

**The Taoiseach:** I apologise for going over time here but on the question of sick pay, we will work constructively with the Deputy on this legislation which has many including, of course, financial implications. We have already moved ahead to create an infrastructure around Covid-19 illness payments, particularly in direct provision and meat plant contexts to make it very clear that every worker in such situations will get sick pay. I take Deputy Kelly's point on the legislation that he is talking about, which is that it is to create a more permanent provision around sick pay and the right of workers to this.

**Deputy Alan Kelly:** I thank the Taoiseach and I am glad he has outlined for the first time the date on which he will publish a plan. He had all of the summer to do this but I welcome the fact that we will have it in two weeks' time. which we will have to wait for now.

The Taoiseach has put a challenge in asking me whether we are all following public health advice. The reason I am raising the issue of sick pay and parental leave is because the acting Chief Medical Officer raised it himself last Thursday. Sick pay is an important issue when it comes to the potential spread of Covid, especially clusters. People who should not be going into work are going into work. It is as simple as that. They need to be taken on. We need to ensure there is a legislative provision and a statutory scheme to ensure workers do not have to choose between not getting paid and going in with symptoms of Covid. It is basic, simple and necessary. The acting Chief Medical Officer and the head of the HSE have called for it. The Taoiseach is asking us all to follow public health advice and we are, and the Taoiseach is always saying we should. The Taoiseach now needs to follow the advice on this specific issue.

Workers do not need to go into situations which put society in a vulnerable place. The way to deal with that is to ensure there is proper provision of sick pay across the board, especially in low-paid jobs. We all know that there are many large places of employment where clusters are being created and there is no sick pay. For instance, I was contacted by a representative of one of the groups in the meat industry when there was an outbreak in my county. I asked four questions relating to sick pay. Two weeks later, they still have not come back to me. I understand that one has to have a contract of over a year before one will even be considered for something like that, but many of the contracts are for less than a year. Workers will go into environments that they should not be going into, because they will not get paid otherwise. The Taoiseach needs to deal with this. This is a public health issue as well as a workers' rights issue.

**The Taoiseach:** I have dealt with it.

**Deputy Alan Kelly:** The Taoiseach has not dealt with it.

**The Taoiseach:** The Deputy has a tendency to develop a melodramatic posture when he is addressing people from time to time.

**Deputy Alan Kelly:** And you-----

**The Taoiseach:** The Deputy has. The Government introduced the Covid-19 illness benefit. Some €330 is available per week to employed and self-employed workers. It is paid for two weeks where a person is medically certified as self-isolated, and can be extended for a further two weeks and for a maximum of ten weeks where a person is medically certified as being diagnosed with Covid-19. We extended this payment to workers who live in direct provision. I spoke to the acting Chief Medical Officer over a month ago about this.

**Deputy Alan Kelly:** Why is it-----

**The Taoiseach:** Hold on. Last month, the Government also approved the extension of Covid-19 illness benefit to the end of March 2021. It is important to note that the Covid-19 illness benefit payment and the pandemic unemployment payment are also available to people living in direct provision centres as well as to applicants for international protection who live in the community outside of the direct provision system. I discussed this with the Minister for Employment Affairs and Social Protection, Deputy Heather Humphreys, over a month ago. We considered how we get into the direct provision centres and meat plants to make sure workers

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know their rights and entitlements and do not fear having to put their hands up to say they have symptoms.

**Deputy Alan Kelly:** They do.

**The Taoiseach:** I know that. I accept the necessity to intervene here. We all agree on that. As I said to the Deputy, I will constructively engage with his legislation, which has more longer-term implications for the broader workforce.

**Deputy Alan Kelly:** We do not have time.

**The Taoiseach:** We have intervened in direct provision.

**Deputy Alan Kelly:** Follow the acting Chief Medical Officer's advice.

**The Taoiseach:** We have discussed this with the acting Chief Medical Officer. We are collectively on the same page with regard to this. We have made provision for it from the State's side so that workers know-----

**Deputy Alan Kelly:** I will remind the Taoiseach about that.

**The Taoiseach:** -----that if they get sick or have to self-isolate, they will not lose out. That is something we have communicated and will continue to communicate.

**Deputy Catherine Murphy:** We will have to live with Covid until a vaccine is found. That is self-evident. One significant ingredient in dealing with that is maintaining public goodwill. To do that, the message and information have to be coherent and understood, and the measures that are taken have to be seen to be fair and proportionate. Another component is that when something is a failure, we need to name it as a failure and deal with it as a failure. As a representative from Kildare, I know there is a substantial sense of relief that lockdown has been lifted, but it has had significant consequences. Businesses have closed and jobs have been lost for good. The lockdown in Kildare, Laois and Offaly followed a number of large outbreaks originating in meat processing plants that subsequently spread to people's homes. There is a sense that State agencies dropped the ball and that high-risk places of employment were not being monitored, and there is a price to pay for both the economy and society. That full county lockdowns remain part of the regime means that we must learn lessons from what has happened here. Many of those who work in meat plants are low paid and often are migrant workers working in poor conditions. Workers are paid on a piece-time basis, which necessitates very high levels of productivity, which did not reduce. It is inconsistent with social distancing. The all-important thing is the bottom line and that productivity are maintained. Slaughterhouses especially are cold and wet environments and are conducive anyway to regular colds and flu. They are noisy places that require people to shout to communicate. Many of those who work in the industry are not organised. Very often the employer organises the work permit and is also the landlord. It is not an equal relationship and this is fundamental to the problem, as is our cheap food policy which also has consequences for farmers and consequences with exploitation. Covid-19 has demonstrated just how interconnected we are.

The absence of a test centre, whereby people had to travel on public transport, was another failure. The length of time it took for some of the tests to come back initially was a failure. All of those things cannot be repeated. We have to get absolute assurances that they cannot be repeated.



There is a second lesson with regard to public goodwill, which is the availability of usable data. The rationale for full county lockdowns is still being questioned within those counties. The data hub was updated on 12 August. I understand it will be further updated on 12 September. It showed a wide variation in cases in different parts of the locked down counties. It has to be updated weekly. People will judge for themselves. They do not want to be treated in a paternalistic way that says “we know best and we know where things are”. People want to be able to see the evidence to support some of the measures. If it does this the Government brings public goodwill with it.

I have three questions. Will the Taoiseach agree to the establishment of a task force to examine the meat industry? Will the Taoiseach arrange for a weekly update of the usable data in the data hub where people can look at the data themselves? Will the Taoiseach visit the areas that were locked down? There are very real learnings to be had from listening to people who have had that second lockdown, which was way different from the first lockdown.

**The Taoiseach:** I thank Deputy Murphy for the series of questions raising very real concerns and issues relating to people from the Deputy’s county, the impact of the lockdowns and the whole situation around high-risk areas such as meat plants, which to a large extent represented the perfect storm in the spread of the virus, and related issues.

Again, the decision to intervene in the three counties by bringing in severe restrictions was necessitated by advice from the public health doctors. I was in regular and almost daily contact with the acting Chief Medical Officer when numbers were going up during the summer. NPHET felt that utilising this method and this tool, restricted to three counties, could yield results as a short, sharp mechanism to bring down the numbers. This has worked. The public health people are adamant that this has worked. Those who model these numbers are adamant that the measure has worked. It did, however, have a price. We know at first hand that the people who took a lot on board, including hoteliers and many people involved in providing employment, endured a lot. Lessons can be learned from it. I do not like the idea of closing down an entire county. Most politicians and most of those in government would avoid it. It is easier to avoid having to do these things and having to make these decisions rather than doing them. The lessons are important and will form part of the plan I spoke of earlier. Testing and tracing are essential in enabling us to live with the virus. The Deputy was briefed yesterday. We arranged a briefing for Opposition leaders with the acting CMO and others. Serial testing is now under way in the three counties in respect of meat plants. The positivity rate is at about 0.5% but of course the virus can spread at any time. We could finish that serial testing programme and the following week a person could go in to work with Covid-19 and spread it. We need constant pressure on the virus through the testing and tracing mechanisms. That, to me, is key.

We also have to look at the entire meat processing industry from end to end. I refer not just to the workplace itself but to the accommodation, its nature and quality as well as transport to and from work. These cannot be seen as three separate pieces but as a continuum. While the rate might be 0.5% in the serial testing programme, somewhere else along that continuum, either in terms of transport arrangements or housing, the virus could be developing again and could come into the factory, where it can spread very quickly because of the conditions that pertain in meat factories.

**An Ceann Comhairle:** Thank you Taoiseach.

**The Taoiseach:** I am very clear that we must have this engagement with the meat industry



and with other sectors that are important and which create employment. The rights of workers in the meat industry need strengthening and I believe collective representation for those workers is important. That will form part of the Government's continuing engagement with the industry.

**Deputy Catherine Murphy:** Does that mean the Taoiseach will set up a task force? Will he provide the data people want? It generates goodwill if people can see the situation for themselves. We are talking here about adults who have doubts but who are being told "It's grand; we have it; it'll work; we know best". That does not wash; people want to see the information. The information is there in the data hub and it was clear when it was published on 12 August that there were wide variations in the number of cases. I am not saying there were not cases but there were wide variations. I live a mile from the Dublin county boundary but 50 kilometres away from Kildare Chilling. It did not make sense to me that I could go to Kildare town, where there was a very large outbreak and circulate with no problem. I could then go to work in Dublin the following day. That is the kind of thing that led to people arguing the county lockdown did not make sense. People did not understand how that was a coherent piece of advice from a public health perspective. People need information so they can make up their minds themselves and I ask that it be provided.

I ask the Taoiseach to respond on the taskforce and the weekly updating of the data hub. Will he visit those areas? We have to learn from this. If this is part of the regime, the Taoiseach has to hear about it because the second lockdown was very different from the first time round.

**The Taoiseach:** Of course I will visit the areas. I did not want to do so during the period of the severe restrictions but we were in touch with the chambers of commerce. The Minister for Public Expenditure and Reform, Deputy Michael McGrath, the Tánaiste and others were in touch with affected people in the three counties and we will continue to engage with them.

On the data hub, the Deputy heard yesterday from the acting CMO that the next uploading of data will be in September. I have asked for greater provision of data. NPHET was very clear that it should be county wide. We asked the same questions that Deputy Murphy has asked, including whether we could lock down selected parts of a county. The team was very clear that the cases were county wide and that we needed to introduce a county-wide lockdown. Of course there are inconsistencies with quite a number of the restrictions. I did not like the restrictions related to sport, particularly when I heard the news that the 200 spectators were gone. I did not jump for joy when I heard that; quite the opposite actually and I would love that to change. What the measures were about, if one thinks about it, is that we wanted people to continue working as best they could within the economy. The restrictions in Kildare, Laois and Offaly were not the same as the lockdown that happened nationally earlier. They were more nuanced but by virtue of that fact, they were perhaps more difficult to communicate.

*3 o'clock*

Although, I will say this much: adherence to public guidelines is up over the past two months. It is significantly up on the position in May and June, which is interesting. People look at the figures and see the rises and so on like that. That said, I will visit. I agree with the Deputy on the data.

On the task force, I want to see what the best mechanism is for getting to grips with this quickly in terms of this industry and other sectors. Direct provision is another area we have to engage with seriously in terms of helping the residents there and ensuring that they are not in

centres where disease spreads regularly.

**Deputy Richard Boyd Barrett:** We face a grim and depressing fact that while we might have hoped, when the Dáil broke up, that the situation with Covid-19 would incrementally improve, those hopes have been dashed and we are facing an ongoing battle with Covid-19 for the foreseeable future. That means the economic and employment impacts on vast numbers of workers, who have had their income and employment stolen by the pandemic and by necessary public health restrictions, leave them facing a precarious future. Given that, I believe it is no longer, if it was ever, justifiable for the Government to go ahead with the plan to cut the pandemic unemployment payment on 17 September for 264,000 workers who do not want to be unemployed but who lost their jobs and incomes because of compliance with public health measures and when many of those workers would like to go back to work but cannot because of measures that are out of their control and because of the fight of Covid-19.

It is nothing short of punishing the worst economic victims of the Covid-19 crisis for the Government to go ahead with a plan to cut their pandemic unemployment payments on 17 September. I am appealing to the Taoiseach not to do it. It is not justified. It is not fair. Those workers, who cannot return to work or, if they do, will only be able to earn a tiny fraction of what they previously would have been able to earn because of public health restrictions, should not be punished. They have contributed just as much as everyone else in the public health effort, but they, unfortunately, are not able to return to work or full income-earning capacity.

The taxi drivers decided last night that they have to protest on 15 September - there will be a drive-by protest - because they are faced with a dilemma between the devil and the deep blue sea. They either stay on the pandemic payment that the Government is going to cut or they go back to work, where they can only earn a tiny fraction of what they previously earned through no fault of their own. Music, arts and entertainment workers face their payments being cut even though there is no work or virtually no work for them to return to. It is not fair. Regarding the Debenhams workers, who will be marching here this evening and who lost their jobs as a result of a cynical company using Covid-19 as an excuse to throw them on the scrapheap, how is it fair to cut their income when they would like to be at work but they cannot go back to work, or if they do go back to work, they will not be able to earn a viable living that will allow them to pay their bills, mortgages and rents? It is not justifiable. It is not fair.

I am asking the Taoiseach, ahead of 17 September, not to do that to people, not to impose further hardship when all of us are facing into a very difficult period with Covid-19. Are we still all in it together? If we are, the Taoiseach cannot justify cutting the PUP on 17 September.

**The Taoiseach:** I thank the Deputy for raising this issue. The Government is not about punishing anyone and has not been from the outset of the pandemic. The key responses in terms of the pandemic unemployment payment and the wage subsidy scheme have, as I have said before, been unprecedented and significant and have supported a significant number of people. This week approximately €17.2 million will be paid out to approximately 225,000 people in respect of the pandemic unemployment payment. That is a decrease of about 5,500. We now have about 225,000 on the pandemic unemployment payment, which is an overall drop of 62% on the figure in May last, which was close to 600,000. From 17 September, as the Deputy correctly says, the rates are changing and coming down, although they are very closely related to what people were earning before they went on the pandemic unemployment payment itself. What we have done, critically, is to extend it right to April of next year and to put it on a more sustainable footing, unlike other jurisdictions, where it is being cut from next October, or is finished from

next October onwards.

Given the fact it is plateauing around 225,000, or may come down further to 200,000, we will reflect on and review all that because we want to support people and help people get through this pandemic, and to provide safety nets for them. Therefore, the Government constantly and consistently monitors both of those schemes - the wage subsidy scheme and the pandemic unemployment scheme. Overall, about €3.3 billion has been spent on the pandemic unemployment payment to date, which reflects the Government's commitment to supporting people who have been very badly affected by the pandemic. In respect of certain sectors, and in respect of Ministers with responsibility for arts, culture, tourism and so on, we are consistently looking at ways in which we can provide alternative income streams or employment opportunities for people in those particular sectors. I mentioned earlier the July stimulus, for example, and we have to work further on that to make sure we can translate elements of that funding into real working opportunities for people, and also add value to society and the economy in terms of projects we can get done, such as badly needed projects in housing, health, education and community and town centre renewal, for example. That is where I would like to see our continued support for people manifested as well. We are keeping the situation under review.

**Deputy Richard Boyd Barrett:** The Government has not extended the pandemic unemployment payment to April because it is going to cut it to the level that effectively makes it the same as the jobseeker's allowance. It is cutting the income support payment for people who would like to return to work. The fact the numbers on the PUP have steadily come down in line with the restrictions affecting their particular sectors of the economy or industry shows that people who are on the PUP do not want to be unemployed. They are unemployed because of public health restrictions impacting on their particular sectors, robbing them of their ability to work at all or to earn a viable income. It is not fair to pull the rug from under their feet. It amounts to effective punishment of people who would like to return to work but cannot, or if they do return, will plunge themselves into poverty because they can only earn a fraction of what they previously earned. Taxi drivers on the road are earning 70% to 80% less than they were earning pre-pandemic. It is not fair to punish them. They need support.

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

**Deputy Richard Boyd Barrett:** For arts, music and other entertainment performers, there is nothing or only tiny amounts out there for them. We need support, not cuts in the income supports for them or for the Debenhams workers who are coming here tonight and who have lost their jobs through no fault of their own.

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

**Deputy Richard Boyd Barrett:** These people do not need to be punished on 17 September; they need support. Do not cut their income supports, please.

**The Taoiseach:** The whole thrust of Government policy is not to punish; it is to support. Any objective analysis of Government interventions to date would have to accept that was the case. The level of State intervention is unprecedented, and rightly so, because it is an unprecedented global pandemic.

Both schemes are being extended to April - that is the fact. The Deputy is talking about the rates. From 17 September, the PUP will be paid at three rates: people who previously earned more than €300 per week will receive €300 per week; if they earned between €200 per week

and €300 per week, they will receive €250; and if they earned less than €200, they will receive €203. That is what was stated back in July and it will continue for a much longer period than originally envisaged. We are not pulling the rug from under anybody with the changed rates. Also, in terms of different sectors of the economy, we have intervened and responded. This is unprecedented action in many respects, where the Ministers for Public Expenditure and Reform, Finance and Business, Enterprise and Innovation have to come together to devise schemes to support various sectors of the economy which through no fault of their own cannot get back up and running. We are aware of the issues facing the performing arts in terms of audiences not being available physically. We have to do everything we can to support that sector and the individuals working in it. That is our desire and our objective.

The Deputy spoke to me previously about taxi drivers. Those are areas that we are continuing to analyse. I know that the Tánaiste is doing so in respect of a range of individuals who may not be rateable, for example, in different self-employments. They pose challenges in terms of how one responds to the more complex issues arising for enterprises and so on.

**An Ceann Comhairle:** We are over time. I ask the Taoiseach to conclude.

**The Taoiseach:** We will continue to work on those issues. I take the sincerity of the Deputy's comments in regard to Debenhams, the workers of which we are continuing to engage with.

### **Teachtaireacht ón Seanad - Message from Seanad**

**An Ceann Comhairle:** Seanad Éireann has passed the Financial Provisions (Covid-19) (No. 2) Bill 2020, without recommendations and has passed the Residential Tenancies and Valuation Bill 2020, without amendment.

### **Message from Business Committee**

**An Ceann Comhairle:** The Standing Business Committee of Dáil Éireann has completed its consideration under Standing Order 30, of:

The request by the Minister for Justice to waive the requirement for pre-legislative scrutiny, under Standing Order 173, on the general scheme and the draft heads of the Criminal Justice (Enforcement Powers) (Covid-19) Bill 2020 and has agreed thereto.

### **Nomination of Member of the Government: Motion**

**An Ceann Comhairle:** Iarraim ar an Taoiseach, Teachta Micheál Martin, an rún a bhogadh maidir le duine nua a ainmniú mar bhall den Rialtas.

**The Taoiseach:** I move:

The Dáil Éireann approves the nomination by the Taoiseach of Deputy Charlie McConalogue for appointment by the President to be a member of the Government.

It is my intention to assign to Deputy McConalogue the Department of Agriculture, Food

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and the Marine. As the House will know, Deputy McConalogue's knowledge of this area is both broad and deep. A proud son of Donegal and the Inishowen Peninsula, he brings with him a perspective rooted in communities which have always been defined by their spirit and determination to shape a more prosperous future. In addition, he has always been active in promoting deeper cross-Border opportunities, something which is built on the true republican spirit of uniting people in the cause of shared interests. Immediately, and throughout the Government's term, he will face a number of urgent challenges which are central to securing the long-term future of rural Ireland and the industries at its heart. We must prepare for whatever the post-Brexit trade situation brings. We must negotiate a final CAP deal that serves the interests of our communities and we must redouble efforts to achieve a sustainable and prosperous rural economy. I have no doubt that Deputy McConalogue will discharge this role with distinction and will form a highly effectively team with Ministers of State, Senator Pippa Hackett, and Deputy Martin Heydon.

This appointment was made necessary by the resignation of Deputy Dara Calleary following his attendance at the Oireachtas golf dinner which he accepts did represent a clear breach of the guidelines on Covid-19 which all of us must adhere to. I thank Deputy Calleary for his work and for the fact that he has apologised sincerely and has accepted accountability for his actions.

Deputy McConalogue will join the Government at a time when we continue to tackle the impact of an unprecedented pandemic. Over the past two months, our sole focus has been on the substance of addressing the urgent needs of our society and economy. The July stimulus package, an unprecedented €7.4 billion investment, was prepared and implemented within weeks. It provides direct and indirect support which is benefitting hundreds of thousands of our people and many economic sectors. Legislation has been drafted, debated and enacted in response to urgent needs. Every part of Government has been involved in trying to protect and support vital social and economic activity while also preparing for addressing the long-term issues which are at the core of our programme for Government.

This week we are seeing the largest and most complex element of the return of normal activity with the reopening of our schools. Approximately 1 million students and staff are involved with hundreds of thousands of others affected. I pay tribute to the diligent work carried out by the Minister, Deputy Norma Foley, and her departmental officials in partnership with principals, teachers, special needs assistants, school staff and parents. The speed with which they developed and implemented a support programme, policies and communication campaign shows public service at its best. Our work over the past two months has been during a period when the virus has again posed a rising threat in much of Europe and every country has been working to respond to new developments. Plans made in every country three and four months ago have had to be continually updated with new responses required. I pay tribute once again to the work of our public health officials, particularly the acting Chief Medical Officer, Dr. Ronan Glynn, as well as the Minister for Health, Deputy Donnelly, and his departmental officials. They have often been the bearers of tough messages and they face a situation where the national and international consensus on action is nowhere near where it once was. However, they have continued to work tirelessly and with great effect.

I understand the frustration which people felt when we rolled back elements of the reopening plan and introduced new measures but there is no doubt that these have kept the worrying rise in cases well below where they might otherwise have been. A range of research in recent weeks shows that the Irish people remain committed to controlling this virus. Compliance with guidelines is up, thereby setting in even starker relief prominent examples of the breaking of



guidelines, including the golf dinner in Clifden. The face-covering mandate has made a major impact with extremely high rates of compliance. The temporary lockdowns in three counties were a major imposition on the counties involved but they had an immediate impact due to the acceptance by the people of Laois, Offaly and Kildare of the need for shared action. We will continue to react as necessary. We will listen to the public health advice and respond quickly to new developments. The plans and policies may continue to change as the threat posed by the virus will continue to change. What will not change is our determination to do everything possible to get our country through a pandemic which has already claimed the lives of 2,337 on this island.

I take this opportunity to also inform the House that it is my intention to seek the approval of Cabinet for the appointment of Deputy James Browne to the position of Minister of State at the Department of Justice with responsibility for law reform. Since his election to this House, Deputy Browne has repeatedly distinguished himself as a committed legislator and he has secured significant measures in the area of mental health law. In his new position Deputy Browne will take the lead in moving forward the Government's ambitious programme of wider reform.

**Deputy Mary Lou McDonald:** I congratulate Deputy McConalogue on his appointment as Minister for Agriculture, Food and the Marine. I extend my good wishes to him as he embarks on what is a very important job. There is no doubt that his appointment comes at a time of very great challenge and uncertainty for Ireland's agricultural and fishing communities. Our farmers and our fishermen deserve focus, energy and resolve from Government as Brexit talks reach a critical juncture and as family farming in Ireland faces an uncertain future. I also extend my congratulations to Deputy James Browne on his forthcoming appointment.

We cannot ignore the circumstances in which this ministerial vacancy arose. Deputy McConalogue becomes the third Minister for Agriculture and the Marine in less than three months, as a result of what is a deep dysfunction at the heart of this Government. We faced outbreaks of Covid-19 in meat processing plants and food production and we faced those without a Minister for Agriculture and the Marine. Controversy, chaos and confusion have consumed this Coalition. This has not happened by accident. It is the consequence of the culture of entitlement and rivalry that still prevails within Fianna Fáil and Fine Gael and which is writ large across this Government. These are aspects and dynamics that do not serve the public good. In recent times, the politics of the old boys' club rose to the surface again. If there is anything we do not need in public and political life, it is the old boys' club. What we need is real change, now more than ever.

Let us recall that last February when people voted, they were very clear on what they wanted the Government to prioritise. The pandemic has made progress on these issues even more urgent. Class sizes need to come down. We need a strong public health service. We need to deliver affordable housing. We still have an unprecedented housing crisis and the highest rents in Europe, yet the Government's approach has been lethargic and uninspiring. Incredibly, the Minister with responsibility for housing has still not published a plan to deliver affordable homes or a strategy for tackling extortionate rents. Even prior to the pandemic, our public health service was under the most enormous pressure. Now with the most serious public health emergency we have an unparalleled backlog in hospital appointments, yet the Minister for Health, Deputy Stephen Donnelly, has still not produced a winter plan. As we live through this pandemic, I have to say it beggars belief that Government fails to utilise to the full the full testing and tracing capacity available to us. That is a big mistake.



We now need an urgent plan to build capacity in our cancer care system, which has been really badly affected by this pandemic. There is a significant backlog in screening and treatment. Cancer touches us all, every family, every community. Cancer services and screening need investment and an ambitious plan if we are to ensure the health system can now catch up and keep up with the provision of cancer care.

It is fair to say that incredible work by very many has been delivered to ensure that our schools are open and our children can return to education. The challenge now is to ensure that we keep the schools open and that we keep everybody safe. This means rapid testing, protecting the jobs and incomes of parents when a child has to stay home, tackling teacher shortages and ensuring children with additional needs are not left behind. Critically, this plan must be built on reducing class sizes, not as an emergency measure but as a permanent change and feature in the system.

A Cheann Comhairle, I believe this coalition Government needs an attitude adjustment. It needs to begin to take seriously the responsibilities it faces and we need very rapidly to see solutions to the many challenges and dilemmas across our society. If ever there was a time when more of the same simply will not cut it, that time is now. It is time for the Taoiseach and our new Minister for Agriculture, Food and the Marine to get their act together, wake up and get serious.

**Deputy Alan Kelly:** I congratulate the new Minister for Agriculture, Food and the Marine, Deputy McConalogue. It is a logical appointment given his role as Opposition spokesperson for a number of years. I met him last week and congratulated him before his appointment. I presumed it was going to be him. I sincerely wish him the best in the role. I also wish Deputy James Browne, the new Minister of State, the best in his role. I nearly felt sorry for the Taoiseach as regards the political outcome of what happened at “golfgate”. Public anger was at a level I have never seen before. I acknowledge Deputy Calleary. It was remarkable that he grasped the situation and resigned so quickly. I wish others had followed his example.

The new Minister for Agriculture, Food and the Marine has enormous challenges from day one and even straight away. We have a real issue in the meat industry. I welcome the fact that the Taoiseach has said he is going to have a full review of the industry. We all know the history and what the Irish public has done for the meat industry in this country in the past. Things are cyclical sometimes and here we go again. Are we going to put the meat industry before the public? What balance are we going to get? The public always comes first. I have spoken to the Taoiseach privately about this. We need to ensure that this industry is regulated, and I mean regulated. I worked in the industry as a student for a number of summers. It has not changed that much. It was not a very good experience but I needed the money to go to college. It is still not a very good experience. We need to deal with fundamental issues here as regards workers, their living conditions, activities, transport and most of all their working conditions. I repeat to the Taoiseach that if we do not deal with sick pay in this industry, somebody will be melodramatic but it will not be me. The Taoiseach may live to regret the fact that he is not acting quicker on this. If we end up with lockdowns in other counties because of outbreaks and clusters, I will be reminding the Taoiseach of what he said here today. This issue has to be dealt with. Everybody knows the conditions under which many of these workers work, their options to go into work, the risk of losing their jobs and their contracts of employment and the choice between working and not getting paid. When we are living in Covid, it is not an acceptable choice for society. The Taoiseach needs to deal with it. There are a number of other issues that the new Minister is going to have to deal with as regards Brexit and its outcomes. There

is the issue of the family farm and how we are going to protect incomes across the country. I genuinely wish the Minister well. I and the Labour Party spokesperson, Deputy Sherlock, will engage with him in a very positive way.

Hopefully the Government has crossed the line and the shambolic situation we have seen since its commencement will change. When it comes to health, we need to see the winter plan that the Minister keeps promising. He needs to ensure that we can now live with a capacity in healthcare which is Covid and non-Covid. We had conference calls during the week with him as leader, and with the acting Chief Medical Officer, the head of the HSE and so on. They need to be supported. The HSE and Paul Reid in particular need to be supported from a current and capital funding point of view like they never have been before. I hope the Minister is able to deliver that because it has to be delivered on behalf of the people.

On education, I acknowledge that the Minister for Education and Skills changed her position in respect of school profiling. My colleague, Deputy Ó Ríordáin, led on this all summer. He fought for this. I acknowledge that the Minister has made that change. However, there are other issues. We need to ensure that the process is dealt with by which outbreaks in schools are managed as regards who is going to mind the children. I note that we have another one today. That is why we need the parental change I have outlined before. Finally, the issue concerning school transport is a complete and utter disaster at the moment. I will give the Minister and Taoiseach some private information if they so wish. It is a disaster particularly around rural areas and it needs to be got to grips with immediately. I have had four messages since I came in here from parents of children who cannot get bus tickets. They are getting €13 million. The Minister should do something about it, please.

**Deputy Róisín Shortall:** On behalf of the Social Democrats I congratulate Deputy McConalogue on his appointment as the new Minister for Agriculture, Food and the Marine. I wish him well in his new role and hope we can work in a collaborative fashion within this important portfolio. I also extend congratulations to Deputy James Browne, who is to be appointed a Minister of State.

One is tempted to quote Oscar Wilde with respect to the loss of two agriculture Ministers in quick succession. There is no doubt that carelessness was a factor in both these cases and at the very least both cases saw carelessness in the adherence to rules. The Taoiseach did what he needed to do following Deputy Barry Cowen's drink-driving ban controversy and it seemed at the time like a sign that the era of the golden circle, where certain politicians saw themselves as being above the law, was slowly coming to an end. Unfortunately, we saw the opposite only a few weeks later during the "golfgate" scandal. As we know, this scandal precipitated the resignation of Deputy Dara Calleary as Minister.

This scandal was a resounding message to the public that a golden circle still exists where certain people, including politicians, operate as if they are above the rules applying to everybody else. Deputy Calleary was right to resign in the circumstances following this scandal and he clearly seriously misjudged the position in light of the Covid-19 restrictions and public health guidance that he had a part in introducing while at Cabinet.

Covid-19 is the biggest shock to our State and the world in 100 years. How can the public have any confidence at all in the job being done by the Government if the people who set the rules do not follow them? The public has put in a major effort in the fight against Covid-19, sacrificing visits to loved ones in hospital and saying goodbye to them at funerals, as well as visit-

ing parents in nursing homes, cheering children and grandchildren at matches and celebrating at weddings. These are the moments that make life worth living and they have been forfeited so we might have a chance of fighting the virus and protecting each other.

The golf society event was a gross affront to everybody who has made those sacrifices for the past six months and the public is understandably and justifiably angry. We need absolute buy-in and clarity at every level of the Government in approaching this pandemic; action must start at the very top, at Cabinet level.

The controversy surrounding agriculture Ministers has brought further disruption to a sector coming to grips with the impact of the pandemic. Farmers, fishing communities and all those in the agri-food sector need the support of a Minister in full control of the brief. There are serious concerns, highlighted by my colleague, Deputy Holly Cairns, that have been badly neglected as a result of all the instability in recent months.

There is the controversial forestry Bill, which is significantly flawed and in direct contravention of European Union directives and the Aarhus Convention. The new Minister must address serious concerns about the forestry licensing system and demonstrate how the public submissions during the very short consultation period are being incorporated into the Bill. The sudden enactment of a penalty points system for Irish fishermen and women without proper engagement with the industry was signed off by the Taoiseach and announced to the surprise and anger of those in the industry.

There have been outbreaks of Covid-19 in meat plants that directly led to the recent regional lockdowns in three counties, with nearly 1,500 Covid-19 cases associated with 28 meat or poultry factory outbreaks. These have served to highlight the serious underlying problems with worker rights in the industry. The Taoiseach must commit today to establishing a task force on this sector.

The new Minister, Deputy McConalogue, must bring a renewed focus on the serious issues presenting in the agriculture sector, putting an end to the controversies surrounding the post in recent months. This is so every effort can be focused on suppressing Covid-19 and ensuring consistent and sustainable support for the important agriculture sector.

**Deputy Mick Barry:** The Taoiseach's Government is 67 days old today and here he is asking the Dáil for the third time to approve the nomination of a Minister with responsibility for agriculture. The Government may need to come to us again next week or the week after with another new Minister, perhaps one with responsibility for foreign affairs this time. Never before in the history of the State has this happened. Never before in the history of the State has the Government been reduced to such a shambles.

As Oscar Wilde once nearly said, to lose one Minister for Agriculture, Food and the Marine looks like carelessness, but to lose two looks like a total and absolute omnishambles. The ruling class does much of its business by way of social networking. When the old boys' network meets on the golf course, the decisions do not go down in the minutes and members of the public are kept in the dark. When a bit of light was shone on the dinner at Clifden, what did the people see? There were Deputies, Senators, broadcasters, bankers, a commissioner and an ambassador from a dictatorship giving a collective two fingers to the Irish people.

We meet today to replace the former Minister, Deputy Dara Calleary. They say every cloud has a silver lining and if there was such a silver lining to golfgate, it was surely the anger of the

people that forced the resignations. I hope that anger does not go away but rather stays so this Government can be put under pressure this autumn. This Government needs to be kept under sustained pressure, including on worker rights, among other matters. This is to ensure there is no public sector pay freeze or pay freeze for workers on the minimum wage. We must also ensure there is justice for the Debenhams workers.

**Deputy Paul Murphy:** Deputy McConalogue will today become the fourth Minister for Agriculture, Food and the Marine in four months and nothing sums up the dumpster fire that is this Government as succinctly as the revolving door at the Department. It goes around, bringing in a new Minister each month. We started lockdown with the former Minister, Deputy Creed, who rushed to the defence of the meat plant owners, ignoring the pleas of the workers and the left for factory inspections. His legacy is the outbreak of Covid-19 in these plants.

We then had Deputy Cowen in the role. His attempt to break the record for shortest term as a Minister was clearly seen as a challenge to be bested by his successor, Deputy Calleary, who told us Covid-19 loves to party before proceeding to demonstrate this by joining the golf society in Clifden. What unites all these tales of fallen Ministers is the arrogance of the golden circle in Irish society, including people from the political, judicial and economic spheres. These people view themselves as being above the rules and functioned as the protectors of the beef barons and the rich.

Again and again, Minister after Minister defended and protected meat plant bosses. Back in April, the then Minister, Deputy Creed, refused to listen to warnings about conditions in the plants. He accused me of smearing the companies for raising these points. There have since been 1,500 cases of Covid-19 in meat plants. These are 1,500 cases of workers who caught this virus because the Government turned a blind eye to what was going on. How many of them have or will suffer long-term effects from Covid-19? Will workers die as a result of contracting Covid-19 in meat plants? The new Minister for Agriculture, Food and the Marine must stand up to the beef barons. Even to this day, meat factory owners are refusing to provide proper sick pay for workers. We need proper sick pay for all workers so that if they feel unwell they do not feel compelled to go into work. This means following the example of Germany and banning the use of subcontractors and bogus self-employment in the meat plants to stop bosses from getting out of providing workers with the rights to which they are entitled. The trade unions must be allowed full access to the plants to organise the workers. The beef barons have shown that they cannot be trusted to run these plants. Instead, we need elected workplace health and safety committees. They should be the ones to run the factories. Worker control is the only way to ensure that corners are not cut and workers' lives are not put in danger by billionaires like Mr. Larry Goodman.

**Deputy Seán Canney:** First, I offer my congratulations to Deputy McConalogue, who is to be appointed as Minister for Agriculture, Food and the Marine today. It has been said that this is the Taoiseach's third attempt to appoint a Minister to this portfolio. I wish the new Minister the best of luck in his position, which is vital to the economy. I also congratulate Deputy James Browne on his appointment as Minister of State. Agriculture provides 173,000 jobs and accounts for 10% of this country's exports. The position of Minister for Agriculture, Food and the Marine is so important to the economy, to agriculture and to the family farms that are found throughout rural Ireland and that constitute its heart.

We can talk about how we arrived at today's position, but my message to the new Minister is that the industry is at a very critical juncture. Farmers are worried. Young farmers are reluctant

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to take over the family farm. Farm incomes are disrupted and unsure. There are so many uncertainties right now. The Minister for Agriculture, Food and the Marine will face challenges, the first of which is Brexit. The Common Agricultural Policy will determine our farmers' future. We also need an effective beef market task force to ensure a fair price for everybody involved in the industry. Our agrifood policies must ensure that we add value to all our products and get the greatest possible benefit for our producers. Our sheep farmers need solid markets. The forestry licensing situation has been mentioned. I can tell the Minister that with the way things are going, we will have no timber in this country by the end of the year. That must be tackled head on. Farming must be supported in dealing with climate change. We must protect the family farm and ensure that rules and regulations do not drive people away from agriculture. We cannot continue to target farmers, who are best in class when it comes to carbon emissions in beef and sheep production.

Many farming families are watching today with their fingers crossed, hoping that the new Minister will be someone who understands the issues and will engage with the very hectic challenges that dominate agriculture. He must hit the ground running. No lead-in time will be afforded to this Minister. Farmers cannot wait any longer. It is now time for this Government and the new Minister to demonstrate the leadership required to bring farmers together and to unite the industry so that it can prevail in the future.

Again, I offer the new Minister my new wishes. As a rural Deputy serving Galway East, which has many small family farms, I commit myself to engaging positively and constructively with him in the interests of agriculture in Ireland.

**Deputy Mattie McGrath:** I am delighted to congratulate the Minister. Déanaim comhghairdeas leis an Teachta agus lena chlann go léir. Deputy McConalogue's wife, Jackie, his two young boys, his home town of Gleneely in the north of Inishowen and the entire constituency of Donegal will be delighted. Importantly, the new Minister comes from a farming background.

I thank the previous Minister, Deputy Calleary, and acknowledge that he had resigned before the 8 o'clock news the morning after the story broke. He is an honourable and decent politician who saw that he had made a mistake - a major one, although he did travel to speak about a long-serving deceased friend. He did that in good faith but it was the wrong decision. He has acknowledged that and stepped down.

I want to assure the new Minister that we in the Rural Independent Group will work closely, honestly, fairly and hard with him and with the Government to try to rescue the situation in farming. By rescue, I mean support. Farmers want to support themselves, but face issues such as Mercosur, Brexit and this year's weather conditions. While it has turned out to be a great year, there will be a difficult harvest. I was in the Minister's constituency last week on a trip through Donegal and I am happy to report that it had a good summer, unlike what we faced in the south east and other parts of the country. The Minister will have our support.

The will have to deal with many issues. He will need to tackle the beef barons and the power of Meat Industry Ireland, MII, which the last Minister did not do. Last year farmers gave up their summer to stand outside the factory gates in protest. They are not normally given to protesting, but they were looking for recognition as the sole primary producers of prime beef and for a decent price. The then Minister, Deputy Creed, set up a review group run by an insider, a former head of the Department of Agriculture, Food and the Marine. We need independent oversight of the beef industry. Deputy Kelly has spoken about the need to respect workers'



rights. Of course workers need rights, but farmers, who are the primary producers, do not get any sick pay and have no-one to support them. They have to take what they get. It is important that we support the workers and I support them. I acknowledge the jobs provided by the meat industry, but there must be transparency and openness there as well.

I also wish the new Minister of State, Deputy Browne, well in the Department of Justice and Equality and I know he will make his mark there. His dad, with whom I served in Dáil Éireann, will be proud to see him do so.

There are huge issues facing agriculture. I refer to red tape. Forestry has been mentioned. People in that sector cannot get felling licences. One serial objector, who is an ardent member of the Green Party, has submitted 80 objections though he lives here in Dublin. This is nonsense. We must change this. People have invested hugely in forestry and have been encouraged to do so. A 40-year growth cycle is a long time to wait for payments. Contractors are lined up to cut timber. They have machinery costing up to €2 million. All of this lies idle because of a serial objector. That cannot be fair or right.

The concerns of agriculture must be recognised. We want the Association of Farm and Forestry Contractors in Ireland, FCI, and all the other independent farmers' associations to be recognised. We have seen the cosy cartels between the big farming organisations and the Government too many times. We saw what happened with the distasteful incident in Galway and I thank the Ceann Comhairle for his very wise words today.

As a final word, I appeal to the Minister as a member of the Cabinet to please respect the publicans of rural Ireland. There has been a system of apartheid towards them. I refer to one young man, TJ McNerney, who runs TJ Mac's bar in Mullinahone with his family. It is associated with the famed CJ Kickhams Mullinahone GAA Club. Like other rural people, all he wants is to open his pub. Businessmen like him intend to be here next week in a deputation to meet Ministers and the Taoiseach and to explain that they want to file tax returns next October. They want to resume trading and providing employment. They want to be able to provide a pint, a cup of tea or coffee or a meal to the farmers who are trying to salvage the harvest. These farmers come home from the mart and are now even more lonely because they have no place to go. The pubs in many villages, tá siad imithe. They are gone and long forgotten. Farmers want to be able to go into the Stack of Barley in Mullinahone. They want to go into TJ Mac's, a pub run by a proud business family and a political family of decades' standing.

TJ McNerney has single-handedly organised the publicans. Where Tipperary leads, Ireland follows. The publicans will be here next Tuesday unless the Government allows the pubs to open before that. They do not want to come here. They will be careful and maintain social distancing, but they want to be heard. Fair play is fine play. That is all they want from the new Minister and the new Minister of State. They want to be allowed to trade. They have done nothing wrong but they have been victimised, criminalised and demonised. They need to be able to run their businesses according to guidelines, and let them prove themselves that they are right. Unlike any other sector in the country, they must apply for licences annually, and there is the process there for weeding out the few bad publicans. Where Tipperary leads, Ireland follows. I salute TJ McNerney and his family for what they want to do.

**Deputy Thomas Pringle:** I am sharing time with Deputies Fitzmaurice and McNamara. I wish Deputy McConalogue all the best and congratulate him on his elevation to the position of Minister for Agriculture, Food and the Marine. I also wish Deputy James Browne the best



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on his promotion to Minister of State. I have no doubt that the incoming Minister, Deputy McConalogue, will fill the position well and I hope he stays in it longer than the previous two incumbents did. His appointment will be vitally important for Donegal. I do not think Deputy McConalogue plays golf and I hope that means he will be longer lived in the role. In all seriousness, there are a lot of issues that need to be dealt with and the incoming Minister knows well what those issues are, especially in regard to small farmers, who are the lifeblood of farming and make up the majority of farmers in this country. I hope he will oversee the full convergence and flattening of payments under the Common Agricultural Policy, CAP, which is what he espoused when he was in opposition. That is vitally important for farming in this country.

Coming from Donegal and with Greencastle right on his doorstep, the incoming Minister will understand the importance of the marine part of his portfolio. Unfortunately, the marine sector has been left behind a lot relative to agriculture within the ministerial brief to which he is being appointed. I hope he will give the fishing industry, which is vitally important as well, the attention it needs. It is interesting that the Taoiseach headed off some of the problems for Deputy McConalogue before he was appointed by introducing the penalty system last week. I hope that does not augur how the fishing industry will be treated with in the coming years. I wish the incoming Minister well and I hope everything works out for him in his role. I hope things work out for small farmers and fishermen as well.

**Deputy Michael Fitzmaurice:** I wish Deputies McConalogue and James Browne the best of luck in their new roles. I have worked with Deputy McConalogue on the agriculture committee. He is a country lad, which is a good start, and the first thing he needs to do is to look at CAP. A report published today shows that, under the scheme, farmers in Cork will be able to earn €53,000 but a farmer in Leitrim may only earn €8,000. It is the dead same all along the west coast and that needs to be addressed.

The rollover of the green low-carbon agri-environment scheme, GLAS, needs to be done straight away and the new agri-environment scheme that was promised must be got up and running. Last year, I supported a motion put forward by the incoming Minister where he proposed that farmers deserve at least €200 for a suckler cow. I hope he puts into place what he proposed in that motion, which he brought to the floor during the previous Dáil. Another issue he must deal with is the refusal by the chairman of the beef task force to allow the task force to discuss Bord Bia's proposed new system for protected geographical indication, PGI, status. The incoming Minister should address that straight away. Another issue he needs to address in the coming days, not in the coming months, is the forestry situation. The sector is in chaos throughout the country. There are contractors going bust and 12,000 jobs at stake but no one in the Department seems to be getting a handle on it.

Another crucial issue that has come to attention in recent days relates to the piece of paper which was sent out to farmers concerning the TB status of their stock. In my opinion, those pieces of paper should be burned in the fire. I am asking the incoming Minister to scrap what the academics have put together without listening to the farming organisations and farmers. We will see the effect of this in marts soon enough. The first thing the incoming Minister can do to show he is on the side of farmers is to initiate a consultation on the TB forum. Farmers must be listened to on this issue, not the academics in universities who are looking at what is done in other countries. The incoming Minister should listen to farming families around the country. The best thing he can do to show he is the Minister in charge of the Department is to recall the TB status letter that went out to farmers and give them a new chance.

**Deputy Michael McNamara:** I wish the incoming Minister, Deputy McConalogue, well in his new role. He and I were first elected to Dáil Éireann on the same day and I wish him the very best in a role which has become something of a boat trip through the Bermuda Triangle in this Dáil. I hope that has come to an end and that Deputy McConalogue will be able to bring some stability to a role that desperately needs stability.

I agree with previous Deputies on the need to revitalise the beef task force and perhaps replace it with a new forum that is functioning. The current task force was simply something to get Fine Gael over an election and it seems to have achieved its only purpose in that sense. It certainly has not shone a light on the beef sector in Ireland, a light that needs to be shone not just in terms of how it treats farmers but also how it treats workers, as Deputy Kelly noted, and how it treats consumers and everybody else right across the sector, including Irish taxpayers. Like Deputy Fitzmaurice, I also wish to highlight the problems in the forestry sector and the necessity of reform.

I wish the incoming Minister the best of luck in his role. The Taoiseach's predecessor as Fianna Fáil leader once described the Department of Health as Angola. That Department has gone on to run the country, as we have seen in recent times. Perhaps the Department of Agriculture, Food and the Marine will have a brighter future under Deputy McConalogue.

**An Leas-Cheann Comhairle:** In accordance with the order of the House today, I must put the question now.

Question put.

**Deputies:** Vótáil.

**An Leas-Cheann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Mick Barry, Richard Boyd Barrett, Gino Kenny and Paul Murphy rose.*

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen, I deem that the question has been 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.

Question declared carried.

**An Leas-Cheann Comhairle:** I congratulate the new Minister, Deputy McConalogue, and also the new Minister of State, Deputy James Browne.

### **Criminal Justice (Enforcement Powers) (Covid-19) Bill 2020: Order for Second Stage**

Bill entitled an Act to make exceptional provision, in the public interest and having regard to the manifest and grave risk to human life and public health posed by the spread of the disease known as Covid-19 and in order to mitigate, where practicable, the effect of the spread of that disease, to provide for additional enforcement measures in respect of certain premises where intoxicating liquor is sold or supplied for consumption on the premises to ensure compliance with certain requirements, imposed by or under the Health Act 1947, breaches of which constitute criminal offences; to provide for additional bases for objection on the ground of good character to renewal of licences for certain premises; to provide for additional bases for objection on the

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ground of character to renewal of certificates of registration for clubs; to amend the Health Act 1947; and to provide for related matters.

**Minister for Justice and Equality (Deputy Helen McEntee):** I move: “That Second Stage be taken today.”

Question put and agreed to.

### **Criminal Justice (Enforcement Powers) (Covid-19) Bill 2020: Second Stage**

**Minister for Justice and Equality (Deputy Helen McEntee):** I move: “That the Bill be now read a Second Time.”

The Bill I am proposing today is a short and relatively simple one, with a specific purpose in connection with licensed premises and certain private membership clubs. However, the importance of this Bill is much broader than that. The Covid-19 pandemic presents an unprecedented challenge to all of our society. The public health restrictions that have been in place since the outset of the pandemic have not been easy for anyone. The pandemic has impacted on all of our lives, in big ways and small. The vast majority of people and businesses in Ireland have complied with public health restrictions across the last six difficult months because they understand that doing so is the most sure way to keep us all safe and to help us to return as quickly as possible to the more open society that we have enjoyed but can no longer take for granted. My firm belief is that this Bill will help to bring us further on that road by encouraging the small minority of licensed premises which are acting contrary to public health regulations to bring themselves into compliance, and by providing An Garda Síochána with the powers to act swiftly to enforce the law, where necessary. The creation of these powers will further incentivise responsible licensees to ensure full compliance with the public health regulations.

As Deputies will be aware, An Garda Síochána has been carrying out extensive work in support of the range of public health measures since the outset of the pandemic. The graduated policing approach which has been adopted in all of its actions, whereby Garda members engage, educate, encourage and only as a last resort enforce relevant emergency regulations, has been very effective. Since the introduction of Operation Navigation at the start of July, An Garda Síochána has been carrying out regular checks on licensed premises for adherence to Covid-19 public health regulations. Thousands of checks have been carried out. It is clear from the Commissioner’s public reports on this operation that the vast majority of licensed premises have been acting in compliance with the regulations. I sincerely thank them for that. However, the unfortunate reality is that some licensed premises are flouting the law and risking the health of their customers and the wider public. An Garda Síochána has identified that between Friday, 3 July and Sunday, 23 August, a total of 165 potential breaches were recorded, including a number of licensed premises at which multiple potential breaches were identified. This represents an unacceptable risk to human life and public health in the context of Covid-19. It also undermines the efforts and sacrifices made by so many others in our society.

This Bill aims to provide for further enforcement powers required by An Garda Síochána to deal swiftly and effectively with such breaches at licensed premises or certain registered private clubs. I assure Deputies and the public that I understand and fully expect that the graduated policing approach we have seen to date will continue to be pursued by gardaí. If this Bill is enacted, I do not expect to see these powers used frequently. However, let us also be clear that

this graduated approach depends for its efficacy on a realistic prospect of enforcement at the final stage. My firm belief is that by providing these additional enforcement powers to gardaí, we will see an improvement in compliance with Covid regulations by publicans, restaurateurs and operators of private clubs, in the interest of public health and in a way that will protect the gradual reopening of our society.

In terms of the detail of the Bill, I will now outline its contents to the House. Sections 1 and 2 are standard. They relate to the interpretation and application of the Act to licensed premises and clubs selling or supplying liquor to members or visitors for consumption on the premises. Section 3 provides for entry without warrant of a member of An Garda Síochána to such a premises for inspection and other purposes under the Bill and creates an offence where a person prevents or obstructs, or attempts to prevent or obstruct, a garda from doing so.

Sections 4 to 7, inclusive, set out clearly the three key new powers I am proposing. Under section 31A of the Health Act 1947, which was introduced to deal with Covid-19, a member of An Garda Síochána can give a direction to a person who, in the garda's view, is failing to comply with a penal regulation made under the section. If the person does not comply with the garda's direction, he or she is committing an offence. In addition to the offence under the 1947 Act, these sections provide that where a licensed premises fails to comply with directions of An Garda Síochána in relation to the public health regulations, a Garda member of at least superintendent rank may make an immediate closure order for the remainder of the day once he or she is satisfied based on the information provided that there has been a failure to comply with a direction given and it is appropriate to do so; An Garda Síochána may apply to the District Court for an emergency closure order for a period of up to 72 hours where there has been a failure to comply with more than one direction on more than one occasion; An Garda Síochána may issue a compliance notice to a relevant premises where there has been a failure to comply with a direction, ordering them to comply forthwith and warning them of the consequences of a failure to comply with the notice; and An Garda Síochána may apply to the District Court for a temporary closure order where there has been a failure to comply with a compliance notice issued under section 6 and this failure is likely to continue or recur. This order will be for a period of not more than seven days in the case of the first order made and not more than 30 days in the case of a second or subsequent order made in relation to a premises.

I wish to state unequivocally that the enforcement measures provided for in these sections may only be taken where a direction of a member of An Garda Síochána has not been complied with. Everyone will be given an opportunity to co-operate and work with the garda who is engaging with him or her. This is in line with the approach taken by gardaí to date, that is, to direct an individual to comply with the regulations in the first instance and to only take further action where there has been a failure to come into compliance following that direction. The whole purpose of the provisions is to achieve compliance.

These sections also create a number of new offences where a person fails to comply with an immediate closure order or permits a business to be open in contravention of an emergency or temporary closure order.

For the avoidance of any doubt, I want to clearly say that the approach taken in this Bill is to provide for Garda enforcement of criminal law provisions, and not public health assessments. The approach taken in these sections is to establish the power for Garda members to make directions and enforce the penal provisions of the Covid-19 regulations and offences provided for under this Bill and the Health Act 1947. An Garda Síochána will only need to be satisfied that

a relevant provision of the criminal law has been breached, not the likely impact of that breach on public health.

Sections 9 and 10 make provision for appeals against a compliance notice and a temporary closure order, respectively. This is in addition to provisions allowing an application to be made to discharge an emergency closure order under section 5 of the Bill, that is, when the emergency closure order is made the publican or licence holder can immediately seek for that to be dismissed.

An appeal may be made to the District Court in respect of a compliance notice within seven days of such a notice being issued by a member. The court may confirm, vary or revoke the notice. Any decision of the District Court in this regard can also be appealed to the Circuit Court adding an extra important safeguard.

An appeal may also be made to the Circuit Court against a temporary closure ordered by the District Court. These are important safeguards in the Bill.

Sections 11 and 12 provide that conviction of offences under this Act or the making of a closure order under the Act may be a basis for an objection in relation to a renewal of a license or, in the case of a private club, a certificate of registration.

This Bill is closely related to the new health regulations prepared by the Minister for Health and section 13 is a necessary amendment of section 31A of Health Act 1947. This amendment provides that the Minister for Health may prescribe penal provisions of regulations made under the Health Act 1947 that the provisions of this Bill will apply to. He may do so following consultation with me and any other Government Minister as he considers appropriate.

Sections 14 to 16, inclusive, contain necessary technical provisions around liability for offences by bodies corporate, exercise of jurisdiction by the District and Circuit Courts as well as service of documents.

Section 17 is primarily a technical section setting out the title and operation of the Bill. I would however particularly draw Deputies' attention to the provisions of section 17(3), which contains an explicit sunset clause. The section provides that if enacted, this legislation will continue in operation only until 9 November 2020, subject to a resolution approving its continuation passed by both Houses of the Oireachtas. This is to reflect the expiry date of contained in Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020.

As I said at the outset, this is a straightforward Bill. While I fully recognise that the emergency powers I am proposing are significant, this Bill represents a necessary, proportionate, carefully balanced and human rights-compliant approach to address the small minority of licensed premises which are showing disregard for public health regulations.

Clear safeguards have been provided throughout, in particular through the requirement for involvement of a Garda member of at least superintendent rank; the time-limited nature of the closures; and the provision for possibility of appeal. None of these provisions can be triggered unless a person fails to comply with a Garda direction in the first instance.

Further, and as I have said, the legislation itself is temporary. Gardaí are continuing to take a graduated, proportionate and human rights-compliant approach to the enforcement of all



Covid-related legislation. Providing for these additional, limited powers will enable gardaí to move swiftly to address those cases in which licensed premises and private clubs breach public health regulations, in the context of the grave threat to human life and public health that we are facing. I am confident this will encourage greater overall compliance and support the hard work and good faith efforts being made by the vast majority of licensed premises to operate within the law.

I thank all Deputies for their support and assistance in passing this through the House and waiving pre-legislative scrutiny. I commend the Bill to the House and I look forward to hearing from Deputies on the matter.

**An Leas-Cheann Comhairle:** Is there a copy of the speech for Members?

**Deputy Helen McEntee:** One should have been sent around.

**An Leas-Cheann Comhairle:** Good, I thank the Minister. We move to Sinn Féin. I call Deputy Martin Kenny.

**Deputy Martin Kenny:** On that point, it seems that since we came to the Convention Centre, we do not get copies of ministerial speeches. It would be appropriate if a note was sent from the Office of the Ceann Comhairle or the Leas Ceann Comhairle to all Ministers suggesting that this should happen.

As the Minister noted, the issue at stake is the very small minority of premises that have acted outside the restrictions, which they have flouted. They are very much in the minority. The vast majority of licensed premises have acted very responsibly and have done their best to work within the guidelines. The small number which break the guidelines, and do so consistently, must be brought to book and that is what this Bill is about. We are in a position now that we should not be in because the way this was handled in the past, by allowing some premises to open and others not based on whether they served food which created a huge problem. The same problem exists in my part of the country as everywhere else where towns might have seven or eight pubs where two operate and the rest are closed and looking on. That is totally inappropriate. If all those pubs were open, the crowds in them would be much smaller and we would not be in this situation. Unfortunately, this country has a reputation for the abuse of alcohol, which is often discussed or thrown at us but our licensed trade does an excellent job and can be trusted to deal with people in an appropriate way and has done up to now. Our teachers can be trusted to bring children back to school. Everyone in our society is working well together. It should be possible for the Government to sit down with the vintners' associations and everyone else and work out a scheme that will work for everyone rather than the situation that exists now.

This type of legislation is required for the very small minority of situations. I have spoken to members of An Garda Síochána who told me they are in a very difficult position as they are unable to act in an appropriate way when they move into these situations. We recognise that it is difficult for gardaí to walk into a place and decide whether people have or have not had food. To adjudicate that is difficult and we must put something in place in order that where there is clear flouting of the regulations and people are effectively putting two fingers up to the authorities, there is some recourse. In that context, we support the idea behind the Bill and support and recognise that there must be measures in place to do this.

The rescue scheme which was put in place to try to assist the other pubs has come too late for many. The Government must examine this. It will not be enough to get them over the situ-



ation. Many publicans in parts of rural Ireland, at least, which are of the least risk are the ones that have suffered most in this. Quite apart from this legislation, the time has come for Government to work with all the parties, particularly the vintners and small rural pubs, to come up with a solution that works for them, the customers and everyone involved. That should be done as quickly as possible.

There are many other sectors with much bigger problems than in the licensed trade. Many have mentioned the problems in direct provision. We also have the situation involving the meat factories. Yet the Government seems to be continuously focusing on the licensed trade. There needs to be a reality check on this and the Government needs to come back and look at that again. It needs to recognise that if we are going to have some kind of provisions to ensure pressure is put on people in the licensed trade some way or other to ensure they do the right thing - in a minority of cases that needs to happen - similar pressure needs to be brought to bear on other sectors which have been clearly flouting all of the regulations and continue to do so. The meat factories in particular spring to mind everywhere around the country.

The Minister and the Government need to look at this very seriously and come up with solutions. I look forward to further debates to tease out the detail in this. Concerns have been raised as to the regulations and how some measures may be put in place at a future date. The Minister has assured me that additional information has now been published on the website if it has not already been circulated. That needs to happen as quickly as possible. It is inappropriate to leave Deputies or Parliament in the dark on these matters.

**Deputy Pa Daly:** Gabhaim buíochas leis an Leas-Cheann Comhairle agus leis an Aire. Tá a fhios agam go bhfuil mé ag caint mar gheall ar an Stát go léir maidir leis an reachtaíocht seo ach ba mhaith liom cúpla focal a rá faoi mo Dháilcheantar féin chomh maith. We are dealing with the entire State here and I want to pick up on one or two aspects of what Deputy Kenny has said. It is good to see that the courts around the country have opened up in their own district court areas. I hope that this will continue and that we can learn from what has happened during the Covid-19 period to address the family law situation and perhaps to use Zoom for those kind of meetings so that we can get through the long lists that have developed over the past while.

I am somewhat concerned on some aspects of this legislation. Having spoken to some vintners over the past few weeks they seem to be in favour of it because they have been calling for measures to be put in place so the very small amount of rogue publicans or licence holders can be dealt with and that those who have been in a limbo-type situation, particularly since 10 August, can move forward and be taken out of limbo so their businesses can reopen.

In my county there are 6,000 jobs in the pub trade which is a very significant amount. Having spoken to some of them, while they are very concerned with the amendments to the wage subsidy scheme, I was reminded that not only do their pubs sometimes have mortgages but one man told me that there were three members of his family who all have mortgages. They are reliant on the business reopening. The longer this goes on without them being able to reopen there is a risk that their staff may not return and that some, particularly smaller pubs, will not reopen at all. Many pubs have been able to adapt to the situation that has prevailed over the last number of weeks by serving food where they may have never served food before. Other pubs, however, are not capable or not willing to reopen in situations where they have to charge a customer €9 plus the price of a pint. They accept there has been poor management by some licence holders but in the vast majority of them, and in some of the pubs in which I have been including the Bridge Bar in Portmagee and in Mike the Pie's in Listowel, there is stringent ad-

herence to all of the regulations such as contact-tracing regulations, hand sanitising etc. to the letter of the law. These businesses are already highly regulated. They are used to having a full knowledge of the legislation and to dealing with all of the regulations, even more so in this situation. They are subject to having their licences renewed every September where, if An Garda Síochána feels they are running an unruly house, can object. They are not going to be reckless in their behaviour and they have to get a date on the door. Hopefully this legislation will allow them to move forward.

As to some of the behaviour, mostly on the streets, there is already public order legislation in place. As to what happened in Killarney last weekend, public order legislation which is already in place can deal with such happenings on the street. Section 8 of the Criminal Justice (Public Order) Act is probably the widest power that a garda has, which is similar to the legislation before us, where a warning is given to people who are loitering on the street to move on. That legislation is there and the vast majority of publicans who are doing their best having reopened are being unfairly targeted by something which is really a public order incident. This refers tangentially to a situation in Killarney in the 12 months coming up to Covid-19, which is to ensure more gardaí are made available for the very busy Saturday nights in Killarney. People are coming on buses from all over west Limerick, west and north Cork and County Kerry, in their hundreds into the town to enjoy what Killarney has to offer. If there is another incident like last Saturday night where Garda resources were being stretched, I ask the Minister to address this by giving the Garda more resources so that people can continue to enjoy what Killarney has to offer.

There must also be consistency in the messaging coming from the Government. In dealing with Covid-19 there seems to be significant inconsistency. It seems ridiculous to me that 500 people can attend a football match in Aghnacloy or in Crossmaglen whereas in the upcoming Kerry county championship semi-finals, not even family members will be able attend the game which will have players from my own club, St. Brendan's. I echo the comments of the GAA president and ask NPHET to reveal the 50 odd cases that are related to sporting events. We need more clarity on where and how these figures were obtained. Vagueness is not helping anybody in this situation. Can the Minister through this legislation provide a date on the door for these publicans? We are going to be living with this virus for a long time to come we will have to work and be innovative around it. Publicans are ready, willing and able to do that so that we can open up the country and work towards that.

**Deputy Matt Carthy:** Gabhaim buíochas leis an Leas-Cheann Comhairle agus leis an Aire. As Deputy Kenny has said Sinn Féin will be supporting this legislation in order to give gardaí temporary powers to ensure compliance with regulations designed to manage the Covid-19 pandemic. These regulations must remain temporary in nature and be used not only to tackle that very small minority of rogue operators within the licensed trade sector but also to provide clarity, assurances and support to those licensed traders and to those pubs which have up until this point not been allowed to open. The excuse for forcing them to remain shut has now been lifted because the legislative powers are in place to ensure that those pubs that do not serve food can operate to the same standards and guidelines as those that do. We now need to ensure that this legislation is not just used as a stick by the Government but is also used as a carrot to support the last remaining sector that is being forced to remain closed by Government policy.

Unfortunately, our pubs have not received the necessary supports up until this point. The financial package announced last week by Government was an insulting and pathetic offer to those pubs which are, we must remember, in many instances the heartbeat of our local commu-

nities. In many of the local towns and villages that I represent the local pub is the last remaining service because Fianna Fáil and Fine Gael have removed all other services, whether it be post offices, Garda stations or whatever. The local pubs are the last remaining vestige of a place where communities can come together, mourn or celebrate together, and are the heartbeats of our local areas. They deserve the support. I hope this legislation will follow from that.

It is a little bit worrying that the only legislation before us, although important, concerns a very small minority of licensed trading operators. This Government, despite successive and extensive requests and appeals by Sinn Féin and others, has refused to bring forward any legislation at all with regard to the meat factories sector, a private enterprise sector that we know has been responsible for a significant number of outbreaks across communities. It led to additional restrictions in three counties, yet questions relating to individual factories or indeed at a macro level regarding the sector go unanswered by any of the statutory agencies. We depend on press releases from those same factories to get any information whatsoever. I do not trust those factories and many people in those communities do not trust the factories. The Government needs to take control of that situation. One cannot have a situation where important businesses in our communities remain closed and where old men, stalwarts in our community, have to stand on hills or in fields, with binoculars in some instances, in order to be able to see their local GAA club play a championship game. One cannot have a situation where communities are expected to adhere to all these restrictions when the same group of individuals who represent the meat industry in this country continue to go unchecked and unanswerable to anyone. That needs to change.

Sinn Féin will support this legislation but we expect the Government to focus on allowing our pubs to reopen and to start concentrating on the sector that is the cause of so many of the difficulties, which is the meat industry.

**Deputy Imelda Munster:** The Government's handling of the reopening of pubs has been a shambles from start to finish. Pub owners and vintners feel that they have been abandoned by this Government. I am not criticising public health measures. My party and I have fully supported all the public health effort to date and the hard work everyone has put in so far. The issue here is that decisions have to be taken in a fair and balanced way, and they have to address areas where the biggest risks lie.

Gardaí should have been given these powers when pubs first reopened and then all pubs would have had the opportunity or the option to reopen. A €9 pizza or a bowl of chicken wings is the only difference between a pub that serves food and a wet pub. Instead we have had months of confusion for gardaí and for publicans, and we have had wet pubs closed for a full six months. We are the only country in Europe where pubs remain closed. People are losing their businesses, not just in rural areas but all across the country.

At the time that these decisions were taken, we knew where the main risks were, but the Government chose to turn a blind eye to the dreadful situations in some meat plants and in direct provision centres. Even after authorities had been warned about possible outbreaks due to non-adherence to public health guidelines in meat plants, this Government still looked the other way. It waited until there were serious outbreaks and then decided that meat plants should be inspected, but should be given prior notice of inspection, a pointless exercise. Why would one give prior notice of inspection in the midst of a pandemic to a particular plant or factory that has full knowledge that it is in breach of public health and social distancing guidelines, and was quite prepared to put its workers health and lives at risk? It is not just the workers but the

families of those workers and the general community.

The Government's lackadaisical approach to this, not acting straight away, allowed these clusters to develop. These plants are still only obliged to adhere to guidelines. The Government seems to be picking and choosing where to implement restrictions and these decisions will not address the core areas where Covid-19 should be restricted. This is eroding public confidence in public health restrictions being able to manage the virus. Public confidence is a cornerstone in fighting this and if people do not trust that the best decisions are being made, then we are all in trouble. If we have learned anything from the "golfgate" scandal, it is that there should be one rule for all. We have mere guidelines for meat plants, factories, businesses and direct provision centres but the Government is prepared to change laws only for pubs. That is not the solution. We need the same laws and powers for all businesses. Restrictions need to be fair and balanced, and most important, they need to be seen to be fair and balanced.

**Deputy Brendan Howlin:** I think this is my first opportunity to congratulate the Minister on her election and her appointment. I am pleased to have the opportunity to deal with this important legislation. This is a criminal justice Bill and we all have to be careful when enacting criminal law. It is an emergency Bill. It has not followed the normal path of legislation for understandable reasons. There is no published explanatory memorandum and there has been no pre-legislative scrutiny. We will have little opportunity to have a Committee Stage debate because the deadline for submitting amendments on Committee Stage was this morning at 11 o'clock, before the Second Stage debate and before we could ask questions or listen to the views of the Minister. In general circumstances, that would all be entirely unacceptable, especially for criminal justice legislation.

We and the vast majority of people in this Parliament have supported all the efforts of the Government to deal with issues that have arisen to combat the pandemic that has befallen the world and that bestrides our own country. We need to continue to do that but we need to bring the people with us in that endeavour. We need to be clear on what we are about and open about what is and what is not law.

It is clear that this specific legislation is a reaction to some of the events that have happened, especially the horrifying views that people had of a situation in Dublin, where a barman stood on a bar counter, pouring vodka down the throats of clients. People assumed that that could be acted on but the only criminal sanction the gardaí have is if a particular premises is not selling €9 worth of food to every one of its clients. The rest of the activities were covered by mere guidelines. They are not criminalised in any legislation. Much of what we are doing is basically giving guidelines to people and sometimes pretending that these have the force of law. We need to be clear and honest with people about what is or is not criminal.

The Government seems to have a view that when we are producing legislation such as this, the Government has to spin it to the public before explaining it to Parliament. In my view, that is unacceptable. For example, when it was clear last Friday that the Dáil was going to be recalled, largely because of the so-called "golfgate" event, this legislation was to be the centrepiece of this week's Dáil business. On Friday, we were told that part of the legislation would criminalise gatherings of more than six people in a private dwelling and that power would be given to An Garda Síochána to pursue such people. The Minister subsequently said that was never the Government's intention but somebody briefed authoritative journalists at *The Irish Times* last Friday, because that is where it was laid out. We subsequently read that it was being pursued by the Minister for Health but was abandoned because it was felt by the Taoiseach and

others that it was going too far. We really need to bring the Members of this House with the Government with regard to all these matters. We have common purpose and a common view. The notion of “spinning” is not acceptable.

With regard to the legislation, we also read on Friday that it was going to be compulsory for staff members in pubs to wear face masks. That is not in the regulations that were published yesterday but maybe it will be. We do not know. That gets on to the point I made this morning, which I want to make clearly to the Minister. This is unusual criminal legislation. It is criminal legislation that sets out mechanisms to enforce and the penalties to be applied, but does not actually specify the crime. In any other piece of criminal legislation the offence is laid out, the penalty for committing the offence is laid out and how An Garda Síochána is to enforce it is laid out.

In the briefing we had with the Minister’s officials last Friday, it was clear that two different Departments are involved. The Department of Justice and Equality sets out the criminal sanctions for breaches of the regulations, or in other words the penalties for committing the crime, but the crime is to be set out by the Minister for Health, who is not here. I listened carefully to the Minister, Deputy McEntee, at the beginning of this debate but we do not actually know what specifically is to be criminalised either now or into the future. That is a very dangerous thing to be doing with criminal legislation. The removal of people’s livelihoods is at stake here. The Labour Party’s initial reaction, like that of our colleagues in Sinn Féin, is that we will stand foursquare behind the Government in ensuring so-called “rogue” operators are stamped out. There are two things we must do. We must be clear in what we are doing, and we must bring the public with us in understanding that. We must not pretend that offences are offences when they are not.

In essence, there are two parts to the proposals before the House: the Department of Justice and Equality’s criminal sanctions, and the crimes or offences to be set out in regulations made by the Minister for Health. At the briefing on Friday, I asked the Minister for Justice and Equality’s officials what specifically the offences are and where are the regulations are. These crafters of the legislation before us told me they did not know. I have never dealt with a situation where the crafters of the legislation did not know what the crimes being specifically legislated against were. They said that it was a matter for the Minister for Health and that it would be published on Monday. In fact, the Minister for Health signed 14 pages of regulations yesterday. The difficulty with the regulations is that some of them are what are known as “penal” and some are not penal. What is the difference? In essence, non-penal regulations are entirely advisory and nobody can enforce them. The penal regulations are enforceable. There is a strong view in jurisprudence that a law that is not enforceable is not a law at all. Regulations that do not carry a penal sanction are not regulations. I understand that some things are advisory. For example, this House will not make it a criminal offence to not use one’s elbow when one sneezes. It would, however, be a criminal offence to sneeze into a person’s face. I understand that this discernment has been made but a lot of the reaction we have had to the Covid-19 restrictions involves pretence. We pretend we are doing something we are not. I think we need absolute clarity on that.

I will take us through some of the 14 pages of regulations that were signed by the Minister for Health yesterday to see which are penal and which are not, as far as I can discern today. Regulation No. 5 applies to events in private dwellings of no more than six persons from no more than three households. This is not a penal regulation. It is unenforceable, either civilly or criminally, despite the utterances of the Taoiseach that the Minister for Health can prosecute.



There is no such capacity. I have checked with lawyers. It is merely advisory. If this is not the case, perhaps the Minister, Deputy McEntee, will be very clear on the difference between penal and non-penal. Regulation No. 7 applies to cinemas, art galleries, museums and auditoriums with stages and fixed seating not exceeding maximum attendances of 50 people. Again, this is not a penal provision. Regulation No. 8 applies to weddings and imposes a maximum of attendance of 50 people, including staff. Again, it is not a penal provision and there are no enforceable powers. Regulation No. 9 is also a non-penal provision and covers sporting events. It limits necessary persons, participants, subs, coaches, medics and so on. Regulation No. 10 covers training. Again, it is a non-penal regulation. They are all encompassed in the same statutory instrument, SI 326 of 2020, which was published yesterday. Some of the regulations are merely advisory and some have the force of law.

We need to be very clear on what we are doing here. What is penal and will have the force of law? Regulation No. 6 applies restrictions to social recreational exercise, cultural entertainment or community events, other than those dealt with previously, and confines the numbers of persons attending to no more than six indoors and no more than 15 outdoors. This applies to the non-private household gatherings. Regulation No. 11 covers alcohol venues and continues the bans already in effect on casinos, nightclubs and pubs where no meal is served. They are penal provisions. A new closing time of 11.30 p.m. for pubs and restaurants is introduced in new regulations Nos. 11 and 12. Of course, off-licences are excluded, which is a penal provision. Regulation No. 13 provides that with effect from tomorrow, 3 September, businesses and services where drink is served for consumption on the premises must keep records of the time and date of arrival of customers, and a record of the substantial meals ordered. Food and drink must be consumed while seated at a table. Again, this is a penal provision that has the force of law.

While one must consume food at the table, which is a penal provision, other aspects of the regulations, for example social distancing and the maintenance of 6 ft are not penal provisions and are unenforceable. The guidelines on the amount of time a person can be in a venue refer to a period of one and a half hours, but this is not a penal provision. It is advisory. If the gardaí go in and if I am sitting in the pub, having had my €9 of food, and the proprietor has signed me in, I cannot see any reason I could not stay there for five or six hours other than a garda possibly saying he or she would object to the licence because there has been a breach of the substance of the guidelines, but not the penal regulations. I raise these issues because it is important when we create a law that we have a very clear sense and a clarity around what we are creating. I invite the Minister, Deputy McEntee, to address this when she concludes.

I absolutely accept that this proposed legislation is a timelined emergency piece of legislation that will end in November but I wish to highlight another problem that is very unusual in creating criminal law, which is that the Minister for Health retains the power to create new offences under this legislation. It is very unusual that criminal offences can be created by statutory instrument, even on a temporary basis. We need to be clear about what we do as legislators, even when we all want to do right by our people at a time of pandemic. We must maintain the authority of the House and the confidence of the people that we are maintaining the proper procedures. We must act wisely, proportionately and in accordance with best international practice.

I will pick up on a point made earlier. This morning, I read an interview given by the Minister for Justice and Equality in which she said this might open the way for so-called “wet pubs” to be opened. I welcome that. In June, I raised with the then Minister for Health, Deputy Harris, the very strange decision that somehow serving a cottage pie or a chicken korma could be

a prophylactic against Covid-19. It made no sense to me. If the regulations, restrictions and guidelines can be maintained in one house, they can be maintained in another house. In my judgment, the eating of food is neither here nor there in that context. I think this policy has had the adverse effect of restricting the number of premises and concentrating the clientele in fewer premises, which is a bad thing.

*5 o'clock*

I hope that this law will allow all premises that can be properly regulated and monitored in terms of adherence to the Covid guidelines to reopen. However, it is important for the Minister to set out clearly to this House, which she did not do in her opening statement, what penal regulations will be encompassed by this Bill. A minimum requirement is that, as Members of Dáil Éireann, we would know what criminal offences we are creating. That is hardly an outrageous request. If there are further regulations to be made, we need to know how they are to be made. Obviously the Minister can, under the 1947 Act, create new regulations, and we amended that Act earlier to provide the Minister for Health with the capacity to create Covid regulations, including penal Covid regulations. We need to know exactly what is intended by Government to be encompassed by this Bill.

I would like the Minister to be very clear, but as I read it, what is included here in the context of criminal sanctions will be the requirement for the proprietor to take note of the lead person in any group or any individual who is coming in and to take note of their contact details for contact tracing purposes; note the food ordered by that individual, presumably so that members of An Garda Síochána can check that if they come onto the premises; and ensure that food and alcohol ordered is consumed at the table at which the person is sitting. What about the other regulations and guidelines that exist, including those around social distancing, the wearing of masks by staff and serving drinks at the bar counter? Are they mere guidelines or are they to be enforceable too? People need to understand what is being required of them by the laws that we make. The very basic requirement of any decisions we make in this House is that they are clearly understood by our own people and that we can explain them. Earlier this year a Church of Ireland bishop got very annoyed when he discovered that the confinement of those over 70 was actually advisory and did not have the force of law.

We have to be clear on what is advisory and what is enforceable by penal sanction when we set out our strategy for dealing with the reopening of licensed premises so that people do it on the basis of a very clear understanding of what is required. I hope that the Minister will do that in her closing statement, but maybe she does not know the intentions of the Minister for Health in this regard. It is a different Department and there are different sets of advisers. Certainly when I asked the advisers from the Department of Justice and Equality who briefed us last week, they were not privy to the Minister for Health's intentions with regard to which regulations would be penal.

In everything we do at this critical juncture, we have to maintain the confidence of the people. I do not think anybody would doubt for a second that it has been very seriously eroded by some of the goings-on in the past couple of weeks, particularly by the Oireachtas golf society. We need to win that confidence back, and part of winning it back is being very clear, upfront and honest about what we intend to do and how we intend to do it. I hope that the Labour Party will be able to support this legislation but we will only do so on the basis of complete openness from the Minister and clarity on what exactly is intended to be regulated and what exactly is intended to have penal sanction.

**An Leas-Cheann Comhairle:** Ag bogadh ar aghaidh, rachaimid ar ais go dtí an Rialtas agus an Teachta Cathal Crowe.

**Deputy Cathal Crowe:** At the outset, I congratulate the new Minister for Agriculture, Food and the Marine, Deputy McConalogue. I also congratulate my party colleague, Deputy James Browne, on his promotion to the role of Minister of State in the Department of Justice and Equality.

I wish to pick up from where the previous speaker left off and refer, very briefly, to “golfgate”, which was wrong a million times over. There can be no justification for what happened in Clifden. The work of Government and Opposition and every Member of this House must continue in earnest because we are in for a rough season ahead, possibly on the weather front, as the past 24 hours would indicate, but certainly on the Covid front. There needs to be full unity of purpose as we try to tackle the virus and the economic fallout that comes with it. On the issue of “golfgate”, the public expects leadership. If this House is going to dish out public guidance and formulate laws to ensure that the public can meet the challenges of Covid, then Members of this House should be showing leadership on all fronts and following the rules that we expect the public to follow.

I fully support the Bill before us. It empowers An Garda Síochána to deal with those rogue publicans who have put a few dirty receipts on bar tops or who have flouted the laws and the guidance in recent weeks. Everyone here wants to see the pubs open and we all want to see the public health guidance followed. We are all supportive of those who have followed the guidance in recent weeks, in some instances to their detriment. This Bill should be viewed in terms of a carrot-and-stick approach. It is a stick to beat those who flout the regulations, including the likes of the Berlin bar in Temple Bar. It is also a carrot which will allow those who want to be compliant to reopen their bars and get back to operations very quickly.

In the past 48 hours I saw a video on TikTok of a group of teenagers who held a Covid party. They were placing bets on who would be the first to contract the virus, which is absolutely reprehensible. It is almost treasonous against the State in this time of need that people would engage in such behaviour, especially given that the fatality rate for those who contract Covid in this country is 6.2%. Their actions in trying to draw the coronavirus on themselves and pass it on to others bring them only a step or two away from being guilty of manslaughter.

It is quite unfair that the small, so-called wet pubs have been put in the same bracket as casinos and nightclubs. In my local pub there are a few old-timers and a few young people who go there at the weekends to have a pint and a catch-up. It is the rural model of pub and indeed an urban model which can be seen in towns like Ennis and Shannon. Such pubs are hungry and, pardon the pun, thirsty to reopen but they are certainly not comparable to casinos or bustling nightclubs or cattle mart-style social gatherings. In Clare there are 392 pubs, 190 of which can be categorised as wet pubs. Approximately 2,300 people are employed in the pub sector. As a rule of thumb, two thirds of the pubs outside Dublin do not serve food. While it may not have been the intention, the rules that have been in place heretofore have favoured the urban over the rural model of pub. Currently, Ireland is the only country in the EU that still has its pubs closed. We also need to consider the issue of leased pubs, of which there are approximately 700 nationally. The publicans in such pubs are continuing to pay rent to their landlords even though they cannot open their premises. They are trying to cover temporary wage subsidy scheme payments, pay insurance and meet their overheads. While it is a debate for another day, many of these publicans have not been able claw back from their insurers any of the money they have

laid out in rent.

In preparing to speak in the Chamber today, I looked at the situation in a few other countries. I hope they will not mind me calling them fellow drinking countries, that is, countries in the European Union whose citizens enjoy a tippie as much as Irish people. I have looked at how these countries reopened and managed their pub scene. In Belgium the pubs were reopened on 8 June. Previously, there was no closing time in Belgium and pubs were 24-7 operations. They now close by 1 a.m. and very strict guidance has been issued to bar owners. Customers are also under obligation to be compliant with the law. Our closest neighbours in the UK reopened their pubs on 4 July. Strict social distancing applies. There is increased testing and temperature checks, etc., as people walk through the doors of pubs there. In Germany they reopened pubs on 2 June with no standing whatsoever allowed. People must be seated and seating must be 1.5 m apart. They do not have a limit on opening hours. In France they reopened pubs on 11 June. There are strict hygiene rules. People must wear masks. They operate table service and there is 1 m between tables there.

Our rural and small pubs should not be the fall guys in all this. It infuriates and seriously upsets those involved that, at a time when they are trying to support families and keep workers on the payroll, they continue to remain closed.

I heard before this debate began that the Minister reckons new guidance will be issued on Sunday, 13 September. We need to get our pubs reopened. For now, this legislation that the Minister is bringing forward deserves the full support of the House. We need to empower gardaí so that over the autumn and winter months they are able to go into pubs which are flouting current and future guidance issued from the Government. If they continue to flout it, the stick needs to be waved.

We want to create a scenario where it is safe, healthy and feasible for pubs to reopen. They are the lifeblood of our economy in many small rural villages. They are places of social gathering. From the wedding to the funeral, the pub is a place where people get together. I hope the Department of Justice and Equality will do everything possible to expedite efforts to get these pubs reopened.

**Deputy Paul Donnelly:** Before I continue, I wish to refer to the comments of the previous speaker, Deputy Crowe, relating to the young girls in north County Dublin. Many of the comments he made today have been found to be untrue and misinterpreted. We have to be really careful when we are looking at things coming up on social media. We need to figure out whether these things are truthful because they are serious matters. I would like that clarified.

I will address the issue at hand today. Covid-19 has had an impact on this island like no other issue in modern Irish history. It has damaged the country. More than 1,707 people have died while tens of thousands of people have caught the disease and, thankfully, recovered.

It has also damaged the economy. For most ordinary people in our country, North and South, part of our heritage and the traditional way of getting through hard times has involved coming together, whether through the GAA club, sport or culture, but also through the traditional pubs that we have throughout the Thirty-two Counties.

We have noted the figures coming out during recent days. They are worrying, as are the numbers coming from hospitals today. Six of the acute hospitals have no capacity in their intensive care units. We must be careful about what we do and how we do it in future.

What I have been hearing from people is a lack of confidence in respect of the measures that have been put in place. People are perplexed when they see that a pub that is serving a sandwich and soup for €9 is open while another pub that is only down the road but that does not have the capacity or ability to do something like that is unable to open. The livelihoods of those involved are being affected. We must ensure we keep people on board and keep together in terms of fighting this nasty disease. What we do has to make sense.

What does this mean for today's measures? It makes sense that anyone who is breaking the law or anyone who is putting people at risk in a business such as a pub or hotel is held accountable. I reckon people can see that. It makes sense to them and they will agree with it. However, they cannot understand why these rules and regulations are applied for one particular business while another business or pub in exactly the same area that does not provide food is unable to open. We are asking for a little common sense. The Government should sit down with the industry and work out an agreement. The Government should find a way of ensuring that people's livelihoods are protected and that thousands of people who are working in these so-called "wet pubs" are able to get back to work in as safe a manner as possible.

**Deputy Catherine Murphy:** This is the first legislation that has been debated under the new rotation and time slots. We want to again talk about our displeasure in respect of this. It was always the case that the Government presented the proposition and the Opposition got the opportunity to respond. That has now changed in that there is a second Government slot and a second Sinn Féin slot. In fact, that will continue to be the case. It interrupts the pattern of debate. We can see this since one party with six Deputies, the Labour Party, and another, the Social Democrats, which also has six Deputies, are being treated differently. I really want to continue to object to this.

Several of us were looking for the Dáil to be recalled and I am pleased that it has been. The expectation was that we would be talking about the strategy for dealing with Covid-19. We expected to be talking about the kinds of areas where there are great risks and looking at where there has been a direct and demonstrated impact. The meat industry was one of the issues we would have expected to debate in terms of the work environment, outbreaks and the consequences of the large outbreaks. I talked about that on Leaders' Questions earlier.

It is an irony that we are debating legislation brought forward in an emergency capacity for a sector that is largely closed and for which there is no date for when it will be reopened. That is an irony.

I saw an article in a newspaper over the weekend about an entity that wants to buy up the licences of smaller rural pubs so that it can have a greater degree of input on the off-trade. There will be consequences here and we need to look at those consequences. They are not inconsiderable consequences. We saw a great increase in domestic violence during the lockdown. There is possibly correlation between that and alcohol. Home drinking is far less regulated than drinking in pubs. That is something we should take note of.

I want to begin by saying that process matters. Poor processes can lead to poor outcomes. There are inadequacies in the process relating to this legislation, although I accept in principle that it is needed. We were asked to waive pre-legislative scrutiny on this legislation. Committees are not up and running and it would have taken several weeks before we could have made the arrangements, so it was a practical issue. Anyway, pre-legislative scrutiny really does enhance legislation. It listens to the people who are going to be practically impacted by it. What



we get is practical legislation that is workable because we have had that input. It is regrettable that we have not been in a position to do that, although there is a variety of reasons for that.

Too often legislation is put on the Statute Book that is in force in theory but there is a failure in practice. That is why it is really important that the practical and legal aspects come together. Pre-legislative scrutiny is a relatively recent initiative but when it is done well it can make a real difference. The second failure of process is that this legislation is rushed. Good practice would mean that a Bill is published well in advance and people have time to read and consider it. They would normally have a couple of weeks before it is published and debated, and the Second Stage debate is then about the principle of the legislation. The third failure is the inadequate time between the Second Stage debate and the Committee and Report Stages, which should be two separate stages. Again, this gives time to think, to consider and to consult. The fourth process failure is that there was no regulatory impact assessment, which should be a process where the capacity of those who are to enforce the legislation is considered in detail.

The fifth failure of process is that the legislation is being made by the Minister for Justice and Equality while the regulations are the responsibility of the Minister for Health. We know the regulations have been published and Deputy Howlin has more than gone into the detail of that. What we do not know is what further regulations might be brought forward. While there is a sunset clause, given we know Covid will not end on 9 November, there is every chance this will be recommitted and it will go on for an extended period beyond that. Indeed, there is probably a need for it to do so in order to have a mechanism to deal with a situation where some establishments are not adhering to public health guidelines.

The failure of process diminishes the legislation and it is not a standard we should accept. We are reluctantly accepting it because the committees are not in place due to Covid, but I believe we will come back to some of the points in this legislation due to the fact that process has not been followed.

There is no doubt that a number of restaurants and pubs have not adhered to public health guidelines, although it is a very small number. Those public health guidelines are there for very good reasons. A huge number of people are employed in the pub and restaurant sector and they need to have a framework under which they can work and under which public health can be protected. The lack of any kind of certainty for owners and employees is an added stress. If we are to live with Covid until we have a vaccine, we need to see a chart of how we are going to live with Covid and how sectors of society can be allowed to function, if they can be allowed to function. However, if they cannot, that has to be very clearly stated and there have to be targeted supports.

As I said, we agreed to deal with this legislation reluctantly because of the process issues. With regard to the regulatory impact assessment, I listened to Antoinette Cunningham of the Association of Garda Sergeants and Inspectors on the radio at the weekend. She asked that the Government would review the legislation if it is not working well. That is the kind of retrospective thing we do all the time due to not anticipating problems, and anticipating problems is about process. Ms Cunningham described some of the Covid-19 rules for pubs as difficult to enforce. It will be Garda members who will be required to do that and, indeed, the Minister, Deputy McEntee, outlined a number of potential breaches. I am aware of a number of cases where there was genuine error in regard to whether 15 or 22 people were allowed outside of restaurants when use of the inside area was not permitted, for example, in lockdown areas. I believe those to have been genuine errors and they were immediately rectified. An issue can be

stated to be bigger or more egregious than it is in fact, although we have certainly seen a couple of scenarios where there were very serious breaches.

Ms Cunningham said measures such as the requirement for pubs to serve a substantial €9 meal to patrons were complex to police. Gardaí cannot be there watching when a meal is produced, or watching who eats it, who is at the table and all of that. She asked the Government to consider whether it thought the provisions provided for in legislation were working well. We should not ignore that. Ms Cunningham said that if people say they have had a substantial meal, gardaí have no reason to disbelieve them. Laws cannot be grey; they have to be black or they have to be white. People either break the law or they do not break the law. It is either a case of advising someone to do something, or it is legally permissible. There is no grey area in the middle of that. Ms Cunningham called for the Government to make sure that any new law was practical and enforceable.

Again, this is where we come back to the failure of process. A regulatory impact assessment would have considered this, as would pre-legislative scrutiny. It was originally intended to legislate for gardaí to enter people's homes and, again, Ms Cunningham said that would be fraught with difficulty. I took it that gardaí would be permitted to enter people's homes when it was first announced. I commented on it the following day and the day after that I heard the Minister for Health say the Government was going to ask the Attorney General about it. I would have thought asking the Attorney General would have been done first, so that surprised me.

I do not want to see a situation where the Minister is asked in six months time what has been done and she lists many things but some of them are only there in theory rather than in practice. The point made in regard to the loss of public support and goodwill is incredibly important. It is very important that we continue to have policing by consent, which has stood this country well. Communication is at the core of policing by consent so people know exactly what is legal and what is not legal and it is articulated very clearly to them. The public needs to be educated and engaged on regulations, with enforcement remaining as a last resort. It is crucial that consent is not eroded during a time of crisis but I think there is a real possibility of that.

Garda checks under Operation Navigation in early July found that, of the 2,785 pubs inspected, 26, or 0.9%, had potential breaches. I do not know what the degree of those breaches was, but they were "potential" breaches. The fact it could not be made absolutely clear they were breaches demonstrates the point. Inspections were attempted in 6,830 licensed premises, meaning that only 40% were in business at the time and 60% were not. Obviously, there is no date on the plan to re-open pubs, which makes the discussion around this legislation odd, to say the least. This is the third time the re-opening of pubs has been delayed. There are very real issues in regard to the bank moratorium on pub mortgages that will expire at the end of the month. This is a critical issue in terms of people's jobs, livelihoods and businesses.

The Irish Council for Civil Liberties has welcomed the fact the new laws do not extend to gatherings for house parties and I certainly would not endorse people having house parties that put the public at risk. However, there is a real issue in regard to the constitutionality and proportionality of gardaí enforcing that. It is not part of this legislation and I do not suggest that it is.

On section 4, there is the potential for an administrative error here in that it appears that a report can be done in retrospect. I ask the Minister to clarify the legislation in which there is a precedent for doing this because there is the potential for this to present as a problem. On the

six months' imprisonment, I ask the Minister to comment in her closing statement on the level of breach that would warrant a six month prison sentence because it is a significant sanction.

Section 11 provides for a superintendent to object to the renewal of a licence at a future date based on breaches of the Act. Could that happen in one, five or ten years? It is a unique environment that we are in. What would be the level of breach that would lead to that type of scenario? That would be an important issue into the future. I am particularly interested in hearing the Minister's responses to what are advisory measures and what are laws that are legally enforceable. Deputy Howlin raised many questions in that regard. It is really important that we have clarity on this issue, it being the issue that will determine whether or not we can support this legislation. In theory, we do support it. It is important that the Minister also outlines, given this legislation is being rushed through, if it is being rushed through with a view to having a date on which pubs can reopen with a set of rules or what will be the circumstances under which that will be decided. Will it be exclusively on advice from NPHE? Will it form part of the roadmap? These issues are important. I ask the Minister also to address the issue of the real consequences at the end of the month in regard to mortgages and the six month moratorium. There needs to be a degree of fair play in this area. I have not been engaged with by any publican. There is an understanding that there needs to be fair play and some degree of certainty. If this is part of providing that degree of certainty what else is required such that people will have access to information with which they can work?

**Deputy Neale Richmond:** I welcome the opportunity to address this vital and important Bill. I congratulate Deputy James Browne on his appointment as Minister of State at the Department of Justice and Equality.

There is no doubt that the restrictions of the past few months have required great sacrifice that ultimately resulted in the saving of thousands of lives. The Bill before us provides An Garda Síochána with additional enforcement powers to ensure that bars and restaurants adhere to the guidelines. It is a necessary tool to have in our arsenal to support these restrictions. It will allow the Garda to bring establishments that are flouting the rules into compliance with the regulations to keep all of us safe.

The Garda has been outstanding in its response to this pandemic. Every day we stayed at home to protect ourselves and our families, gardaí were risking their health and safety to protect ours. They have been putting themselves at risk every day that we stayed at home in order to keep us safe. We cannot lose sight of this sacrifice that so many people made for our safety. In light of these sacrifices gardaí must be equipped with the tools to deal with the situation with which they are faced and these regulations give them those tools.

In Ireland we are proud of our tradition of policing by consent. The regulations being introduced are wholly in line with this. Gardaí will engage, educate and encourage business owners to come into compliance with the rules and only as a last resort will these emergency regulations be used. Pubs issued with closure orders will be able to appeal decisions if they believe they have not flouted the rules. I do not imagine that these rules will be used frequently, if ever. I am certain that the vast majority of business owners are responsible and will not allow their businesses to break the regulations and that where a breach of the rules is identified, they will co-operate with the Garda and so closures will not be required. Where this is not the case, the regulations will come into force. These powers are not being introduced to stop anyone from enjoying themselves or to prevent people meeting up with their family and friends, a privilege denied to so many in recent weeks. The main purpose of these rules is to allow socialising and

evenings out but in a manner that is safe and allows businesses to continue to recover and exit what has been an extremely difficult period.

Additionally, we must also be aware of our surroundings. If we find ourselves in a situation where we do not feel that there are adequate safety measures in place we should leave and go somewhere else. I am sure that over the last few weeks we have all had that opportunity. Perhaps we have been allowed remain in a place for a little longer than permitted or we noted a waitress had removed her face mask or others were not adhering to the rules as we understand them. Ultimately, the responsibility lies with us as patrons. If in doubt, head out. We must keep all of these issues at the fore of our discussions. We would all like to see the reopening of every pub. Publicans have suffered greatly from these restrictions and we do not want to see them remain closed for longer than is absolutely necessary. I refer in this regard to publicans not only in rural Ireland but across this country, including in my home constituency of Dublin-Rathdown. I hope that these rules will encourage all publicans to adhere strictly to the regulations which will support the reopening of all pubs when it is safe to do so. Public health must be paramount.

The regulations being introduced are a reasonable and proportional response to the situation at hand. They not only will keep customers safe but also staff who deserve a safe working environment. It is important to point out that these regulations are temporary. They are due to expire on 9 November unless we, the Oireachtas and elected representatives, agree to extend them. The more businesses that adhere to these restrictions the less likely they will need to be extended. There is a chance for all of us to keep playing our part in the fight against Covid-19.

As our economy reopens it is easy to forget the threat this virus poses to our society. However, the virus is no weaker today than it was in March. Covid-19 can do just as much damage to our health, businesses, economy and society now as it could then. We must be vigilant in our fight against Covid-19 and supporting these enforcement powers is one way to do so. Ireland has done great work in suppressing the virus. Currently, we are seeing a rise in cases, as are many other European countries. We do not want to undo all of our hard work and sacrifices from the spring. We do not want to find ourselves in the position of having to take steps backwards in our roadmap. We all must look to previous examples be it in Germany, South Korea or Hong Kong where reopening was followed by spikes in crowded areas such as nightclubs, bars, restaurants and the environments around them. We have to make sure there are enforcement powers in place to ensure these spikes cannot come into play. We also have to ensure that as a country we learn from the examples set by other countries. The stronger the adherence to these restrictions the less likelihood there will be for a backwards move. We must play our part in ensuring that schools and colleges remain open and that businesses remain open or are allowed to reopen in due course. It goes without saying that we would all love our lives to return to normal, for all businesses to reopen and for schools to remain open. However, we cannot ignore the circumstances we are in. We have to adjust. Just because we are sick of this virus and tired of the restrictions and the pandemic does not mean that the virus is tired. We need to be as alert now as we have been over recent months. Through supporting and adhering to the guidelines we can allow some sense of normality to return to our lives. We can go for that dinner or drink, with food for the moment, go shopping and travel the country. Maybe sooner rather than later we will be able to travel to other countries. Let us get our own country in order first. Let us not forget the sacrifices that were made to allow us to get to this point. We must do everything we can to maintain the progress we have made. These are extremely difficult powers which I have no doubt the Minister does not feel any joy in bringing to the House. I know from speak-

ing to many members of An Garda Síochána on a daily basis in my own community and across the country that they never want to have to use these powers. However, they need them as a temporary measure to allow us to smoothly work through this. I go back to a central point that I made in my earlier remarks. The responsibility lies first and foremost not necessarily with the business owners or the politicians but with every single individual in the State. We cannot slip back to normal or take things for granted. I am a politician but I have not shaken a hand in more than six months. It is not necessarily a natural thing for any of us but it is vitally important that we take leadership and ownership because it is that duty of care and self-responsibility that will continue to allow us to progress steadily out of these situations.

**Deputy Patricia Ryan:** Many pubs known as “wet pubs” in south Kildare and north Laois have been closed for almost six months. More than 3,500 wet pubs across the country remain closed. Ireland is the only country in Europe where this is the case. September marks not only the sixth month of closure for wet pubs but also the end of a moratorium on mortgages. This will mark the entry of many pubs into mortgage default and an inevitable slide for some into the oblivion of permanent closure. More needs to be done if these businesses are to be saved. Obviously, we want them to be saved. We need to find a way for our rural pubs in particular to reopen. Many people would have been happier if we had locked down international travel as well as we have locked down the pubs.

The measures contained in this Bill will assist in the eventual reopening of the pubs. Not so for the new employment wage subsidy scheme introduced this week, which has done little to help the already struggling businesses. I know of many publicans in my constituency who have had to let staff go as a direct result of the reduction of the subsidy. This scheme cuts support by 50% for most employees and removes all support for the lowest paid workers. Even low-paid workers make their contribution. If they lose their job, they lose their spending power. Talk about kicking workers and small businesses when they are down. Worse still is the confirmation from Revenue that employers will be waiting up to six weeks to receive payment of payroll subsidies under the revised scheme, placing added pressure on employers and workers. For the most affected sectors and businesses, this will lead to more job losses.

There is a risk of being penny wise but pound foolish. There will be a much more negative impact on the Exchequer if thousands of businesses go under and thousands of workers lose their jobs. It is fast becoming a matter of survival. Small business owners need proper support and not sympathy. I welcome the fact the Government has stepped back from the draconian proposal to allow gardaí to enter people’s homes under this Bill. For many, this was a step too far.

**An Ceann Comhairle:** Deputy Barry appears not to be with us. I call Deputy Carroll MacNeill.

**Deputy Jennifer Carroll MacNeill:** I thank the Minister for bringing this important Bill to the House today. It is not the sort of legislation that anybody wants to have to bring to the House at any time but it is a clearly nuanced, sophisticated and graduated effort to try to effect as much compliance as possible so that we can continue to open our society and our pubs, night-life and entertainment industry. It is a step towards that. I thank the Minister for all the work that needs to go into that. Looking at the Bill, there is the tradition of extended Long Titles that we have seen since the financial emergency measures Bill in 2009, where we can see the effort of the drafters to situate the restrictions that are being imposed in the context of the threat to human life and health and in the threat to our society generally. I refer to all the provisions.



This emergency has arisen and unfortunately we have to introduce these unusual restrictions pertaining to interference in private property, as in 2009, and, now, pertaining to interference in the operation of somebody's lawful business in a licensed premises or registered business. The way in which it is set out really sets the tone for the Bill and for what the Minister, the Department and the Government are trying to achieve, namely, to do everything we can to effect compliance but recognising that what we are having to do is in the context of a genuinely serious and unprecedented emergency.

As Deputy Richmond said, we have had an enormously strong tradition of policing by consent in this country and we have seen how that graduated policing approach has worked well in different contexts. As recently as earlier this year we had the regulation of movement and the extraordinary work by the Garda in our communities trying to monitor, give encouragement to and educate people to try to restrict their movements for the benefit of everybody in society. Between 8 April and 27 June gardaí had more than a million interactions with the public in the context of the operation of those regulations. Out of those interactions they only had to use any of the powers given to them by the House on 320 occasions. It really is an example of the graduated nature of it. I would expect, as the Minister said, that a similar approach will be taken by the police. This Bill is about education and trying to effect compliance. It is a proportionate and reasonable response to the threat that can be posed by people who continue to breach the regulations within pubs or other environments. As the Minister said, this is a step towards perhaps being able to open pubs more broadly, being able to do so safely, and to give the Garda the powers where and if they are needed to be able to effect compliance.

Going through the Bill, I see every effort has been made to approach it in a proportionate way. A bit like other legislation, the Minister was asked at every stage to try to ask for compliance, to give direction, to give advice. It is only where that direction by the Garda is not followed that more draconian measures must and can apply. Even where that is so, they are for short periods, initially of just the rest of the day or into the following morning, with the opportunity for the business to reopen the following day. They are for periods of not more than 72 hours in circumstances where it is more serious and where there has had to be an additional application. Again, it is not about closing down businesses but simply about trying to effect compliance in the moment and at the time to prevent danger to public health and breaches of the regulations.

We can imagine situations in which publicans who are working very hard to give effect to all of the regulations may themselves encounter situations from time to time, through no fault of their own, that become unmanageable or overly difficult, where customers are finding it difficult to comply with the regulations. Publicans may look in certain cases for support from the Garda and without the benefit of these regulations and powers the Garda may not be able to help. It is not about exercising a heavy hand at all but simply being able to give a very firm direction or well-directed nudge towards effective compliance in the interests of public health. It is absolutely necessary.

I want to thank the gardaí as others have done for their work through this period. They have treated people with such respect and dignity in having to make such changes to their lives where they have stopped and educated and provided assistance, where they have provided assistance to people who have needed it quite outside of the operation of these or other regulations. I have been a member of the Special Committee on Covid-19 Response since its establishment and it is clear that people have now gotten to the greatest degree of frustration, even more so than during the lockdown when it was very clear what was necessary and why, and when all of the

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rules were very clear. Over the past number of weeks we have found ourselves at the most difficult phase where we are trying to reopen things and trying to encourage activity. People have, completely understandably, reached the end of their capacity to forgive that in some cases or the edge of their patience in other cases. Perhaps they are just tired of trying to follow the logic or science behind the different decisions that must be made. It is completely understandable how people are personally frustrated.

It is also completely understandable how business is frustrated and people want to get back to normality and having an income stream so they can support their employees and maintain the viability of the business. It is just at this moment, as we have reopened society, we have seen a resurgence. We must do everything we can to manage this difficulty in a nuanced way. It will not be easy. This type of legislation, which is limited, proportionate, graduated and delicate, and which has a built-in sunset clause, is the right approach. I commend the Minister on bringing it to the House and I wish her well with it.

**Deputy Pat Buckley:** I welcome the opportunity to speak to the Bill, which is welcome in the general context but worrying at the same time. The process was very vague to begin with. It was worrying when we got an email from the Oireachtas Library and Research Service indicating it cannot give any information on what was in the Bill because it did not have it.

I see the point in trying to contain and control the spread of Covid-19 but I will raise some matters of balance, fairness and choice. We have congratulated many people on sticking to the regulations and being compliant but there is much anger outside this Chamber. I have spoken to many pensioners whose words to me could not be repeated in this Chamber. They indicated they would not go back into lockdown because they feel let down.

This is emergency legislation and it is being pushed on the basis of urgently ensuring compliance with health and safety measures. I urge the Minister to have a look at how we will deal with industries that have been devastated in this country. I speak specifically about wet pubs. I met a large number of publicans over recent weeks and they feel very aggrieved and let down. There are pensioners who own pubs or bars and who do not receive a Covid-19 payment because they already receive a pension from the Department. They are getting no support. I would like to see more urgency being given to the matter. Banks are not being very supportive to these businesses and insurance companies are behaving in a downright disgraceful manner.

We have heard about the legislative measures this evening. Unfortunately, we should be seeing urgency in regulating meat plants, which currently fall under guidelines rather than legislation. We should also see urgency in sorting out school transport and the issues affecting people with disabilities. Not too long ago it was mentioned that there would be a package of €16.5 million for pubs, and with 2,500 members of the vinters' association, this works out at approximately €6,400 each, which is not going to help anybody.

I welcome the fact that the clause that would enable members of An Garda Síochána to enter people's homes has been removed. I am looking forward to the next Stage of the Bill, when we can get into its content. I wish the Minister luck and I know she is trying to do the right thing. Let us try to do the right thing for everybody here. We must prioritise every part of industry, our health service and our family services. We must think of the mental health of young and older people, as well as families. We must urgently help people who want to help themselves. In that regard I broadly support the Government with this Bill but I would like to see more clarity in its intent and urgency in the other matters I raised.

**Deputy Richard O'Donoghue:** I am taking the slot that was to be given to Deputy Michael Collins.

**An Ceann Comhairle:** The Deputy can take the entire 20 minutes if he so wishes.

**Deputy Richard O'Donoghue:** No. Deputy Mattie McGrath will be in as well. We are discussing the Criminal Justice (Enforcement Powers) (Covid-19) Bill 2020 and a lack of understanding from the Government has brought us to debating this emergency legislation. If the Government had done what we asked it to do at the very start, which was to separate wet pubs from nightclubs, we would not have the problem that it is trying to legislate for today.

In Limerick, 127 wet pubs were closed and 20 pubs reopened that could serve food. In east Limerick there were six pubs and in west Limerick there were 14. There are now 31 pubs open because these extra pubs put in food facilities at their own cost to try to save the business. There are now 22 pubs open in west Limerick and nine open in east Limerick. There are still approximately 100 wet pubs closed. From where I live I would have to travel 15 miles to have a sociable drink. I am not a big drinker but I do like a social occasion where I can meet people.

With a lack of understanding, the Government has sent people from a rural setting to an overpopulated area to have a drink. Basically, they were putting people in line to get Covid-19. A local pub might have ten or 12 people on a weekday and 20 at the weekend, and these people would have stayed in the local area. They would not have had to go anywhere else. However, the Government allowed businesses to open where there was enough footfall to warrant serving food. That was not fair. Again, the Government never thought of rural Ireland. Since the start of this, we have seen how many people in cities broke the rules. If all the pubs were open, people would not need to congregate in the numbers we saw and we would not have the problem of trying to introduce emergency legislation.

I was fully opposed to this Bill earlier but the Government has rowed back as the days have gone on. It now states it will not allow gardaí to enter people's houses, but I do not know if that is the truth. My reading is that the Bill gives power to the Minister to introduce regulations without debate or a vote in the Oireachtas. There must be due process if legislation is to be introduced to the Oireachtas. This cannot solely be down to a Minister. We must debate such matters in the Oireachtas.

I welcome that wet pubs will be allowed to open but the Government caused its problems in the first place by not allowing those pubs to open earlier and treating them in legislation the same way as nightclubs. We saw something similar in nursing homes and respite centres, which were not allowed to open either.

From the very start, the Government has stopped the people in rural Ireland, who have had social distance all their lives, from operating businesses. They have lost everything, including creameries and post offices. Their last option for congregation was the local pub. Older people did not always go for a drink but may have gone for a mineral to meet their neighbours. This Government and its predecessors has taken everything else. They closed down rural Ireland but it is now time to afford equality to the people in rural Ireland. We can see now that all the problems that have arisen since the onset of Covid-19 have been caused by the Government because it would not allow equality between the country and the city. It gave everything to people in cities and large towns because they had footfall and tourist destinations.

*6 o'clock*

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This Government has had no regard whatsoever for people in rural settings. It has driven them to overpopulated areas where they are at greater risk of contracting Covid-19.

**Deputy Danny Healy-Rae:** I am glad to have the opportunity to speak about this very important topic this evening. For the record, I will be voting against this Bill because I can see that what is being put in front of us is not fair or clear. As of yet the Government has published no rules or guidelines for the opening of “wet pubs”, as it is calling the ordinary pubs of rural Ireland. Some two thirds of the pubs in Kerry are still closed, although I am told that two thirds of the pubs in Dublin are open. It is very unfair. There are no clear rules or penalties. If the Government gets this Bill through it will victimise, penalise and criminalise good-living and hard-working publicans who have served our county and our country well since the beginning of the last century.

What has happened is very unfair. We were promised that the pubs would open on 20 July. Then we were promised that they would open on 10 August. They are still not open. Looking back, it is very clear that there was never any intention of allowing them to open because no rules or guidelines for the opening of wet pubs were issued, leaked or distributed in any way. I for one will not give power to a Minister who seems to be solely infatuated with Dublin and the east coast. I will not give him the power to do whatever he likes to these hard-working and good-living people. Gardaí have enough to do without making them go into the homes of honest people. That is totally and absolutely wrong. It is also totally and absolutely wrong of the Government to think we will vote for this Bill when we do not know what the rules and the penalties will be. It is very clear that the Government is being very vague and evasive about this.

Let us return to the publicans of Kerry. The virus is not spreading in the hills, glens and valleys of Kerry. Our number of cases is very low. The pubs that serve food have managed their premises very well, even though only half the pubs are open in places like Killarney. If the crowd could be spread around, there would be a smaller crowd everywhere. I do not know why the Minister cannot see the common sense in that. All of Europe, the North of Ireland and England are open but the honest and hard-working publicans of Ireland, especially rural Ireland, are not allowed to open yet. They are and always have been honest. They have dealt with every situation. Every other business is open. It is very hard for publicans to stomach the Government’s insistence that rural pubs must remain closed.

I must raise another issue that is not connected to this at all. A week ago the Minister for Health said that school buses could only take 50% of the schoolchildren they serve. How is this being managed now? The Department of Education and Skills is not answering phone calls or emails requesting tickets. The Government is managing this by refusing to answer these questions - let students come to school by themselves. If that is the way the Government intends to manage school transport, it is a shame and a disgrace.

**An Ceann Comhairle:** We are moving away from the subject. Can Deputy Healy-Rae give others time to speak?

**Deputy Danny Healy-Rae:** I will return to the subject. There is no difference at all between Fianna Fáil and Fine Gael, or between this Government and the last Government. It does not matter who is behind the wheel. Their agenda is to close down the pubs of rural Ireland. The last Government did it with the help of the former Minister, Shane Ross. We know what it did. Now this Government is at it again. It will not allow honest, hard-working publicans to open their doors to the people, such as the poor man on the side of the hill who has not had a

drink since almost as long ago as Christmas.

**An Ceann Comhairle:** Can the Deputy's poor colleague be allowed to get a word in edgewise?

**Deputy Danny Healy-Rae:** I am sorry.

**Deputy Carol Nolan:** I welcome the important opportunity to speak on this piece of legislation, which I feel is over the top and unnecessary. Some of the major concerns with this Bill have already been outlined by my colleagues in the Rural Independent Group. I wish to echo many of those concerns as a rural Deputy for Laois-Offaly. One of my most significant fears concerning this Bill is that we are entering uncharted territory with a set of legislative proposals that may end up doing irreparable harm to personal freedoms and social cohesion. Indeed, when the Bill was approved by the Government, the extraordinary and exceptional powers it contains were noted. This is not an adequate description of the extent and the reach of the Bill before us. Section 13 grants the Minister for Health powers "to take such additional protective measures as are practicable in order to mitigate those risks and to prevent, limit, minimise or slow the spread of Covid-19 in an effective manner". The vagueness of this language is incredibly dangerous. It can mean anything, and it appears to allow for everything once it is "practicable". Moreover, what does "in an effective manner" really mean in this context? We need much more clarity on this. It is very ominous language.

The Bill states: "Before prescribing regulations under this subsection, the Minister shall consult the Minister for Justice and Equality and any other Minister of the Government as the Minister considers appropriate". If this is meant to address people's concerns, I put it to the Minister that it does no such thing. In reality it is little more than a rubber-stamping exercise. The decisions of the Minister will be free from the kind of wider scrutiny they deserve and require. It is sham accountability. I am seriously concerned about this Bill and its impact.

Many pub and restaurant owners will not be comforted by the Minister's claim that these powers will be temporary and will include several safeguards, such as provisions for the appeal of closure orders. This Bill will only serve to embed the completely unfair and downright shameful attempt to categorise publicans and other business owners as irresponsible people against whom the most exceptional and extraordinary powers must be enacted for all of our protection. This is so wrong. I have seen the lengths to which many business owners and publicans in my constituency of Laois-Offaly have gone. I have seen the responsibility and leadership they have shown.

The Minister, Deputy McEntee, also said that this Bill is in keeping with the graduated policing response adopted to date and will encourage better compliance with Covid-19 regulations on the part of publicans and restaurateurs, in the interest of society as a whole. That is a window into the thinking that is really behind this Bill, the kind of thinking which can only further stigmatise publicans and restaurateurs. I remind the Minister and the Government that our constituency of Laois-Offaly has already been very badly damaged by an unnecessary lockdown. All of our businesses have been affected. This is a step too far.

There are also significant concerns about the erosion of the sovereignty of the family home. In that context, we must reconsider just what will be permitted under this Bill. We must also question its necessity, as I am doing tonight. My own experience as a Deputy for Laois-Offaly is that measures such as these are simply not necessary.



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I conclude by noting that the people of this State, in their homes and in their businesses, have been the real heroes of the Covid-19 crisis. They have shown true leadership but this legislation will make them the villains of the Covid story. We must avoid that at all costs, which is why I will be opposing this ill-conceived Bill.

**Deputy Michael Healy-Rae:** I am grateful for the opportunity to speak on this proposed legislation, which I totally and absolutely oppose. The people in the county I represent, from Cordal to Cahersiveen and from Brosna to Ballinskelligs, are opposed to it. The hard-working publicans who have been denied their right to work are completely opposed to it. This is an attempt by the Government to terrorise, demonise, criminalise and put down the hard-working publicans to whom they have denied the right to work. Governments, health agencies and authorities in other countries in Europe have all seen fit to allow publicans in those countries to open their doors. In this State, for some unknown reason, the hatred which some politicians in the last Government and in this Government have for publicans is coming to the fore. At a time when there are so many other things the Government could be doing, it is bringing this legislation before the House and there are legislators here who will support it.

For what reason is this being done? Publicans' doors are shut but the Government is dreaming up ways of hurting them before they are even allowed to open those doors. Publicans have been pushed around, pulled around and dragged around for so long during this pandemic, one would swear they were the cause of it. The exact opposite is the case. These are responsible people whose businesses are regulated. They go before the courts every 12 months to get their licences renewed, which enables them to continue to operate. I am pleading with the members of the Government to come off their high horses, to leave the publicans alone and to let them do what they are good at, which is running good houses. I wish to declare an interest in this matter through a connected person, namely, my brother, who has run a good public house for many decades. I hope he and all the other people like him will be allowed the opportunity to continue doing what they are good at, which is giving out drink to their customers in a regulated way.

The Government seems to think this issue is the one it should be concentrating on and that bringing this legislation through is the only thing it should be doing. Is there any hope in the world that it might think about travel agents, whose businesses are falling down around their ears as they do everything they can to take care of their customers? Will the Government think about doing something for them? Would it think about complying with the pledge it gave on 26 June regarding the proposal to proceed with the Shannon LNG facility, a pledge on which it subsequently rowed back at the request of the Green Party? Is there any chance the Government might honour its commitment to establish an Exchequer-funded task force to examine this issue? Will it now agree to honour the promise it made to the people of Kerry, Limerick and west Clare in respect of the Shannon LNG facility? Then again, it would probably break such a promise in the same way the promise made by members of this Government during the election was broken immediately when the Green Party asked that it be done.

Is there any chance the Government might think of the parents who have been contacting me to say their children cannot get a place on the school bus because the Government, in its infinite wisdom, has reduced capacity from 100% to 50% and stopped dealing with the people who are looking to pay their fees and get a seat for their child on a bus? I want to compliment the people involved in the provision of school transport in Kerry, including the bus inspectors and bus drivers, who have always done an excellent job. The current situation is not their fault. It was the Government and the Department which decided at the last minute, after letting months and months go by, to cut capacity to 50% and leave parents and students high and dry on the

side of the road with no way of getting to school. Would the Government ever start thinking about things like that?

Before it proceeds to take this legislation through the House, will the Government think of the hard-working members of An Garda Síochána? Members of Garda management will tell one readily that they have enough to be doing and they do not need legislators coming in here dreaming up airy-fairy ways of penalising publicans and expecting gardaí to go out and implement those measures. They have enough to be getting on with and they are doing their level best. I am speaking for the gardaí in County Kerry who have always represented us and done their job in an excellent and hard-working fashion. I commend each and every one of them but God knows they have enough to be doing without legislators coming in here for a couple of days to pass these measures.

This legislation is fundamentally wrong because it is attacking a sector of society whose members have genuinely worked hard and are taxpayers and revenue collectors. They are under the thumb of Revenue, collecting VAT and excise duty on a monthly basis for the Exchequer. What thanks do they get for it? They are being penalised, criminalised and demonised for no good reason, health-wise or any other wise. Where is the health and medical evidence which proves that if our pubs were allowed to open, it would do one scintilla of harm to any man, woman or child in this State?

**Deputy Denis Naughten:** I am sharing time with Deputy Canney. I apologise to the Ceann Comhairle for my error in regard to the scheduling of speaking times.

It is really disappointing that such draconian laws need to be brought in to deal with a small handful of irresponsible proprietors of so-called restaurants and gastropubs. These premises are supposed to be operating on the basis of serving alcohol with food rather than putting a €9 plate of cold sausages on a table to justify allowing people to drink all night. It reminds me of discussions we had in this House in the past relating to the definition of the “substantial meal” that was required to be offered in nightclubs to allow them to serve a late drink. Of course, the issue we are dealing with now is not about circumventing the liquor laws in this country but circumventing laws that could be the difference between life and death in the communities in which the premises in question operate. As a consequence of a small number of irresponsible proprietors having taken the law into their own hands, we must give the Garda additional powers to clamp down on those rogue operators. Unfortunately, gardaí have found themselves hamstrung in their efforts to deal with the irresponsible few.

Speaking of the irresponsible few, this legislation is silent on the issue of house parties. On 19 March, I specifically raised the issue of house parties in the context of legislation that was before the House at that time. Some people were sniggering in response to the genuine concern I expressed that gardaí would need the power to shut down such parties due to the threat they posed in terms of the spread of Covid. I pointed out that while there was not an issue at that particular point in time, my fear was that over the months ahead - I made the point that we would be dealing with Covid-19 for months if not years - the risk of infection associated with house parties could become a significant problem. I sought at the time to ensure there was clarity in the law that was being brought forward by then Minister for Health, Deputy Harris, and that this issue would be addressed.

Every citizen in this country has made Trojan efforts, individually and within their communities, to stop the initial spread of Covid-19. The irresponsible handful of people in com-

munities throughout the country, including in several cities, are now potentially facilitating a second surge of the virus. That cannot be allowed to happen. I highlighted that point to the then Minister for Health in March. He told me in the House that his officials were satisfied that the power was within the existing legislation to cover the issue of house parties as well as that of public houses and restaurants.

Some Deputies have argued that the Garda does not want these particular powers. As a representative of the most rural constituency in the country, I know that the Garda needs those powers and that gardaí are asking for the powers because they believe it is the only way that they can deal with those who are acting without any regard for public health or the long-term sustainability of their own business or community. The irresponsible few are putting the lives of people in their communities at risk, especially older people, and they are risking a new lockdown on their county. All one needs to do to realise that is to look at what happened in counties Laois, Offaly and Kildare.

These are draconian powers and I am concerned by the scale of the powers that are in the legislation. The powers that are being introduced are very broad-ranging. For example, the definition of Covid-19 in the legislation relates not just to the current disease that we are managing but also to any variant of the disease so specified as an infectious disease in the health regulations. These variants could be around for the next decade and, as such, the legislation could be available and on the Statute Book for a considerable time. It is imperative that the powers be time limited and they must be kept under constant review. That is why I ask the Minister to look again at section 17 before Committee and Report Stages tomorrow. Section 17(3) provides that the Act will continue in operation for two months, until 9 November. However, the caveat to that is that it can be extended indefinitely on a further resolution of this House. I want an assurance from the Minister that it will only be extended on a two-monthly basis and that there will be a discussion and justification on each occasion that it is renewed. That is required because of the scale of these powers which, sadly and unfortunately, I believe are necessary today.

However, if we are clamping down on rogue establishments, we need to relax the regulations in areas where there is a low risk of infection. The rules need to be proportionate but that is not currently the case. Not one person resident in County Leitrim has been infected with Covid-19 or tested positive for it in the past 29 days. Why is County Leitrim subject to the exact same rules as the city of Dublin where a second surge is beginning to bubble? There is no justification for that. The Government is very anxious to bring in draconian powers and it enforced lockdowns in counties Kildare, Laois and Offaly, but why has there not been a similar commitment to relaxing the regulations in parts of the country where there is no Covid-19 problem? In the past six weeks, there have been two positive cases in County Leitrim. How can the continued lockdown of that county be justified? I do not believe it can.

The Government has put more time and effort into clamping down on rogue operators than into coming up with solutions to open up the majority of pubs that are still closed. There is no justification whatsoever for the continued closure of pubs in rural locations. The issue in terms of Covid-19 has consistently been in cities. I accept there has been an anomaly in respect of meat plants, an issue that I raised in the House consistently during the two months prior to the appointment of the Government. I was criticised in the House and outside it for continuing to focus on the issue of meat plants. Sadly, I have been proven correct and the neglect in dealing with the meat and food processing facilities did, as I feared, lead to a resurgence of the virus. Unfortunately, the people of Laois, Offaly and Kildare have suffered the consequences of that resurgence.

We must be proportionate. The members of the Regional Group will support the Bill, but we want the Government to bring the same level of vigour to relaxing the regulations in parts of the country where there is not a problem. On 19 April, I called for proportionate measures and a consideration of variation in the regulations. The amount of abuse I received online for making such a suggestion at that time was absolutely horrendous, but I still believe that we should be looking at restrictions that are proportionate to the level of infection in various parts of the country. I am disappointed that, to date, the Government has not considered an easing of the regulations and restrictions in parts of the country where there is no Covid-19 problem.

That said, the Bill, which focuses on the liquor licensing laws as they relate to restaurants and gastropubs, ignores the issue of dealing with the very small number of irresponsible employers. Earlier this evening, all Deputies received an email from the Migrant Rights Centre Ireland. The email quoted an employee who was told that if workers in a particular company complained about the Covid-19 standards in the company, it would get another plane load of workers to take their place. That is the approach taken by some employers and HR departments to workers in factories, according to the Migrant Rights Centre Ireland. Such behaviour is irresponsible in the context of the spread of Covid-19 in meat plants and the employers' own communities, but it is also irresponsible in the context of importing further Covid-19 infection into this country. We need to deal with the handful of employers who have complete disregard for the Covid restrictions and protections that should be normally in place in workplaces. I find it very surprising that such irresponsible behaviour has occurred, but we have seen it with regard to meat plants.

I accept that the management of Covid-19 in meat plants is very difficult because the employees must work closely together in a cold and noisy environment where the workers must shout to make themselves heard. Like crèches, where children are divided into bubbles, and schools, where children are segregated into classes, employers in the meat industry were advised last April to segregate employees. They were advised to bring in multiple shifts to avoid having large numbers of staff on the factory floor at the same time and to ensure that employees who live together, work together. Implementing those recommendations takes a bit of initiative and work, but it minimises the scale of infection when Covid-19 gets into meat plants, which it will. We will have further infection now, as we screen the 50,000 employees across our meat and food sectors. No doubt we will have further positive numbers in those plants but we should be trying to keep those numbers in each plant at single digits and not running into double, and sadly sometimes treble, figures. There is no justification whatsoever for the latter in any operation in this country.

**Deputy Seán Canney:** Following on from Deputy Naughten, the first point I will make is that the Bill is being introduced on the basis that the country needs it and everyone in this country is at risk. The measures are severe, but I accept the view that the Garda needs to have this power to enforce the law to protect us all. I have spoken to some of the gardaí about how they have been handicapped in their work to date and I welcome that this legislation is being brought in to protect our children, our elderly and ourselves.

Most important, we need to address the fact that this legislation needs to have an end date or sunset clause. We need to make sure that the legislation is reviewed within this House on an ongoing basis.

This morning I listened to the Claire Byrne show and the Minister, Deputy McEntee, was speaking on it in relation to the Bill. Something the Minister alluded to is the fact that this leg-

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islation will set a pathway by which pubs will open. I am not so sure if it is definite that is what will happen but I will say that the pubs have been treated rather shabbily by this Government. The pubs to which I refer are the pubs in rural areas in Galway East which are small family businesses. They are run by parents and family. They have no income right now. I know of one particular pub in a rural area which has been threatened with having its electricity cut off because the owner cannot afford to pay the ESB bill to keep the place warm, to keep everything right in it and keep fridges working, etc. The publican has put money into buying stock where he has now credit with the drinks companies but he does not have cash in his hand. This is the scenario at present.

If we are to be fair to everybody and offer parity to all businesses, this Bill is being set out as something for the Garda to monitor pubs and the pubs do not need monitoring because they are not open. We have made mistakes in how we have gone about the reopening of our economy. That is fine because we are doing it for the first time ever but, right now, we need to look at the pubs. We need to give them clear direction. We should not be giving publicans a nod and a wink to the effect that this legislation may help to get the pubs open. We need to make a definite statement about the pubs. We need to make sure that the pubs are opened and the legislation is here to make sure that they comply.

I would imagine most people would say that a pub with a licence run by a family for generations is a safer place to have a drink than a house party where we cannot bring in legislation to control it. In the treatment of pubs, we have made the mistake of creating so-called “wet pub”.

There are many pubs in Ireland which could be open today which could offer social gatherings for people who need to have social interaction. We can open such pubs without fear or favour because we know that the publicans will make sure that they are run in a proper manner.

While this legislation is necessary and I support it, we need a sunset clause on it and a mechanism by which we come back in here to challenge it before it is renewed.

Lastly, I would ask the Minister to bring back to the Cabinet the fact that the pubs need direction now and if they do not get that, they need to get a proper support package of funding to keep their owners and their families fed while they are in lockdown. It is wrong the way we have treated them where we have strung them along over the past six months. It is important that we make a clear statement immediately when this Bill is put in place that the path is now clear for the pubs to open in a way that we know they can work. That needs to be done without any further hesitation. Publicans are going from day to day and week to week not knowing what they will do. Some of them have staff and cannot tell them what they will be doing next week or the week after. It is unfair. They are credible business people who truly need to be treated fairly like everybody else.

**Deputy John Lahart:** The Ceann Comhairle included me in those who were late. I do not believe I was late. I think I was on time. If previous speakers some of whom had bleated quite loudly earlier about speaking time had shown up, I was very much on time.

There is a question here of the trust of Government. It may sound trite enough to say - there is so much perceived mistrust of politicians or whatever - but I think the public to date has been well served by its Government in the face what is the first global pandemic in a century. Sometimes we lose sight of that - the extraordinary times in which we live calling for extraordinary measures which are taken in real time within which there may be the occasional glitch - because



we are dealing in real time.

These temporary measures have my wholehearted support. I want to set that out straight, in part to set out my position in relation to the legislation which I support as it makes sense to me in these extraordinary times but also to allow me make a couple of points, not of criticism but critical in relation to the measures that are being put forward by the Government.

It is unfortunate, if one is a publican who abides by the law and whose employees abide by the law and who might be watching now, that he or she sees us discussing, in relation to his or her livelihood and business, legislation, entitled the Criminal Justice (Enforcement Powers) (Covid-19) Bill 2020, implying, as that title does, that there is widespread breach and wholesale disregard for the public health laws, and, of course, this is not the case.

We ask why are these laws temporarily needed, and it has been covered by Deputies. There is no point in rehearsing it in detail. It is because there has been a number of breaches by irresponsible premises owners which has had cause to bring the entire licensed trade business into disrepute. That is unfortunate.

I think of my own constituency, for example. I would have liaised with the Garda superintendent in my constituency over the period of the closures and when the food pubs were allowed to open. There are 40 to 45 licensed premises in my constituency. There were three breaches. One premises caused a double breach. Therefore, two premises out of those 45 caused breaches. The others were broadly in compliance. In fact, the superintendent - I am not speaking as his spokesperson but referring to the conversation we had at that time - referred to how positive publicans were when the gardaí come in to inspect and how reassured also that patrons were that the gardaí were checking on the premises.

It is worth saying that while the previous Government had a monumental task in relation to the lockdown, it was a clear-cut binary task. We threw the off switch. Unlocking from a lockdown was always going to be much more difficult and much more arduous and be faced with much more opposition. However, it is such a basic point, but we are living in the midst of a pandemic. People might have thought it would be over by now - clearly, we know it is not. During the short recess, I read a book on the Spanish flu in Ireland which had three phases: it arrived, there was a spike in November, and again in March and April and then, thankfully, it disappeared. We are starting to realise that there will be surges and spikes but we have done a really incredible job in unlocking the bulk of the economy during that period.

Hospitality has suffered in particular. Why is there an issue about wet pubs? NPHEP gives daily briefings but not everyone has access to those which means they need to communicate more and more that when people have a few drinks on them, they relax a little and become more convivial. NPHEP says there is evidence to suggest that protocols begin to break down, that 2 m become 1 m and less than that. Another significant factor is voices being raised. As Professor Luke O'Neill said six months ago, people raise their voices and shout as they become more relaxed and boisterous. This relates to any gathering, even on the sidelines of pitches. However, one must read the NPHEP rules to really know this. It is something that needs to be repeatedly re-emphasised.

Previous speakers have spoken of pubs in rural Ireland. They are trying to have a divisive debate, as usual. There are publicans in Dublin city and county whom the regulations have cost thousands of euro by requiring them to keep their pubs shut. Their employees now face a reduc-

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tion in their weekly incomes, having done weeks of online courses produced by the Licensed Vintners Association and the Vintners Federation of Ireland on Covid, as well as health and safety training and Fáilte Ireland courses. These are incredibly well trained and equipped staff who are trained to the gills in how to deal with customers when pubs open.

I am hopeful that when these temporary powers come to be reviewed, those who breached the guidelines may have been caught and punished. One of the things I like in the guidelines is that if a pub is closed temporarily or in an emergency way, a notice will be put up outside informing the public of the reasons it has been closed temporarily. The public will know that the gardaí are saying that the pub has been behaving in an irresponsible manner. We might then be left with the public houses that are behaving in a responsible manner. We might then be in a stronger position to provide the roadmap that I know the publicans in my constituency and their employees are seeking. They are longing to know that there may be a date beyond which it will be safe to open. If we implement these rules, and this legislation must be passed, the public will know that rogue traders will be punished. Publicans will know that if they behave in a certain manner, they will be punished and may have to close for a day or three days, their licence may be under review and they may face other sanctions such as fines. The public may eventually have confidence that the pubs which are open are safe to use. At that point, I hope we might be able to look at opening the other pubs. Pubs are not just about drink. They are a sanctuary, a social place and a meeting place where people - particularly, but not exclusively, men - can go out with their friends to talk about things and make connections. We have lost that in society necessarily. I strongly support these temporary measures which are very much required.

**An Ceann Comhairle:** I now call Deputy Gould who has three minutes.

**Deputy Thomas Gould:** House parties have been a particular issue in Cork on an ongoing basis. They are having a negative effect on neighbourhoods and communities. This did not begin during Covid. The communities of Magazine Road, College Road and Connaught Avenue and surrounding areas of Cork have been negatively affected by house parties for years, but it has got particularly bad during the lockdown and the Covid crisis where there have been parties night after night. People who are self-isolating and cocooning, following the guidelines and doing everything right are living in fear because of what the house parties and the people next door are bringing to their communities. Will the Government liaise with these communities and the gardaí to see what we can put in place for their protection? It has to stop. It has been going on for years and we must call an end to it now to protect these vulnerable people, their families and communities.

I will support the Bill because we need to stick together to support the guidelines and the medical advice. It is crucial that it contains the 9 November sunset clause because these kinds of laws cannot be ongoing. They must be short, sharp and to the point. The Government needs to do more to get its messaging clear and to show leadership. Many people are confused. There have been conflicting statements. As is the case with sporting events, 12-stop meetings like AA and gamblers anonymous meetings are not allowed to operate even though they are vital services for people in recovery. People are worried about flights in and out of the country and about testing and tracing. The Government needs to show leadership and let people know it understands and is working for everyone together.

Today we are in the Convention Centre. My two daughters went into school classrooms this morning. How can we justify the expenditure on a building like this when Leinster House is empty? We have to make a decision to go back. If people can go to work and children can go

to school, how can we be here in this big auditorium with all the space between us when Leinster House is idle? The money we are spending here could be spent on healthcare or schools or generally better spent.

I met publicans in Cork. I know the vintners there and they need support. I call on the Government, if the health advice allows it, to open the pubs. I trust the vintners and publicans. I know many of them personally. These family-run businesses need support. They are the last businesses in Ireland which remain closed and it does not seem fair.

**An Ceann Comhairle:** For the Deputy's information, on the day we adjourned the Business Committee spent several hours considering the circumstances of the continued use of the Convention Centre and the desire of most of us to return to Leinster House. We had briefings from the health services, NPHE and our health and safety consultants. Having heard those briefings, no one was prepared to propose a return to Leinster House except for non-voting days. We will consider those matters again tomorrow and it will be interesting to see whether the mind set has changed.

Deputy Murnane O'Connor is next and she has seven minutes.

**Deputy Jennifer Murnane O'Connor:** Communication is the key here. The guidelines and any subsequent law must be enforceable. While the majority of establishments and people have played by the rules, unfortunately some have not. The gardaí have much to enforce now. I am not sure they can catch every offender with a pizza slice and a few pints. The message should have been that everyone with a food licence may operate as a restaurant, with the meal the main attraction rather than a loophole. That kind of rule breaking may result in many of our small family pubs which want to do the right thing being put out of business. Many restaurants have operated really well and some have been victims of cruel online rumours about cases and contamination but they have abided by the rules and kept people safe. We need to support those people. I recommend that a way be found that concerned citizens or business people on the ground who see wrong being done can be given the mechanism to file a complaint which can be investigated. We cannot have our local gardaí responding to every complaint or to be everywhere, as we simply do not have the resources. Something like a submission system like that used for planning could be useful here where the public can raise their concerns and have them adjudicated upon.

I welcome the removal from this Bill of the power to enforce the regulation of house parties. It is not in the law but is still an issue that we have not got the messaging right on. There is still a lot of confusion with people out there. Some people have the sense that the term house party is a boozing late night gathering with young adults crammed into rental properties. It can actually be a family gathering to remember a loved one, a celebration of a birth or a communion, a milestone birthday, or a book club that meets perhaps every so often in their local community for a bit of dinner, a glass of wine or even cups of tea. We need to communicate in a better way and to choose our words wisely. When a makeshift bar in a local garden becomes the replacement for a local pub or a family gathers for a small wedding, people need to know which one is breaking the rules, because at this moment everyone is confused.

We come from a history of darkness associated with the authority entering people's homes. We cannot shake that no matter how enlightened we become and there is always confusion on this point. We need to be absolutely clear with An Garda when it comes to people having house parties about what we are ruling on and what we are not. I suggest an application system

whereby homeowners would outline their plans, the square footage of their home or garden, and the measures they are taking for public health. This might be one way of allowing things like small weddings in people's large rural gardens or wakes to go ahead in the full knowledge of the local authorities. This might stop everyone from losing the run of themselves and reporting things to the Garda that it cannot do anything about.

Irish people have been amazing and have complied with very difficult and confusing recommendations. Can we give them the benefit of the doubt without having to resort to draconian measures? I am happy to know that these powers are limited and specific. We must, however, ensure that we can enforce these laws. I am deeply concerned to hear anecdotally of the isolation of those travelling in from non-green list countries not being enforced. In fact, there is nobody really checking to see if people are restricting their movements. While cases of travel-related Covid-19 might be dealt with in law, if people see others flouting the law, they will not stick with us. Simply put, with these powers there has to be enforcement and consequences or we will lose these people altogether.

I heard the Minister speaking on the radio today about this legislation and I will be supporting it as it is very good legislation. I return to the issue of the wet pubs, and the Minister spoke about their reopening. It is 170 days since wet pubs were last open. I have spoken to many vintners. There are families that are absolutely devastated. In rural towns and counties the pub is the life and soul of the town itself. These are controlled environments and are normally family pubs that would not break any laws, yet they are the only businesses not being allowed to open. It is not acceptable.

I have spoken to the Minister for Health several times about the wet pub operators feeling disheartened, let down, and that this Government has not been looking after them. Going forward, while I understand we need to work with health and safety, we also need to look at reopening these wet pubs. If we do not, many of them may not even survive to reopen again, which would be my greatest concern. We need to ensure that we come to them quickly with an answer by working through NPHE and the health professionals to give them a map and timescale. We need to let them know that we are looking at this now. I am aware that applications are open now for the €16 million funding that was allocated, but that is not going to keep pubs open. Will the Minister, when speaking to all the other Ministers in the Cabinet, including the Minister for Health, Deputy Donnelly, and NPHE, make the same point that all of the Deputies here have been making, which is that we need to get our wet pubs open?

This is good legislation. The only thing I always have concerns about is whether we have enough gardaí to enforce everything. This is important because the people of Ireland and worldwide have experienced such changes to their whole lives. Children are back to school now in a whole different world. The least we can do is to communicate in a better way and give more information. If we do that, we will give people far more breathing space and they will be far more relieved. We need to communicate and there is a significant barrier to this communication.

**An Ceann Comhairle:** We move next to Deputy David Cullinane and then to Deputy Conolly and her colleagues.

**Deputy David Cullinane:** I thank the Ceann Comhairle. I will be supporting this Bill, and as previous speakers have said, I would not be supporting it if the sunset clause was not in it. The Minister herself acknowledged that it is not desirable that we would have to bring in emer-

agency legislation to deal with these situations. We must, however, go back to first principles. The public health guidelines are drafted by experts, clinicians and people who better understand the virus than I and the vast majority of people in this Chamber do, and they do this to keep us safe and to shape the decisions that we make here in this Chamber but also the decisions made in the Cabinet when it meets. These regulations come from the public health guidelines. We saw with the meat plants and in other areas regarding the back-to-work protocols that if these are not enforced, they are not worth the paper they are written on. We need enforcement and the enforcement agency in this case is An Garda Síochána.

It is also important to point out that that the vast majority of pubs and restaurants have been highly compliant. The vast majority of people going into pubs and restaurants have also been very compliant. Sometimes the bad news stories of the very tiny number of breaches are the ones that unfortunately make the headlines and go viral on social media for understandable reasons. These are a small minority. It is important that An Garda Síochána have the tools to be able to enforce the guidelines that we in this House put in place. That is An Garda's job which we have to allow it to do.

It is important that we do not conflate issues. I listened very carefully to those who argued that rural and so-called wet pubs should be open. I support that as best we can within the public health guidelines and we should open those pubs and support those publicans who have not been able to open for a long time. This Bill, however, is not about this but is about enforcing the guidelines for those businesses that are open and are in flagrant breach of the guidelines. We need a common-sense approach and a proportionate response here by both An Garda Síochána and politicians. That is what I want to see arising from this legislation. This sunset clause is very important because these emergency powers will have to cease. They can only be there for as long as they are necessary.

This virus is looking for weakness. It is highly contagious and dangerous. People get very sick from it and we need to be very conscious of that as we make decisions like the ones we are making here today. It is not desirable that we are bringing forward this Bill, but regrettably it is necessary because of the behaviour of a tiny number of public houses and restaurant owners.

**An Ceann Comhairle:** Deputy Connolly is sharing time with Deputy Joan Collins.

**Deputy Catherine Connolly:** Gabhaim buíochas leis an gCeann Comhairle. I welcome the opportunity to participate in this debate. I have read all of the documentation and have taken the trouble to read the reports of the Policing Authority, which is now on its sixth report, not to talk about the other reports that the authority has produced. The Minister in her speech said that this is short and relatively simple legislation. I would not agree that it is simple in any sense of the word. It has the most serious consequences and implications for rights and for the pubs in question.

The advantage of speaking towards the end of the first round is that I get a chance to listen to all of the other contributions. I could not possibly improve on the speeches given by Deputies Howlin and Catherine Murphy.

*7 o'clock*

I do not know how they can go from the two wonderful speeches that they made to supporting the legislation. I certainly could not do any better than Deputy Murphy in highlighting the defective process from start to finish, including having no pre-legislative scrutiny and no



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regulatory impact analysis. Deputy Howlin has gone through the legislation and shown how faulty it is in not setting out the offences in a criminal justice Bill of this nature. I have the most serious reservations about this Bill, both with the manner it has been brought before us and with regard to what evidence there is to support such draconian powers.

I was part of the consensus in this Dáil from the start in supporting each emergency Bill that came before us. Like my colleagues, I took the trouble of reading the legislation on every occasion and there were very good parts to some of the legislation, including the temporary wage subsidy scheme, the pandemic unemployment payment and many other good things. Side by side with that were draconian powers regarding committing somebody to a mental health institution. They have serious implications. I gave my support to all that legislation for the common good and I realise the threat that this virus poses to the common good in Ireland. I have come to the point where I can no longer do that having read this legislation.

The Garda receives almost universal praise, and rightly so, for the way members of the force have dealt with the public. The public also deserve our praise. They have tried their best to comply with all the various rules and regulations that we brought out, that were contradictory more often than not. We advised those over 70 to stay in and made them feel that they had no choice about that, but that was never accurate at all, and there were many other contradictions. They and the Garda deserve our praise.

The Policing Authority repeats that praise in its sixth report, which I looked at. Reviewing the previous reports, a number of elements stand out as being of enduring importance. They are significant in themselves but have significant potential implications for future public policy and policing. This is of course the extent and the quality of the service provided throughout the country by the Garda Síochána. It has been immensely important in bringing the community through this difficult time. It goes on to talk about the extraordinary response from the people in their appreciation of Garda work. Page 8 of that report talks about the comfort and confidence that the Garda presence has brought to communities, and states that it is functioning as an anchor. Another part of the report talks about that being a blueprint for future community policing. I could not disagree with any of it.

Remember that this new image for the Garda has followed the most recent report from Mr. Justice Peter Charleton, a former Supreme Court judge. In that report, he told us about the importance of the visibility of gardaí, how gardaí should stand proudly in their uniform and put loyalty to the common good ahead of loyalty to the force. Gardaí got the chance to do that during Covid and have risen to the challenge, and I praise them. However, we have put them in an increasingly difficult position, asking them to go into pubs to check whether people have been eating a substantial meal. We have built in hypocrisy and deception and I could not possibly continue to give that type of role to the Garda Síochána.

I want to build on the trust and the confidence that the Garda has given back to the people. We should do that by recognising that we have a problem with the continued closure of all our pubs. I thank the Oireachtas Library and Research Service for its note. Given the speed with which the Bill has progressed, it did not have time to do a proper digest. I see nothing in it that tells me the consequences for public health of going into a pub if one is complying with regulations.

I see no connection between actual breaches and public health problems in the Policing Authority report. The Policing Authority refers to 165 potential breaches, not to breaches. Its

report outlines the powers that the Garda already has. There are five powers which I will not go into. One is the power of arrest. This is its sixth report. It has repeatedly asked the top management of the Garda, with no reflection on gardaí on the ground, for a disaggregation or a breakdown of how those five powers have been used. There have been 353 breaches generally. How have the five powers been used? As of the sixth report, we still do not know that. Surely that would be the most basic information or evidence that the Department and Minister should have if they are going to increase Garda powers? Surely we should know the problems on the ground and how existing powers have been used? Five are listed. Has one been used more often than the other? Has No. 4 used? Have none of them been used? Surely that should guide us when we go to bring in more draconian legislation.

I despair that we are back for the first day and are talking about extra powers for the Garda with no evidence of a need for that draconian legislation, with all the pitfalls that Deputies Howlin and Murphy have outlined. We are not talking about the increase in domestic violence or the Government's actions in providing extra refuges for women, children and men, on occasion, who are the subject of domestic violence. There is no plan relating to opening up the pubs that are closed. In Galway city, many pubs remain closed and people are losing their livelihoods. It is disingenuous to tie in this legislation with the promise of opening the pubs in future. This legislation has no bearing on the closure of those pubs and it is an insult to say that if we pass this legislation and they are good boys and girls, we will allow them to open their pubs. That is no way to treat people whose livelihoods have been deeply affected by the closure of the pubs with no rationale behind it.

I have no difficulty with guidelines and I think most people have no problems. There is a problem with the contradiction and internal inconsistency, and then what happened in Clifden. People apologised, and rightly so, but this is not about apologies or mistakes. We are all far from perfect. The day we go down the route of expecting politicians to be perfect, we will be in serious trouble. This is not about mistakes or apologies but about a vulgar sense of entitlement in Clifden. Commentators who tell us that we have gone too far, and that they have apologised and we should forget about it, have missed the point that this was a vulgar display of arrogance and entitlement. It contradicted the messages that we have been given for six months. On that basis, I have serious difficulties. I will reflect on it but this is no way to bring legislation of this nature before us. There has been no pre-legislative scrutiny or referral to the Policing Authority reports, and there has been no disaggregation of when the five powers in existence have been used.

**Deputy Joan Collins:** The overwhelming majority of people have behaved responsibly in combating this deadly virus because people know what it means and what it is. Before the restrictions came in, older people and people with respiratory illnesses were staying in their homes because they knew that was the right thing to do. They did not have to be told in many instances and that was commented on in the lead-up to those restrictions. There is a minority who have blatantly disregarded the restrictions. I make this point because it leads in to the fact that this Government has to be very clear on what we are asking people to do. People must be very clear in that communication exactly what has to be done.

A demonstration happened in Dublin two weeks ago where social distancing and the wearing of masks were deliberately and blatantly disregarded. The people and the groups who organised this were extremely irresponsible. Many people have quite understandable concerns about the State intervening in their lives, about surveillance and about big pharma and its greed for profits. People are hugely concerned about radiation and mobile phone masts and there are

questions around people's health. The media has a role to play here. The "golfgate" event in Clifden was just unbelievable where there were Government politicians, a judge, bankers, an ambassador and others in privileged positions. My colleague, Deputy Catherine Connolly, put it right when she said it was vulgar in the sense of "We can do it because we can, we always do this anyway, it is our little golden circle and we will not be stopped". These people, who are supposed to be intelligent, thought they could walk into a room such as that, knowing the background and knowing the revelations around the virus as discussed in this House. Only the day previously a Minister had said that the virus knows how to party and then he was at a party the following night. It beggars belief. All of these things have really upset people and made them very angry. These fears are, unfortunately, being exploited not just by conspiracy theorists - even though some of those conspiracies are over the top - but also by extremely dangerous forces in the background who use the pandemic to spread their poisonous ideology. It is preposterous to see neo-Nazis and fascists pretending to be concerned about people's civil liberties. I emphasise that these are just small groups who utilise it, but if we are not careful about communicating around what should be done and what can be done safely we will potentially open up a space for that type of ideology to try to spread. I raise this issue because it is important to have balance and care in imposing restrictions and how they are imposed, including clear explanations for why they are necessary. We need to ensure that such people do not gain any support or foothold in our society.

On the proposed legislation, I will note two points. First, there is the report from An Garda Síochána on the 165 potential breaches of the regulations by bars and restaurants in July to 7 August. We have not been told what those breaches are. Garda representatives have said there needs to be caution around what is actually practical to police. This important point was made on the radio over the weekend. The regulations must be practical for the Garda to police. Policing in Ireland has the Criminal Justice (Public Order) Act, which can cover a vast range of issues. A garda can ask a person to do something because the person is in breach of the Act and if the person does not do it then he or she can be arrested. That covers nearly everything. For example, one is not supposed to carry a beer down the street in public. A garda can challenge a person on that. Normally they do not because the gardaí have a bit of sense about them and try to deal with such situations consensually and by working with communities.

Second, bars and restaurants, and the owners who are flouting the regulations, need to be shut down and their licences withdrawn. If this legislation is the only way to do it then I support it, but with a reservation that it puts pressure on a garda to have to decide if and how regulations have been broken. I put it to the Minister that there must be a clear outline of what are the regulations. We know about the physical distancing - I do not call it social distancing - and we are aware of mask wearing. The regulations include making sure spaces are clear, clean and wiped down and that venues take names and contact numbers of people who come in, which enables track and trace. These are the types of regulations we have. If these are not being abided by then a premises should be closed down.

On the issue of wet bars, there are many retired people in our communities, in the cities and in rural areas, who live alone. Generally they may have visited a pub in the afternoon or early evening for a few quiet pints and to have a chat. It is important that this social contact and outlet is preserved. People need that contact. Surely NPHET and the Government can come up with a plan to facilitate these premises, perhaps to allow wet bars to open for a few hours to accommodate these people only. Maybe there are other ways to deal with this whereby those bars could open and close at certain hours. I believe the problem occurs when one combines the associa-

tion of people meeting up and drink. That is when the barriers come down. I was talking with my partner's son who went out for a birthday celebration at the weekend. They were outside, at a barbecue, at a pub. They had a few drinks and then at the end, when they had to leave the restaurant within the hour and a half, someone said "Sure come back to the house". The barriers had gone down. That is the thing when drink is mixed with socialising. One person with them had not had a drink and said "No, we are going home, that is it, the night is finished". That is how easily these things happen. They are not premeditated. People are not saying they are going to go out, have a meal with six people and then meet people in the home also. That is how the virus spreads. It is important to get the message out there on the basic requirements of social - or physical - distancing, washing hands, wearing masks and only having a few people in the home who are not in the family circle. This is not just an issue for rural areas, it also applies to Dublin city where many people depend on those small bars to be able to meet their friends.

It is all well and good bringing in this legislation but the real offending, in many instances, has been in workplaces such as meat processing plants and agricultural plants that have been the cause of lockdowns in several counties. Tackling this issue would not require the Government to allow extra powers. All that is needed is to give trade unions and workers the same rights that workers have in countries such as Australia and New Zealand where unions can legally enter a premises to conduct health and safety inspections, workplace rights compliance inspections and collective bargaining discussions. This would not cost the State a cent; not a cent. The trade union movement, including the Irish Congress of Trade unions, ICTU, has called for this for years. It would provide better health outcomes for workers through the Covid-19 crisis and through normal times. The only employers who would have anything to fear from trade unions inspecting workplaces for breaches in law are the bad employers. The Government is bringing forward legislation on criminal offences with regard to restaurants and pubs that serve food, while not bringing in the same type of legislation for workers in workplaces.

For all the reasons raised by Deputies Catherine Murphy, Catherine Connolly and others, I am not sure about this legislation. I do not believe it has been clarified to the point where we as legislators should be able to stand over it. With a sunset clause then maybe it can be reviewed. Owners, employers, workers, customers and the enforcers must be very clear on what is part of this legislation. It has to be very clear.

**An Leas-Cheann Comhairle:** That is the end of the first round of statements. We will now go back to the Government side.

**Deputy Joe Carey:** I am sharing time with Deputy Jim O'Callaghan. I wish the Minister well and congratulate her on her promotion to what is a very important position in the Cabinet. She was a very successful Minister of State with responsibility for European affairs in the previous Government and I have no doubt that she will have a very successful tenure as Minister for Justice and Equality. I also compliment the Minister on her interview this morning on "Today with Claire Byrne" during which she delivered a very clear, concise message. She dealt with this Bill very well and she also dealt with some other very complex issues.

In terms of the Bill before us, the first obligation of any State or nation is to protect its citizens. This Bill is part of the extraordinary measures that we have had to take over the last six months. The restrictions should not be seen as restrictions on human activity but as restrictions on a deadly virus which is spread through human contact, thereby protecting all of our citizens. The tremendous efforts of the vast majority of the public being wholly undermined by a small minority who are acting recklessly and contrary to public health guidance and regulations has

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led to the introduction of this legislation. It is important that gardaí are equipped to deal swiftly with the small minority who are putting us all at risk through their actions. I am a great believer that legislation should contain both a carrot and a stick and am pleased, as the Minister has outlined, that this Bill will lay out a possible roadmap for the reopening of wet pubs. Even though we do not have a date, I am reassured that this is a priority for the Minister and the Government. The Government is actively seeking to develop a roadmap for the reopening of wet pubs.

I am sure I am not alone in being lobbied by publicans and their customers to have pubs reopened under strict conditions in the new Covid world in which we live. We had a very successful and constructive meeting with vintners in County Clare in the Old Ground Hotel a number of weeks ago. Publicans are on their knees but they are responsible people. The Minister is no stranger to serving behind the bar herself, having run a family pub many years ago. Publicans can be trusted and pubs can be reopened in a very safe manner. Pubs in many rural parts of County Clare are the focal point of the community but for the last six months these focal points have been closed. It is not possible to compare a super pub in Dublin with a rural pub in County Clare which is often the only place people can go for a pint, to meet with their friends, have a chat and have some social interaction. We must also consider international experience. In many countries across Europe, including Italy and Spain, the pubs are open and have been so for months. We can learn from their experience and must do so. It is high time that we came up with a roadmap for the reopening of our pub sector.

Publicans' livelihoods have been stripped away. We must reflect on that and respond to it. While a package was announced recently, it falls far short of what was expected. Publicans have families; they are sending their children back to school this week and to college in the next few weeks. They have bills and mortgages to pay and they have to put food on the table but their livelihoods have been taken away. They have borrowings and rent. They have to pay for insurance, public liability cover, health and safety compliance, fire safety certification, licensing fees, grounds maintenance as well as broadcasting and copyright fees. We need to provide a financial package that works for our publicans because they have been treated differently to all other sectors of the economy. The Government must re-engage with the Vintners' Federation of Ireland, VFI, and the Licensed Vintners Association, LVA, and come up with a package that will work and in tandem with that, to come up a roadmap for the reopening of our pubs in a safe manner.

I understand the need for this Bill following the reopening of pubs serving food and reports of small numbers of pubs circumventing the regulations. Gardaí have recorded circumventions but have reported that they had very little powers or penalties available to them to enforce the regulations. I recognise that the tone of this Bill is similar to our anti-smoking legislation in that in the first instance, persuasion and education will be used. It is only on foot of continued contravention that any possible penalty will be served and the more serious penalties will only be served after continuous contravention. It seems like "three strikes and you're out" for up to 30 days, which is a reasonable approach. I commend the Minister for introducing this legislation, which I will be supporting.

**Deputy Jim O'Callaghan:** The fact that we are once again debating emergency Covid-related legislation underlines the impact this pandemic is having on the Irish public. We are all aware of the impact it has had economically and on the physical health of the people. However, one area of life that is not given sufficient attention is the impact that the pandemic is having on the mental health and spirit of the people of Ireland. I am very concerned about the ongoing impact the pandemic and the necessary restrictions that come with it are having on the Irish public.



I have met people who never before suffered from depression who are now depressed as a result of the pandemic and the fact that they do not see any hope or any light at the end of the tunnel. It is important that we as legislators and as people who keep a close eye on the development of this pandemic let the Irish people know that there are reasons to be hopeful and light at the end of this terrible tunnel. I want to mention some reasons to be hopeful because they are not being given sufficient attention in the media or by politicians.

The first measurement of any pandemic is its mortality. How many people have died as a result of this pandemic? The first person recorded in Ireland as having died with or from Covid-19 was back in March and in the two months after that first death, a further 1,487 Covid-related deaths were recorded. That was a huge number of deaths in a two month period. Let us look at the two months which have just passed. Let us talk about July and August which are particularly important months because they were the months when the restrictions were lifted and people were trying to get back to some semblance of normality. During that two month period there were only 40 recorded Covid-related deaths. It is important to note, as is the case with the death that was recorded today, that many of those 40 deaths took place prior to July and August. Each one of those deaths, whether it is the 1,487 deaths in the first two-month period or the 40 deaths in the latter two-month period, was a trauma for the family members of those who died but when it comes assessing and appraising a pandemic, we have to look at the mortality figures. The latest figures give us hope that we are over the worst part of the mortality of this pandemic.

Let us look at another measurement by which we can assess a pandemic, namely hospitalisations. Back in April at the height of the impact of the pandemic on this country there were 881 people in hospital with Covid-19 and of those, 155 were in intensive care at one stage. Of those 881 patients, at one stage a total of 155 were in intensive care. They were the highest figures on a particular date in April. They were significant figures and they nearly threatened the capacity of our health system. Yet, when we look at the figures today we see there are 40 people in hospital. We wish them all well and hope they have a speedy recovery. Of those 40, only six are in intensive care. Again, when we measure hospitalisations there are reasons to be hopeful because of the reduction in the number of people in hospital with Covid-19 at present. There has been a slight increase in the number of people in hospital over the past two weeks but that is to be expected because of the fact that we have lifted restrictions and there is far more testing ongoing in Ireland at present. That is fortunate as well. Let us not become unnecessarily unnerved by the rise in the number of figures. The issue we need to keep a close eye on is the number of people in hospital. Fortunately, those numbers have reduced significantly.

It would be beneficial if the National Public Health Emergency Team and the health service gave us statistics about the number of recoveries. We know that to date there have been approximately 29,000 positive cases of Covid-19 in Ireland, but we should be informed of the number of people who have fully recovered. Obviously, this is a dangerous and nasty disease, especially for elderly people and those with underlying conditions. Nevertheless, we need to be informed of the extent to which the majority of people who have got this disease or who have tested positive have recovered from it. That is another reason I believe there is some hope when we look to see the number of recoveries, but this needs to be publicised more.

Finally, the best news this country has had in the past six months occurred in the past six or seven days. We have got hundreds of thousands of children back to school. I am sure the Leas-Cheann Comhairle has seen the joy in the faces of children as they have gone back into the classroom as well as the joy in the faces of the parents as they see their children going back

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to school. I commend the children and their parents on that. More especially, I commend the teachers and the principals of Ireland. They have done an extraordinary amount of work to ensure that the schools are ready and safe for children. The teachers of Ireland excelled themselves during lockdown as well as at present. They will continue to do so because they are committed selflessly to the education of young people in Ireland. We all appreciate the absolute importance of providing education to young people in Ireland.

I spoke previously in the Dáil in April and May about the impact this pandemic was having on the educational development of young people. It has a regressive and negative impact on young people. We should ensure that never again do we close down our schools because we regard it as a measure to deal with Covid-19. It has too many negative repercussions for our children.

I support the legislation that is before the House. It is important that if the gardaí are being asked to regulate premises, then they have the powers to do something practical if those regulations are not being obeyed. I agree with people who have spoken in the Chamber. The vast majority of those running public houses that are open now are behaving responsibly. I was down in Kerry during August. Many of those running the pubs and restaurants down there that are open are working together. The people who are running the businesses are being responsible. We need to emphasise as well that the people of Ireland are being responsible. They are behaving like adults. When we treat them like adults, they respond responsibly in respect of their obligations.

Two weeks ago I mentioned it was important that, as policymakers, we inform the people about our aim and objective at present in dealing with this pandemic. There was political consensus in March and April. We saw the terrible scenes in the hospitals in northern Italy and Spain. We saw the terrible scenes where people in those hospitals could not get the medical treatment they required in intensive care units. Given all that, we decided we were not going to let that happen in this country. We decided we were going to close down our economy. We took over the private hospitals. We established a field hospital in Citywest. All these measures were introduced by us with the agreement of everyone in the House because we did not want to contemplate a circumstance where any person could come into a hospital in Ireland but be unable to get the appropriate medical treatment. As I said, we were right to do it because in early April there were 881 people in hospital on a particular day and 155 of them on another day were in intensive care. The objective worked and the people understood the reason we were closing down our economy was to ensure that did not happen. Now, with the numbers dropping - there are only 40 people in hospital today and hopefully the number in hospital will stay low - we need to inform the public about the aim and objective of this State.

As I see it, there are three objectives we could seek to achieve when it comes to our response to Covid-19 in its current phase. First, we could go for the option recommended by many eminent immunologists and scientists. It is that we seek to have a Covid-19 zero island. I do not think that is attainable. I say as much with the greatest of respect to the immunologists and scientists who have advocated for it. Even if we had sought to do it far earlier and had got to a situation, as in New Zealand, where there were no recorded cases for a period, I believe it would have been impossible for Ireland to retain that situation because of our land border with the United Kingdom and our membership of the European Union. We also need to recognise that if we want a Covid-19 zero island, we would have to shut down for probably another four or five weeks fully and then wait a further two weeks with no recorded cases. I do not believe that is attainable.

The second option is that we decide we are going to restrict human interaction considerably until such time as we discover a vaccine. I also believe that would have devastating consequences. It would probably mean that in terms of education we would have to go back to remote teaching of our children. That is not acceptable to the people. It would also mean that the many young people in their 20s who have ambitions and aspirations would be required to put those ambitions and aspirations on hold until such time as we get a vaccine. I hope there will be a vaccine, as does everyone in this House, but there is no guarantee that there will be a vaccine. Even if there is a vaccine, we know from other vaccines that it does not mean Covid-19 will be eliminated. I do not believe that is an option.

The third option is the most feasible. It is that we have to recognise and accept that people in Ireland are going to contract Covid-19 but that we do our best by applying public health measures to ensure that we keep those figures as low as possible. Although we have not stated it, I believe that is the strategy we are operating at present. I do not believe we will be able to get to a situation where we will consistently have no Covid-19 cases in Ireland. However, what we can do is ensure that we continue with the hygiene measures and, if we have any symptoms, we should stay at home and stay away from people and keep our distance. We must do that to ensure we can open up our society.

We are never going to get back to the situation that existed before, where we had nightclubs or pubs where people congregated densely on top of each other. That is not going to happen. What we can do - I hope to see this - is open all public houses. People will be responsible and publicans will be responsible. They will know that they cannot have densely congregated groups in their public houses. It may be that we will have to give indicators to publicans to the effect that they can only have a certain number of people in a pub depending on the square footage. People are adults and people will comply with that.

I do not want to see us becoming judgmental about young people. I sense some of that seeping into the debate in this country. This is a major issue for young people. Many of their ambitions have been put on hold. We expect people in their 20s to be enjoying themselves. The vast majority of them have been highly responsible. I believe they will continue to be highly responsible. Really, what we need to do, if we are to go down the route I recommend, is be careful in protecting vulnerable groups. We are going to have to be really careful in protecting the elderly. This may mean that visits to nursing homes will be closely regulated and only certain visits will be permitted. People with underlying conditions are going to have to be protected by the State. The State has a significant duty to protect them. When we look back at the history of Covid-19 pandemic in Ireland, the great State failing will be what happened in our nursing homes in February, March and April of this year. That was the real trauma in this country. We have to ensure that in future we protect vulnerable groups, including the elderly and those with underlying conditions.

To conclude, there are reasons to be hopeful. We cannot let a situation develop where the people of Ireland wait until 6:30 p.m. every evening to see what the numbers are for the day, and then pessimistically and anxiously go off, not knowing what is going to happen in their lives.

**Deputy Violet-Anne Wynne:** I wish to share time with Deputies Martin Browne and Ruairí Ó Murchú.

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

**Deputy Violet-Anne Wynne:** I welcome any Bill to the House that offers support to gardaí that will help them in enforcing the law of the land, especially around Covid-19 and compliance with the guidelines. This Bill will give gardaí powers, should they need them, to close licensed premises that are not adhering to guidelines. However, I am deeply concerned about the use of these powers and how they can be effectively policed.

Back in March of this year, publicans the length and breadth of Ireland closed their doors. Many did so before they were even asked to because they knew social distancing was going to be hard to implement and, even if they could do it, the question of whether it would be commercially viable would loom over them. Therefore, to assist with the country's fight against Covid-19, they voluntarily closed their doors and turned off their lights. Here we are, six months later, and for more than 2,000 of those pubs, the lights are still off, the taps are still dry and the tills are still empty. More than 22,000 staff are out of work, as well as some musicians and some local taxi services, to name but a few.

Since then, we have had a couple of false starts. Pub owners dipped into their cash reserves to restock and to get their pubs Covid-ready. Then, with a bang, the opening date was pushed out, not once, but twice, each time giving another crippling blow to an industry that was already on its knees. These businesses have not been given the opportunity to reopen, or to prove they can do right and can reopen safely.

The lack of suitable supports given to this sector has been widely noted and this has led to a very successful campaign by the Vintners Federation of Ireland, the Support Not Sympathy campaign. The Government's recent announcement to support jobs was nothing more than a publicity stunt. The real support these businesses need is the opportunity to show they can operate safely but, at the very least, they need a realistic timeline they can work towards for reopening. They need to know there is light at the end of the tunnel. The extension of a business restart grant was laughable for businesses that are still shuttered - it just did not make sense.

The Association of Garda Sergeants and Inspectors has expressed its concern around trying to police these laws and whether these extra powers will be enforceable. How are gardaí to decide what they see is a substantial meal? How can they effectively police that? What are the guidelines for the superintendent making an on-the-phone decision on whether or not to close a premises? What will the superintendent's opinion be? Will superintendents be issued with guidelines around this? Can we ensure the superintendent's decision will not be completely subjective and, therefore, unfair to one business over another? Are these rules open to scrutiny or even appeal, and if so, how? Do these laws leave the sole responsibility for inspecting pubs to the Garda? If so, will the Garda get the resources it requires to ensure it can police this effectively? Can we ensure these inspections will not hamper or reduce regular policing duties? Since those pubs with kitchens reopened some six weeks ago, it would appear there have not been any confirmed cases linked to these pubs.

How will this law enable the Garda to police house parties? We have heard time and again from the acting Chief Medical Officer that house parties are causing clusters across the country. How is it proposed that we clamp down on these? While the scenes over the past weekend have been crazy and must be condemned, how will these laws assist the Garda in policing this matter going forward?

It seems we are working hard to clamp down on an industry that has worked well since pubs reopened their doors but we do not have any proper procedure in place to clamp down on

the sectors that have recorded quite a lot of cases in recent times, the biggest example being the meat factories. The lack of proper inspections of these factories has been criminal and the working conditions in this sector are shocking. Surely, in 2020, the ability to access sick days should be standard. Of course, people may risk going to work, even if they have symptoms, if they are going to have to do without a day's wages.

**Deputy Martin Browne:** The Bill we are discussing is set to sanction public houses and restaurants that go against measures designed to combat the spread of Covid-19. While I am sure everyone here would agree that everything must be done to tackle the spread of the virus, I must question the level of consideration that has been given to this Bill and the workability of the measures it seeks to put into law.

At the outbreak of Covid-19, licensed premises were among the first to close their doors, and many in my own constituency in Tipperary did this before they were instructed to. They must be commended because they knew the decision was going to damage their business but they did it as it was the right thing to do. When they shut their doors, they believed they would be given the supports to get them through this public emergency but this did not happen, and over the following months they became more and more concerned for the future and for their livelihoods. As the dates for reopening drew near, many dipped into their own savings to prepare but then, on a number of occasions, the criteria were changed, the rug was pulled from under them and reopening was delayed on two occasions. Each time this happened, a crushing blow was dealt to the industry and a campaign emerged calling for Support Not Sympathy.

I remember receiving calls at this time from business owners appealing for support, such as licence payment deferrals and for the year's licence fee to reflect the time these businesses have been unable to trade, and they also wanted ongoing supports. I also received heart-breaking calls from workers whose jobs had finished. A worker who had been with her employer for years recently contacted me to find out about the supports available to her and her family now that her employer had run out of road and he had no choice but to shut down for good.

What is equally saddening is the fact this is happening across the country and, for many, it could have been avoided. Instead, it has been allowed to continue with the announcement last Friday that there is nothing for anyone. The latest package of measures, which amounts to just €16 million, was too little and, for many, it was too late. I saw a report in one of the newspapers today which suggests it equates to €160 or €170 a week for a publican. It was not designed to assist the pub sector; instead, it is a ready-made token gesture that offers so little support that it is pointless. Worse than that, it effectively tells our pubs that the crisis will spell the end for many. The sector has been telling the Government for months that it needs supports for as long as pubs remain closed but, to this day, the Government has chosen not to listen and not to act, and the sector faces collapse as a result.

This brings me to what we have before us today, which is one element of the Government strategy to stop the spread of the virus. Let me say that some of the images we saw outside pubs in recent days were appalling. These actions are to be condemned and must be deemed socially unacceptable. People must not act in this way and the law must apply to those responsible. While the Government's overall strategy to date has its flaws and Sinn Féin will continue to monitor the general effectiveness of that strategy, we agree that, in the interests of public health, regulations must be followed by licensed premises and, therefore, must be overseen robustly. However, those regulations need clarity, as I have said. We need to ensure that the misdeeds of some do not continue to threaten the ability of others to reopen. The future of so many other



premises that are not yet reopened depends on those whose doors are open to comply with the regulations.

While I and my colleagues will not oppose this Bill, there is one issue on which we need a firm commitment, namely, the sunset clause. The provisions of the Bill will continue until 9 November this year and Sinn Féin, as a party, is adamant that this date must be kept to. I believe the Government approach to date has been misguided in this regard. It is seeking to introduce sanctions but it will not put as much effort into fully supporting the sector. Why is that? Is it because it is easier and cheaper for the Government to identify issues and then issue sanctions than to come up with a proactive plan that helps the sector, which in large part has shown incredible responsibility so far? Do not get me wrong. Businesses that do not enforce the guidelines should be penalised. The Government strategy appears to be one of putting the cart before the horse. There is no carrot for this sector, just the threat of the stick. This backwards way of doing things is all too evident in the concerns that have been expressed recently by the Association of Garda Sergeants and Inspectors. Its concerns are similar to those of our responsible publicans and restaurant owners. The concern is in regard to the level of detail. The Government was so slow in circulating the final Bill it seemed it was unsure of what it was doing. We need clarity and detail on the following issues. Is this Bill effectively giving An Garda Síochána the sole responsibility of inspecting our pubs, in the same way that the Health and Safety Authority, HSA, is responsible for inspecting our meat factories? Will the inspection of our pubs be the responsibility of An Garda Síochána? The HSA was found to be unable to do this effectively. According to figures obtained by my party colleague, Deputy David Cullinane, between March and August there were only 39 inspections of meat processing plants by the Health and Safety Authority. If the Government expects An Garda Síochána to be more productive and effective it will need to give them the necessary resources.

The Garda and our publicans need to know how gardaí are to ascertain whether a pub or restaurant is compliant with all guidelines. Will they have to ascertain if there is compliance with the €9 meal rule? Will they have to determine what is a proper meal and what is snack designed only to enable the customer to get a drink? Will a breach of any one of these rules be enough to close down a premises? Will gardaí have to ensure compliance with the required number of hand sanitizers based on the number of people in the premises at any one time and is breach of same enough to close down a business? Will gardaí have to enforce social distancing inside and outside of a pub? We need clarity on all these issues, as do the Garda and publicans.

This Bill also gives superintendents the power to apply for a temporary closure of a premises where in their opinion there has been a failure to apply to obey a compliance notice already issued. We need clarity on what an opinion is and how a court will make a decision on the basis of that opinion. Is weight given to how informed that opinion is? We have to bear in mind that a temporary closure could last as long as 30 days. These matters are of importance to the Garda as well as our pub and restaurant owners.

Can the Government give us an assurance that consideration will not be given to policing house parties, as has been reported? We cannot in all good conscience enter into this dangerous territory. To do so would be a backwards step in a very dark time for our country. This Bill requires more clarity and more joined up thinking, which I hope the contributions of my party in the course of this debate will contribute to. Most of all, the Government must stop failing the restaurant and pub sector. It needs proper help and it needs it now. The failure of the Government to act will result in the collapse of the sector and the loss will be felt in every village and town in rural Ireland.

**Deputy Ruairí Ó Murchú:** Táim breá sásta tacaíocht a thabhairt done Bhille seo.

We welcome the necessity and reason for this Bill, including the additional powers that will be necessary for An Garda Síochána in what I imagine will be a very small number of situations. Before I speak to the Bill and the provision of additional Garda powers, I would like to commend the Garda, a number of whom I dealt with over the weekend, who were involved with the Irish Coast Guard and Dundalk Sub Aqua Club and a number of other people in a very tragic search and recovery operation. My thoughts go out to the family of the man lost. I commend the Garda in that regard. I also commend it on its apprehension of the two men involved in the dumping of 30 tonnes of commercial waste, building rubble, outside of Dundalk on the Doylesfort Road. The Garda came upon the truck involved and I understand it is pretty far on in its investigation which will hopefully have a beneficial end. Dundalk is like many towns and many rural areas throughout Louth and the State that have been hammered over the years by illegal dumping, be that on a small scale or a large scale. It would be remiss of me not commend the Garda in that regard.

As I said earlier, I do not believe these powers will be necessary in most cases. Most publicans and restaurateurs who are open are operating good businesses that they have run down through the years and they want to remain open. There is a necessity at times to deal with people who continually break the rules. I welcome that there are a number of stages in regard to the penal provisions of this legislation. That is necessary. I want to add my voice to those of other people, particularly my colleagues in Sinn Féin, who spoke of the necessity for a sunset clause. Legislation like this does not necessarily fit very well with the Irish psyche but we have all witnessed scenes, about which we need not get overly worked up, that are unacceptable. We need to ensure that the Garda, should it come upon such activity in the future in a pub-type setting, has the powers to deal with it.

Earlier, I heard the Minister, Deputy McEntee, say on the radio that this may provide part of a roadmap for the reopening of what we now term “wet pubs”. I hope I have not misquoted the Minister. This sector has taken a real hit in this crisis. We need to facilitate it as much as possible, while accepting that the Government will be led by NPHET. There is a necessity to examine what can be done and how quickly it can be done.

We are dealing with an element of anger in society, some of it down to a lack of clarity from Government communications. In regard to the last set of restrictions, I have been contacted by a number of people who believe the restrictions were poorly communicated, some of them changed later again. I am speaking specifically about rules in regard to gyms. Some of these changes may have been sensible. I understand that Basketball Ireland sought and received an exemption on the holding of games inside, which makes sense. I accept that when setting out rules one will not always cover every base but in this case too many bases were not covered. There was also unfortunate commentary from some Ministers. I do not think I need to go into the fact that people were irate when they saw pretty drastic breaches of the rules and a narrative that even outside of a time of pandemic people would not be happy about in terms of certain cohorts of people, including politicians, bankers and others, continuing as normal. It was their worst notion of politics and the old boys network. We need to avoid as much of that as possible, accepting that rule breaches will happen from time to time and often times accidentally. We call on people to maintain the rules in regard to the number of people in their houses but from time to time visitors will call and householders might be in slight breach of the rules but they need to be as careful as possible. What we do not need is neighbours reporting neighbours in an almost Stasi situation. Breaches that are utterly criminal need to be reported as quickly as possible.

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What we need is clarity from Government. People are calling for leadership. People are generally better than sometimes we give them credit for. If an argument is well made to them they will be willing to accept it. I was glad to hear the Taoiseach say that within the next two weeks we will have a plan in regard to how we operate into the near future. Many of us had probably set artificial timelines in regard to how long this crisis would continue. In a best case scenario we could be incredibly lucky and we could have a vaccine in six to nine months but that is rather unlikely. People are talking about the possibility us being in the current situation we are in for another two years. We need to ensure that our plan is well thought out. I accept every plan needs to be revised but we need to ensure that it takes into account those businesses and sectors, like pubs, that have hit the ground. We also have a difficulty in regard to the travel sector. I spoke to a number of travel agents, who are utterly exposed at this point in time because consumer laws that are absolutely necessary are actually putting them under incredible pressure, not particularly helped by the likes of Ryanair in respect of how it pays its money back.

*8 o'clock*

We need sector-by-sector solutions in this regard. People are willing to deal with the Government. The Opposition is willing to be sound in these sets of circumstances but we need absolutely clear commentary. We are dealing with some of the weaknesses that were already in our society, whether in respect of workers' rights, schools, the drug problem and other issues with which the Garda is dealing or the lack of mental health services. These are all things that have been a problem but a plan will need to take all of them into account.

**Deputy Patrick Costello:** I thank the Minister for bringing forward this legislation. One important thing about this Bill is the context. We are still in the depths of a serious and real pandemic. We have a virus that is, despite what some people say, very real. It is very dangerous. We need to take steps to address that and to protect our public health and life in this country. We have all made sacrifices. We have all been working towards this. I have postponed my wedding as a result of this pandemic and I am sure there are many others who have made worse sacrifices than that. When we see those who are not following the rules and guidelines, it is understandable that people become angry and frustrated. The events in Clifden fuelled that and showed people that there are those who see themselves as being above the guidelines and above the law. That is not and should not be the case.

I have been getting a lot of concerned calls from constituents about pubs that are open and are in flagrant breach of guidelines. I have been talking to members of the Garda who have been doing their best in respect of these pubs and in ensuring the health and welfare of my constituents and of the population at large. In the context of the real and ongoing public health emergency and of the Garda needing the powers to do its work and to free its members to do the kind of community policing they want to do and that is needed in other parts of my constituency, this is a really positive thing. As with anything, it is about balance. Particularly with criminal justice it is about balance between supporting society and ensuring social safety, while safeguarding individual rights. We have done quite well in this Bill in that regard. I am glad that the provisions in respect of house parties in private homes have been dropped for the moment. It is a difficult and sensitive area that needs to be looked very carefully because of the potential for serious unintended consequences that could be very repressive. By not including them at this stage we are bringing balance to the legislation.

This measure and the regulations that we introduced previously both have a sunset clause.

Both are time limited and have a shelf life. That is a key part. As other Deputies have sought today, I would like any extension which is possible in the law to be time limited. The most beneficial thing would be if there were a limited number of extensions instead of a situation where we risk endless extensions rolling over. That is about balance, giving the Garda the powers it needs to effectively enforce reasonable public health guidelines, while also ensuring some level of oversight and preventing overreach of strong legislation.

It is important that we start to look at how we can open all pubs. If the legislation helps us towards that, it is definitely beneficial. We need to start talking about that. Arguably, we were in a situation where we needed to improve our licensing anyway. We have a night-time economy that is hamstrung by outdated licensing legislation. We had a nightclub scene that was on its knees and struggling compared to other countries. The reality is that we needed to look at our licensing laws anyway. Now we have this new context where our night-time economy and hospitality and entertainment industries have been utterly decimated. Now is our chance to look at these licensing laws and rules for pubs, clubs and entertainment in the round and in a broader way in order that we can ensure that all of them can open safely during this Covid pandemic and that they are set up for the future when we move past this pandemic. We will then be looking to reinvigorate our hospitality, entertainment, night-time economy and all these sorts of things. I welcome the work that the Minister, Deputy Catherine Martin, is doing with the night-time economy task force in terms of its cultural aspects. This has to be supported by more modern licensing laws. A perfect example of this is what some of the Deputies have been talking about today. If we open more pubs, we will help to prevent overcrowding, which is a public health danger. There will be more options of places for people to go to. Before Covid, on a Friday or Saturday night in Dublin with all pubs and clubs closing at the same time, everyone was fighting for the same Nitelink buses and the same taxis. If we give people more options and are more flexible in our approach, these conflicts are less likely. If we are in a position to open more pubs safely, we will have people spread out more and will be able to have more effective social distancing. There will be less pressure on the pubs and it will help us to open everything safely. If this legislation helps us achieve that, it is definitely worth supporting.

I want to raise another issue related to this. It is about getting balance right in our criminal justice system. One of the things we have been looking at is how in our Prison Service we have had no cases of Covid within the service during the height of the pandemic, which is an achievement to be proud of. At the end of July, the Inspector of Prisons issued a report relating to cocooning of prisoners, which described 30 hours with no out-of-cell time, and deteriorating mental and physical health. Just as we have a sunset clause in this legislation, we need to ensure that anything we are doing within the prisons and other parts of the criminal justice system has that same balance and that we do not, while trying to prevent harm, cause greater harm in the long run. I have also been contacted by constituents who work as community prison link workers. They have struggled to get access to their clients because of the restrictions on prison visitors. These are vital services to prepare people to leave prison. If we do not prepare people to leave prison, we are begging for them to end up back in prison again. Supports on leaving prison are incredibly important in reducing recidivism, bringing people back into society and giving them a route back in. Some of these people are saying that prisoners are giving up their personal family phone calls to be able to call their link workers. Surely even something as simple as putting link workers on the list of approved professionals in order that prisoners can access them more regularly and easily without sacrificing contact with family would go a long way. I ask the Minister if she could look at those issues as well. I would happily provide her with details of some of these matters, which have been raised with me directly by constituents.

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Ultimately, it is about getting the balance right within our criminal justice system in general. The Bill helps to achieve that balance by giving the Garda extra powers that it needs to enforce the regulations. It does so while ensuring that the sunset clauses are there, that we do not overstep the mark in dealing with house parties and that all the time we engage offer a graduated response of engagement first and then building up as we go. That is the correct approach.

**Deputy Duncan Smith:** I am sharing time with Deputy Sherlock. Something quite significant happened at last week's meeting of the Special Committee on Covid-19 Response that we are now seeing play out. When asked about the strategy we would pursue, and whether we would try to eliminate or suppress the virus, the acting Chief Medical Officer said that we would be living with the virus for the foreseeable future. That comment was backed up by the Minister for Health, Deputy Donnelly, at the time and again by the Taoiseach today. We are now in the space where we have accepted it as Government policy that we are to live with the virus. This is the understandable and sensible path to take at this time.

In order to live with the virus, every sector must have rules, so I understand the principles underpinning this legislation. I am delighted that there is a sunset clause. If, however, the legislation is applied correctly, as I am sure it will be by An Garda Síochána, it will provide a structure under which all hospitality establishments, including pubs that are currently closed, should be allowed to open and operate safely. This will ensure that they can finally catch up with the other establishments in their own communities that have been able to open in the past couple of months and steal a march on their rivals.

It is clear that there has been an inherent unfairness as this has gone on over the past few weeks. We were informed that only restaurants were to open but every Deputy knows that there are pubs which have opened because they can serve food. There is a difference, despite such pubs obeying rules. These businesses compete with pubs that have been unable to open. If this legislation is passed into law next week, it will be time to look at all hospitality establishments and ensure that fairness applies across the board.

Nobody is taking the virus lightly. I have every confidence that the owner of an optician shop, a wet pub or a pub that serves food, an estate agent or any other business will abide by the regulations in order to ensure that customers are looked after and enjoy services in a safe environment. Those businesses may not survive in the current climate and the potential customers of a service will not use it unless they feel safe. In that regard, I welcome what the Bill could achieve.

Beyond this, what encourages me even more is that a roadmap will be produced in the next two weeks. This will be key and it is something I have sought for a number of weeks. I asked the Minister for Health for such a roadmap at last week's meeting of the Covid-19 committee but he was unable to give me any kind of timeline. He indicated that we would be debating a roadmap in the Dáil in the coming weeks. There has been a change of mind on the part of the Government since that exchange at the committee and there is now a commitment to produce a roadmap in two weeks.

The roadmap will not be just for the hospitality sector. It should be for every sector that is currently being left behind or operating without any hope. We have thousands of workers in the aviation sector who are living with very little hope, with the sword of Damocles hanging over their heads. They have had very little from the Government in terms of engagement and job or industry protection. There has been nothing really and they are at the mercy of their employ-



ers, who are using this pandemic to bring through a long-standing desire for cuts in employee numbers and terms and conditions. It is disgraceful that the Government has ignored the matter to this point. The roadmap must include the aviation and arts sectors. Deputy Costello spoke about the arts sector and the vibrant night-time economy. People in the arts sector again feel that they will be last on the list. When will they get to come back? The roadmap must also be clear about the return of our normal health services, including screening services, which are key elements.

As we begin this Dáil term, we must provide leadership in order that we do not add to any unnecessary concern or potential hysteria. I was very disappointed to hear the contribution from the Fianna Fáil Member from Clare, Deputy Cathal Crowe, about something that emerged on social media two weeks ago. The Deputy opened with “I saw a video on TikTok”, and then used words and phrases like “treasonous” and “akin to manslaughter” but he does not appear to have done any sort of research to back up what he said. His was one of the most reckless contributions I have heard in this House in a long time. The girls in that video did something juvenile and are paying a heavy price for that in their community. The Health Service Executive is in that community, looking after the clusters and testing the people who need it. That is what is happening on the ground. We in this House, as legislators and leaders, must ensure that we can hold the Government to account without contributing to any unnecessary hysteria.

**Deputy Sean Sherlock:** I rise to support the legislation and thank the Minister for bringing it forward. It is absolutely timely and it sends a clear signal of the Government’s intention in respect to a pathway for pubs to reopen. I acknowledge the fact that the Minister states that the powers to be conferred on the Garda are significant. We take solace in the fact that there is a sunset clause in the legislation and this offsets the risk of it being applied in a nefarious way.

I would like the Government to give an exact date on which the pubs can reopen. It would give great confidence to publicans throughout the land and it is something they are waiting on with some degree of patience at this stage. I acknowledge this patience, particularly that of those publicans who might have been tempted to move into the food sector but who resisted that temptation because they were confident that the Government could put in place a set of actions which would see them reopening what are, in the main, family-owned and intergenerational businesses. Notwithstanding the legislation before us, it is important that we bolt to it a clear timeframe and date for publicans so they can get back to work.

In my experience frequenting or sitting at bars and speaking to publicans over the past number of weeks, I know they are the policemen and policewomen of their establishments. I feel strongly from talking to them that this legislation will not apply to the vast majority of them as they are very good at policing their own houses and being compliant with the law. We will support the legislation, which confers significant powers on the Garda, according to the Minister, but I hope its provisions never have to be used. I know that in the vast majority of cases, the publicans I refer to who own their houses and are deeply invested in their communities will continue to police their houses as they always have done.

We support the legislation but we want a definitive timeline with an exact date by which the pubs can reopen and get back to business in our communities. I have already said we have heard from them and we hear from them day in and day out. They have demonstrated a remarkable amount of fortitude when they have seen what has gone on around them in their communities. They have resisted the temptation to flout the law or to do anything that would put them on the wrong side of it, because for the most part they are good and law-abiding citizens. They

are great supporters of sporting, community and voluntary organisations.

The time is now right for them to reopen. I welcome the Minister's introduction of this legislation and I thank her for it. As she said in her own speech, the Garda must take a graduated, proportionate and human rights-based approach. I am pretty sure that is what it will do. I appeal to the Minister to give us a date on which the Government will allow the pubs to reopen.

**An Leas-Cheann Comhairle:** We will now move back to the Government benches. We will shortly hear from Deputies Christopher O'Sullivan and O'Dowd. Does Deputy Durkan intend to share this 20 minutes between three speakers?

**Deputy Bernard J. Durkan:** Yes, if that is possible.

**An Leas-Cheann Comhairle:** That is fine. I remind Deputies that they have a full 20 minutes. Deputy Mattie McGrath is the only other speaker indicating. At 8.45 p.m. I will have to give the Minister at least 15 minutes to respond and the debate must come to a conclusion at 9 p.m.

**Deputy Christopher O'Sullivan:** My contribution should not come to more than six or seven minutes so that should work well enough.

I commend the Minister on bringing this Bill, which I will support, to the House. I also thank her for sticking around throughout the debate and listening to our contributions. This is my first opportunity to congratulate her on her new appointment. I am not sure whether the newly appointed Minister of State, Deputy James Browne, is still in the Chamber but I congratulate him as well.

This is an important Bill. As has been stated, the Minister will find that it meets with widespread support and compliance. The vast majority of publicans and restaurateurs are incredibly responsible, mature and law-abiding. That will be evident in the response to this legislation. Speaking about publicans' responsibility and trustworthiness brings me to the debate on pubs reopening. Pubs that do not serve food are still unable to reopen. I want to add to the voices, which seem to come from the majority of the Chamber, saying that this needs to change as soon as possible, with as much clarity and detail as possible.

I have thought about this matter carefully and while I am not a virologist or a public health expert, I fully believe that the best course of action is to listen to the guidance and suggestions of public health experts. Doing so has served us well so far. The Taoiseach said this morning that countries that have followed public health advice have fared best in controlling this virus. One sees a cycle at the moment whereby NPHET gives public health advice, the Government implements that advice and then the Government comes in for a lot of criticism. That is simply the way of the world. It reflects the frustration felt by people on the ground. When they are explained by NPHET or the relevant Ministers, most of the measures that have been taken, even the recent measures which imposed further restrictions on certain parts of society, make sense. However, I must admit that I am struggling to make sense of the continued closure of pubs that do not serve food.

I will give an example of what I mean by that. The recent measures imposed a limit on the number of people who could attend outdoor sporting events such as GAA, soccer or rugby fixtures. That raised eyebrows and as a sports fan I found it difficult to accept at the outset. However, within a day we received a very clear explanation. There had been a series of clus-

ters associated with sporting events. That made sense. Similarly, eyebrows were raised by the exemption of places of worship from these new restrictions but an explanation followed very shortly. There were not that many clusters associated with places of worship. Following this, the argument that theatres should benefit from the same exemption was listened to and accepted. Common sense prevailed because there had been no clusters associated with theatres.

That is why I am struggling to see the difference between pubs that serve food and pubs that do not. I know the Government looks to international experience to justify this but that experience pertains to big cities and areas of high population density. That is not comparable to the situation here, particularly in areas of rural Ireland such as Cork South-West, which I represent. Most countries within Europe have now allowed pubs that do not serve food to open. It is high time that we followed suit.

The continued closure of pubs that do not serve food might have been more palatable if we listened to the concerns of publicans and offered supports that were robust and substantial enough to support them through these tough times. Unfortunately that did not happen. The measures and supports that have recently been announced fall short of what is needed to get publicans through this incredibly difficult time in their lives. A lot of publicans have already spent large amounts of money in the expectation that pubs would reopen. On two occasions they expected to reopen but found with just two or three days' notice that they could not. They have already invested in reopening their pubs but months later they are in the same situation. That reaffirms the point that we need properly robust and substantial supports.

There is a real and undeniable difference between rural and urban pubs. In small rural pubs one does not see the situations that were alluded to where people fight one another to get to the bar. That simply does not happen. The only similarity I can see between Copper Face Jacks and my local in Reenascreena is that they are both national institutions. They are completely different kettles of fish. The atmosphere and set-up are different. The local pub in Reenascreena is quite a safe place. That is the difference.

I am conscious of the fact that I am sharing time so I will try to finish up. I recently met my local publicans and vintners. They were frustrated. It is not just publicans who are lobbying for the reopening of pubs. The elderly population and those living in rural parts of Ireland also feel that this is an incredibly important measure for public health and mental health. As many Deputies have said, it is some people's only social outlet.

Publicans are frustrated. It was incredibly hard for me to explain why meat factories, where there have been significant outbreaks of the disease, were allowed to remain open while they were not given a chance to prove they could run their premises responsibly. They had some very clear messages. They need proper support and as I have said this has not happened yet. They need clear guidelines on how to operate, particularly with the new legislation we are introducing. Even gastropubs need much clearer guidelines. I will finish by saying that more than anything else, they need us to trust them. They need us to see them as responsible citizens who have the ability, responsibility, skills and years of experience to run their premises in a safe, regulated and controlled manner. All they are asking for is that we trust them and that is what we should do.

**Deputy Fergus O'Dowd:** I welcome this legislation. From listening to the debate for the past hour or so, I sense a real consensus among all of us in this House to seek to move forward together. That consensus reflects the skill of the Minister and her Department in listening to

the public, co-operating with Members and taking on board views from Deputies of different parties and none to arrive at the best plan to move us forward. The legislation is a credit to the Minister and her Department because it is proportionate, timely and necessary.

In regard to the Garda powers, there also seems to be a consensus in the House that it is the best approach that members of the Garda should first engage, educate and encourage, with enforcement being the very last step. We are all agreed that only a very small number of publicans are likely to find themselves in that position. It is a proportionate response from the Minister that a Garda superintendent will have the power to shut a premises for one day, after which an application must be made to the courts to enforce any further period of closure. It is important to note that those court hearings will be held in public. In the worst-case scenario, where a publican has not taken appropriate action after an initial closure and the Garda is of the view that a longer closure is required, the publicity that would ensue for any such publican will be salutary in the extreme. I welcome that provision in the legislation.

I also welcome the progress that is happening concurrent with this Bill to reopen our schools. I welcome the fact that lots more people are returning to work and many more of us are working from our homes instead of offices. There are huge changes happening in our society as a result of the Covid crisis. We must never forget the victims of Covid, including the 1,778 people who died in our country. Of those, 92% were aged over 65 and most of them had significant underlying conditions. The Government has always acted on the basis of the medical and public health advice from NPHET and in the awareness that ignoring that public health advice could leave us facing a holocaust. Internationally, 26 million cases of Covid have been diagnosed. There have been more than 864,000 deaths from the virus and more than 18 million people have recovered from it. It is a huge world problem and as we wait for the vaccine we hope is coming very soon, we must act to reduce its impact. This legislation is very helpful in that regard.

Before concluding, I wish to refer to what happened in Dealgan House nursing home in County Louth. It was an appalling vista where 23 people died while most of the staff, unfortunately, were not present. People were not looked after there. They were not fed, clothed or changed. More would have died, were it not for the prompt action of the HSE in going in there. When I reflect on what happened in Kilbrew nursing home in County Meath, where a man and his stepson both died in the most appalling and shameful circumstances, I am reminded of why we must listen to public health advice. We must strengthen the legal powers that serve to enforce higher standards in nursing homes. It also is vital that HIQA be given more powers.

The excellent legislation before us this evening represents a job well done by the Minister.

**Deputy Bernard J. Durkan:** I congratulate the Leas-Cheann Comhairle and the Minister, Deputy McEntee, on their accession to their respective offices. I wish them both well. I also congratulate the Ministers whose appointments were announced today and wish them well.

This debate is timely. As a representative for County Kildare, I have first-hand experience of a lockdown that was confined to a specific area. Everybody says it was successful, which it was, and I hope that it was equally successful throughout the country in terms of setting out standards and guidelines. However, there is no doubt that this period was difficult and that it impacted very severely on the county in general. It was also divisive and caused finger pointing and accusations at a local level. We need to avoid something similar happening, if at all possible, in the time ahead.

We all recognise, as I have stated many times, that if we observe best practice and regulations exactly as they are, we will limit the extent to which the virus can progress. We are not going to stop it, nor was it ever possible to do so unless we had locked down the country, including the ports and airports. Comparisons with New Zealand, Australia and other countries of similar sparse populations are not really valid at all. The fact is that even those countries met with difficulties in maintaining a clear deck, as it were, after their initial success.

It is important to note that the problem of infection outbreaks in meat and other food processing plants did not originate in County Kildare. In fact, before the recent incidents, there had been no such outbreaks in the county. There have been 26 outbreaks in meat processing plants throughout the country as well as outbreaks in other areas not associated at all with meat processing or food production. Unless we close down supermarkets and a whole lot of other food vending operations throughout the country, we will not achieve anything very effective.

Like many other speakers, I believe the time has come to look at reopening the pubs that have not been allowed to open thus far. No purpose is being served at all in keeping them closed. Unfortunately, their continued closure is forcing members of the public, who have few or no social outlets, to seek alternatives. That is not in the interest of the curtailment of the virus or the interest of public health in general. As we know, for instance, house parties have continued. My view is that alongside this legislation, we should immediately move to allow publicans who are prepared to apply social distancing and ensure best practice prevails within their premises to reopen automatically. In fact, we should encourage them to do so forthwith, because further delays will only send out a message that is not helpful. I stress that this should apply only to those who undertake to apply social distancing and implement sanitisation and other best practice. It is ironic that pubs are being blamed for creating situations where the disease can be transmitted when most of them remain closed. Unfortunately, once we enact divisions and apply two different standards, it creates a suspicion in the public mind that all is not well.

I ask the Minister to use her judgment in the application of this legislation to allow those pubs that have not been allowed to open thus far to do so under best practice rules and guidelines and thereby increase the number of social outlets for the public. Members of the public have made many sacrifices over the past six months. Front-line workers have made many sacrifices. Many families have been bereaved. Those sacrifices were made and those prices were paid and people will continue to be called upon to make sacrifices. In my opinion, having looked at the situation at both a local and national level, the best way forward is to use this legislation as a means of enabling and ensuring that publicans who are willing to comply with the law have an opportunity to do so.

**Deputy Mattie McGrath:** Having listened to this debate all day, I am not reassured that we will have what Deputy Durkan and other speakers are calling for, namely, that in tandem with this quite draconian legislation, which was introduced without any pre-legislative scrutiny, we will have legislation to allow pubs to open. A carrot is being dangled in front of Deputies to get them to vote for this quite severe legislation. The Bill did not undergo pre-legislative scrutiny. It was only presented to Deputies a couple of days ago. The time allowed for amendments to be submitted was very short.

Ar an gcéad dul síos, I wish to thank the public for being so obedient and respectful in the context of the crisis we are in. I thank the volunteers, including those from GAA and other organisations and clubs across the country, who did so much. I thank the publicans who closed their doors when asked to do so. I thank the disability groups. Schools were closed but, thank-



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fully, they are now open again. An enormous price has been paid by the State. Thankfully, the curve was well flattened. Fair dues to everybody for that. I thank full-time workers and offer my utmost sympathies to those who were seriously ill and the families of those who lost their lives.

As leader of the Rural Independent Group, I went to all the meetings, We supported every move the Government made. However, it is not a two-way street. There is no *quid pro quo*. The Government has not reciprocated. Inept decisions have been made and confused messages and conflicting statements sent out. This has led to uncertainty. That seems to be the *raison d'être* for what is going on.

I do not know who drew up the Bill, but Deputies are expected to pass Second Stage tonight. It probably will be passed. The Minister for Health is being empowered to put in place statutory instruments to deal with numerous matters, some of which have not yet been specified. It is dangerous to give any Minister the power to create statutory instruments which will not be debated or voted on in and for which he or she will not be accountable to the House.

The Garda has done a tremendous job. I salute the gardaí in County Tipperary and elsewhere. I refer to the way community and other gardaí went into communities to support people. I hope they get to keep the vehicles they were given in the process. They supported the people and the people supported them. It was a wonderful exercise in community support for the Garda. It was the essence of community alert and neighbourhood watch.

It is vital that we get clarity. The numbers being hospitalised are very low. Obviously, there is still a risk. The approach of flattening the curve, washing one's hands and exercising good hygiene has been lost in favour of demonising a sector of society by scapegoating the pubs. Pub owners must apply for licences annually and must trade properly in order to get them. They give valuable supports to communities. They support everything that goes in on a community. There is an attempt to double the bus fleet in order to allow for 50% bus occupancy, yet the exact opposite has happened with pubs. Many are being forced to remain closed, but if they were all open, there would be fewer people in those that are currently open. Pubs are being victimised and that must stop. I referred to it as a kind of apartheid and that is what it is. I am not saying that it is the same as apartheid, but this sector, the people in which pay wages, tax, VAT and insurance and, above all, support their communities, is being demonised. T.J. McInerney from Tipperary is leading the cause. He will be up in Dublin next Tuesday if the pubs have not been opened before then. I hope they will be opened. All the publicans want is to be allowed to trade within the guidelines, prove they can do so safely and keep their customers safe, which is their vital *raison d'être* for being in business. They want to be able to submit a tax return in October, as they do every year. If they do not, the State will have less money coming in. The significant amount of excise duty and VAT collected on every pint, glass or measure that is sold must be borne in mind. The Government is cutting off its nose to spite its face.

I listened to the Leas-Cheann Comhairle make an excellent speech on the matter. She is a barrister and far more qualified than me. She was very concerned about this legislation. I was unsure which way she would vote on it. The Bill has not undergone pre-legislative scrutiny. What is proposed is unprecedented. It is very dangerous to give these kinds of powers to any Minister and expect the Garda to enforce them. The Association of Garda Sergeants and Inspectors and the Garda Representative Association stated that they do not wish to have these powers and that they were not briefed on them or consulted.

The big stick is being brought out instead of the carrot. The stick is being used all the time, but it is becoming weak and broken. Members of the public are weary and will not take any more of this. Of course, people will be responsible but they will not be intimidated by Big Brother or by far-reaching powers that would affect them even in their homes. I am the father of eight children. There are ten people in my household. Are we more than the six people allowed to gather? Parts of the Bill and other directives are nonsense. The lack of clarity is very foolish. I am asking the Minister, please, to go back to the drawing board with the Bill and have it undergo proper pre-legislative scrutiny and have Deputy Jim O'Callaghan and others look over it. People need hope in these dark days as we move into the autumn, with children back at school and the long evenings drawing in. We must give hope to the people. They are not getting hope here; it is all about being beaten down and warned. I appeal to the Minister, Deputy McEntee, and the Minister for Health, Deputy Donnelly, to stop threatening to bring in local lockdowns in Tipperary and four other counties. That sends shivers up people's spines.

**An Leas-Cheann Comhairle:** I ask the Deputy for his co-operation.

**Deputy Mattie McGrath:** I am begging the Minister to be careful in terms of the language that is used. We had a briefing the other day with NPHE and the Taoiseach.

**An Leas-Cheann Comhairle:** The Minister must have time to conclude.

**Deputy Mattie McGrath:** Immediately after that meeting, Dr. Ronan Glynn went out and talked about a lockdown. They are not listening.

**Minister for Justice (Deputy Helen McEntee):** I thank Deputies for their contributions and for agreeing to waive pre-legislative scrutiny of the legislation. I accept that it is the second Bill I have brought forward in such circumstances but, as Deputies who are concerned about this have outlined, there is no committee structure currently in place and this legislation will only be in force until 9 November unless the House decides to extend it. That is a very limited timeframe and we are seeking to bring it into force quickly. We genuinely wish to thank Deputies for their support in that regard. I will try to provide the clarity which they have sought.

Before so doing, I wish to again acknowledge that the vast majority of licensed premises - and that is what this legislation is about, it is not about homes, house parties or anything else - including public houses, gastropubs, restaurants and clubs are in compliance with the Covid regulations and, as such, will never need to engage with gardaí on these provisions. I thank them for their compliance. However, there has been an increase in non-compliance. As of last weekend, 186 breaches had been identified under Operation Navigation since the beginning of July. The number of consistent breaches, where an individual has been non-compliant on two or more occasions, has also increased. The Bill only affords additional powers of enforcement to An Garda Síochána in respect of licensed premises. There was never any intention for the legislation to grant additional powers in respect of entering homes or dealing with house parties. I am not sure from where that confusion came, but that was never the case or the intention. The Bill provides that people who are in contravention of the regulations, have been engaged with by the Garda and continue to flout the regulations, to potentially face certain various penalties. In the first instance, a premises may be closed for the remainder of the day. At further stages, a premises may be closed for up to three days, seven days or 30 days. The latter two periods require a commencement notice to be issued by An Garda beforehand. Throughout all of these measures, the licensee has the opportunity to object or call into question the reason for potentially being penalised. There are many safeguards in the Bill. I think all Members

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acknowledged the fantastic work the Garda has done and that it has used a graduated approach throughout Covid and always looked to engage with people before it takes things further. That will absolutely be the case here.

On the public health regulations that will be connected to the Bill, I understand that because the regulations will be introduced and signed off by Minister for Health there are questions as to why the regulations are not included in the Bill. The penal provisions from those regulations are not set out in the Bill because there is a need for flexibility, as we have seen in recent weeks and months when the Minister for Health needed to change regulations, probably at shorter notice than we would like, based on an increase in Covid numbers or other potential problems. If we were to include the penal provisions in the legislation, it would mean that any time there was a change, we would have to introduce legislation. It just provides a level of flexibility. Of course, anything that is introduced by the Minister for Health must go through the Cabinet and be signed into law by him. There is that connection between my Department and his.

Deputy Howlin outlined the regulations that were approved on Friday at Cabinet, signed by the Minister for Health on Monday and published on the website of his Department on Tuesday. Many of those provisions do not relate to this legislation. The first of the penal provisions specifically pertaining to this legislation to which the Garda will have to have regard is regulation 11. It provides that a specified person - essentially, the licensee or the person in charge of a premises - shall ensure that members of the public are not permitted on a premises selling or supplying alcohol unless said alcohol is ordered at the same time as a substantial meal, during the meal or after the meal has ended. Regulation 13(1) provides that a specified person shall ensure that, first, the date and time of entry of a person who is part of a party of persons to the premises is recorded along with their name and telephone number. It ensures, second, that the date and time of entry of a person who is not part of a party of persons to the premises is recorded along with his or her name and telephone number. A record is made of the substantial meal or meals ordered by each person who is permitted to enter the premises and that food and beverages are served and consumed only when the person or persons are seated at a table. There is also regulation 13(2), which provides that a specified person shall retain the records referred to in subsection (1) for a period of 28 days. The person shall make them available to the gardaí acting in the course of their duties under the regulations or a person appointed to the HSE - this is where the HSA comes into play - for the purposes of the programme commonly known as the Covid-19 contact management programme. Finally, regulation 13 provides that the aforementioned regulations in respect of businesses selling alcohol for consumption on the premises shall come into operation on the third day of September 2020. It is very clear. It is set out, I believe, not only for the holder of the licensed premises but for An Garda Síochána to know what it is that they are looking for when they go into these premises. They can ask somebody to comply. They will not go in and look only to close down that premises immediately.

There were a number of questions on issues related to genuine errors. Deputy Catherine Murphy stated that there can be genuine errors and I accept that. That is why there are a number of provisions to allow for the Garda to engage first and foremost.

It was never intended, as I mentioned, that this legislation would deal with house parties or deal with any issues within the home. I have made that clear.

I suppose there have been some questions around the fact that this could be a pathway to something else. The legislation is clear. It will only be in effect until 9 November. If the Houses choose - it is not only the Dáil but the Seanad also - to extend that, there will have to be

consultation and they will have to approve that.

Deputy Naughten asked previously whether I could commit to doing it only on a two-month basis. I do not want to commit to any specific timeframe because we might only, if at all, need to extend it for a month or whatever the period might be, but what I can commit to is that these are temporary measures and I would only ever propose to extend them for a short and limited period of time.

There were suggestions that this legislation penalises publicans and is against our publicans. That is absolutely not the case. As I have stated on many occasions today, my parents ran a pub for ten to 12 years of my life. I spent much of my early teens and into my adulthood working in pubs, in college and beyond that. This is not legislation that I am introducing to try to penalise pubs. This is to make sure that those who are in compliance and abiding by the rules are not looking on at those who are flouting them with no consequences. This is also to make sure that for those who are flouting the rules and who are putting people's health at risk, there are provisions to allow the Garda to take further measures.

When I say that I believe this is a stepping stone for wet pubs, I am not being disingenuous. I am genuine when I say that we need to show a pathway for pubs so that they know what they need to do to be compliant. It is so that there can be clear regulations and guidelines, but also that if there are breaches and problems, An Garda Síochána knows that there are mechanisms that it can use to either close a premises or to seek to have it closed at a later date. That will give us a greater ability to ensure wet pubs can open. I want to see that happen sooner rather than later.

I know how important pubs are in communities, particularly in rural communities. There is very little for our young people to do as well. It has been a difficult summer for many people. I hate that much of what we see on social media points to young people. I acknowledge it has been difficult for everybody where one has no outlet to go. There have been no festivals or concerts and there has been nowhere for people to go. We wanted to try to open up society and get life back to normal as much as possible, but to do so in a safe way. These measures and powers for the Garda will be connected to regulations. The Minister for Health can add to the ones that I have outlined that will make it safe for our pubs to open. I believe that is something that we should be doing.

A Member asked if there is a timeline for objecting to the renewal of licence. Nothing is specified on this. It would be unusual for a garda to object outside of the particular year that is involved. These regulations are due to end on 9 November. Licences are renewed in September. Unless something happens between now and the end of the month for certain premises, one may not have anybody object to his or her licence. I certainly hope that will be the case.

In terms of a document, and potentially having to provide it retrospectively, it is not expected that a garda would have a document to hand over on the night of the immediate closure order but the order can be documented subsequently or as soon as possible, and that is what is intended in the legislation.

There were questions regarding the six-month jail sentence. A series of measures have to be undertaken by An Garda Síochána. The licence holder has to be negligent and not comply with them. The case can be brought to the District Court. There can be an appeal to the Circuit Court. Where enforcement measures have been put in place and those have been breached, a

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decision can be taken to enforce a penal provision that could include jail but I cannot see the likelihood of this happening, if at all, in many instances. That is why we have tried to make sure that at all stages we are working with people and that we are bringing them on board with us.

I fully accept that communication has been difficult over the past number of weeks but we have come to the end of the roadmap that was put in place from March to August. The focus has very much been on getting our schools open. Everybody has been delighted to see children in uniforms and to get back to some sense of normality this week. I think people have appreciated that has been the focus. With a sudden increase in case numbers over the past number of weeks, decisions have been taken at a shorter notice that we would have liked. Maybe decisions have been based on public health advice and guidance, but at all times we have tried to communicate that. I understand it is often difficult. We have tried to communicate it. I certainly want to ensure that people understand the legislation, what it does, how long is it for, and what it means for the publicans, for restaurateurs and for any clubs that have a liquor licence.

A number of Members referred to the sunset clause. Section 17(3) clearly states that both Houses can approve an extension prior to 9 November 2020 where there is an agreement. If we were to do it, we can debate as to for how long that should happen.

There were various other issues that strayed into other areas relating Covid-19 which I will not touch on.

I thank Deputies for their support for the legislation. It is legislation that I have not introduced lightly but it is needed. It is legislation that the Garda supports and requires to ensure public houses that are open are fully compliant and that the force has a mechanism where that is not the case.

I look forward to the debate on Committee Stage tomorrow and I thank the Deputies for their co-operation with that.

There were a number of comments regarding officials, including by somebody who asked who wrote this legislation. I thank officials in my Department because this legislation was put together quickly. They worked with the Attorney General and the relevant Departments in setting this out. They have done a very good job. It is as straightforward as it can be, given, as the Leas-Cheann Comhairle outlined, the complexities. I merely want to thank them for their work in that regard.

Question put.

**An Leas-Cheann Comhairle:** A division has been called. That division is postponed until immediately before the Committee Stage tomorrow.

**Deputy Brendan Howlin:** On a point of order, have Committee Stage amendments been circulated yet? I cannot find them on the website.

**Deputy Helen McEntee:** I have not seen them yet.

**Deputy Mattie McGrath:** My understanding from the Ceann Comhairle was that the vote would be taken tonight.

**An Leas-Cheann Comhairle:** I only can tell the Deputy what my instructions are. I do not know whether that was agreed but that is the decision. It is postponed until tomorrow, before



Committee Stage. With that, I will adjourn proceedings until tomorrow.

**Deputy Mattie McGrath:** My understanding was different.

**An Leas-Cheann Comhairle:** I am not sure where the Deputy's understanding came from but I only-----

**Deputy Mattie McGrath:** It came from the Ceann Comhairle.

**An Leas-Cheann Comhairle:** I understand that was agreed this morning and it will be taken tomorrow before Committee Stage.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Thursday, 3 September 2020.