



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 12 Aibreán 2017

Wednesday, 12 April 2017

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have received notice from Senator Fintan Warfield that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Foreign Affairs and Trade to provide an update on the alleged use of internment camps in Chechnya.

I have also received notice from Senator Mark Daly of the following matter:

The need for the Minister for Housing, Planning, Community and Local Government to provide an update on the terms and conditions of local authority members.

I have also received notice from Senator Diarmuid Wilson of the following matter:

The need for the Minister for Education and Skills to provide an update on the proposed building project at Holy Family School, Cootehill, County Cavan.

I have also received notice from Senator Frank Feighan of the following matter:

The need for the Minister for Health to explore all options to extend the emergency aeromedical service based at Custume Barracks in Athlone to a night-time service.

I have also received notice from Senator Robbie Gallagher of the following matter:

The need for the Minister for Justice and Equality to provide an update on the charity status application of the Kevin Bell Repatriation Trust.

I have also received notice from Senator Keith Swanick of the following matter:

The need for the Minister for Health to outline his future plans, including those for staffing and facilities, for Elphin health centre and Strokestown health centre in County Roscommon, in light of local reports implying one or both centres will close once a new primary care centre opens in Boyle, County Roscommon.

I have also received notice from Senator Pádraig Mac Lochlainn of the following matter:

The need for the Minister for Health to intervene to ensure that the HSE urgently advertises for a replacement paediatric endocrinologist at Sligo University Hospital to protect this specialist service for children in County Donegal and the region; and to outline his plans to address the ongoing crisis in diabetes care in County Donegal.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Warfield, Mark Daly and Wilson and they will be taken now. Senator Feighan had been selected but has subsequently withdrawn his matter. Senators Gallagher, Swanick and Mac Lochlainn may give notice on another day of the matters that they wish to raise.

Commencement Matters

Human Rights

Senator Fintan Warfield: I thank the Cathaoirleach for facilitating this conversation and the Minister of State for engaging with the issue. There is no doubt that the Seanad has been to the fore in prioritising LGBT rights this term, from introducing legislation dealing with an apology to and exoneration of men criminalised in the State before 1993 to a Bill dealing with pensions and my upcoming Bill dealing with transgender rights so that young people can have their true gender recognised. That Bill will be debated in the House on 10 May. All these initiatives are part of an important process that aims to make Ireland not only a model republic but a beacon of hope for oppressed people and LGBTQI people everywhere. It is in that spirit that I hope Ireland does what we can and I expect Ireland to do what we can to support LGBTQI people, in particular, gay men, in Chechnya.

I am sure the Minister of State is aware of the reports from human rights groups in Chechnya that more than 100 men suspected by Chechen forces of being gay have been interned in specifically designed internment camps. The reports go further to say that three men have been killed and that, so far, men currently detained are being tortured with electric currents and heavily beaten, sometimes to death. When asked for a reaction to the allegations, a spokesperson for the Chechen President denied the claims and suggested that there are no gay people in the region. He stated:

You cannot arrest or repress people who just don't exist in the republic. If such people existed in Chechnya, law enforcement would not have to worry about them since their own relatives would have sent them to where they could never return.

Chechnya is largely isolated and this situation remains shrouded, with a lack of confirmation on the exact situation regarding the internment camps. I do not think I could point to a more worrying situation than the Administration itself has done. It is clear that the Chechen President feels that Chechnya needs to be cleansed of gay citizens and his delusional denial of the existence of gay men does not invoke any degree of confidence in his rejections of claims that these internment camps exist.

I have a couple of questions which I hope the Minister of State will be able to answer or

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take to the Minister for Foreign Affairs and Trade. Is the Department of Foreign Affairs and Trade aware of the situation? Has the Department spoken to the Russian ambassador? Will the Department continue to monitor and investigate these reports? Will the Minister urgently contact his Russian counterpart, Sergey Lavrov, to ascertain the situation in Chechnya? Will the Minister make contact with his European counterparts also?

Minister of State at the Department of Health (Deputy Helen McEntee): I thank the Senator for raising the issue and apologise that the Minister, Deputy Flanagan, is not able to attend.

In our international relations, Ireland supports the promotion and protection of the human rights of all persons, irrespective of their sexual orientation and gender identity. Ireland believes that consensual same-sex relationships between adults should not be criminalised and supports measures to ensure that the right to freedom of expression and association can be enjoyed effectively by all people. Ireland co-sponsored an historic resolution on human rights, sexual orientation and gender identity, which was adopted at the UN human rights council in 2011. This was the first time a UN resolution explicitly acknowledged human rights protection as covering sexual orientation and demonstrates the increasing commitment across the broader international community to the promotion and protection of the human rights of all persons, irrespective of their sexual orientation and gender identity.

The ongoing deterioration in the protection of human rights in civil society space in Russia is deeply troubling. Ireland has consistently advocated for increased EU support for civil society in Russia, which continues to be very vulnerable. International human rights organisations and the Governments of developed democracies around the world, including Ireland's, condemned a law introduced in Russia in 2013 which discriminated against members of the LGBT community. The United Nations and regional institutions, of which Russia is a member, made clear that the Russian law in question, as well as other infringements of LGBT rights in the country, are a direct violation of international human rights law and of Russia's international obligations.

I am aware of alarming reports by international human rights organisations and by the media of the abduction of over 100 men in recent days in the Chechen Republic on the basis of their sexual orientation, as part of a co-ordinated campaign. Reports also indicate that those abducted were subjected to torture and ill-treatment, as well as forced to disclose the identities of other LGBT individuals they know. According to these reports, at least three men have also died as a result of these actions.

If confirmed, these reports would amount to serious violations of basic human rights that are sadly a further addition to the long list of human rights abuses in Chechnya. The reaction of Chechen authorities to these allegations, seeking to justify violence against members of the LGBT community, is unacceptable and deeply disturbing. I note a statement on behalf of the Russian President, Vladimir Putin, last week that law enforcement authorities would look into these reports. The Minister is calling on the Russian Government to urgently undertake a thorough investigation into the reports of the abduction and killing of gay men in Chechnya, to reject the cynical statement of local Chechen officials justifying violence against and the murder of gay men and to make it clear that it does not condone such statements. It is also incumbent on the Russian Government to take the necessary steps to protect those fleeing persecution in Chechnya, as well as those civil society activists who are offering assistance to them.

As to the Senator's question as to whether the Minister has raised this with the Russian ambassador, it is my understanding that it has not been raised directly yet. The reports of this have only emerged over recent days and the Minister is still in the process of receiving information on the extent and the nature of the actions. Once further information is brought to his attention, he will decide what action to take.

An Cathaoirleach: The Senator can ask a brief supplementary question. I believe he got a comprehensive response.

Senator Fintan Warfield: Yes, I agree. I welcome the acknowledgement that this amounts to serious violations of basic human rights. I believe it amounts to crimes against humanity.

There is an informal meeting of EU foreign affairs Ministers in Malta on 28 April. Before that time, I, along with the LGBT community and its allies would appreciate it if the Russian embassy could be contacted about this matter and then if the Minister could raise it in Malta.

An Cathaoirleach: I am sure the Minister will do that.

Deputy Helen McEntee: The Government shares the Senator's grave concerns on this issue. The Minister will continue to monitor the situation through the Irish embassy in Moscow and join with international partners to ensure a full and thorough investigation takes place into these actions.

Local Authority Members' Remuneration

Senator Mark Daly: I would like to share time with my colleague, Senator Gallagher.

An Cathaoirleach: Is that agreed? Agreed.

Senator Mark Daly: The issue I am raising relates to the terms and conditions of local authority members. As the Minister of State is aware, over the past several years, there are 678 fewer local authority members than there were when the reform of local government took place under the previous Government. There are now only 949 local authority members. We used to have 114 local authority areas, including town councils, but this has been reduced to 31. Ireland holds the sad distinction of having fewer public representatives per head of population than any other country in western Europe. There is one local authority member for every 5,000 members of the public, as opposed to one local authority member for every 100 persons in France. France takes local government seriously with every town, village and crossroads having somebody who represents the community at local authority level.

Ireland has not only taken away many of the local authority areas and members, but their terms and conditions have been reduced drastically over the years. The Minister for Housing, Planning, Community and Local Government previously outlined to the House why he was discriminating against those in Dublin, Galway and Cork cities and not treating them equally in his proposals.

I was hoping the Minister of State would outline to the House if the Minister has fulfilled his pledges to us and the terms and conditions he promised would be put in place. As they stand they do not go far enough to deal with the increased workload that local authority members face and the number of meetings they have to attend.

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Senator Robbie Gallagher: I concur totally with the sentiments outlined by my learned colleague, Senator Mark Daly. It is disappointing we find ourselves back in the House, raising this issue again. We had all hoped at this point that there would be some real and tangible progress to report. Unfortunately, that is not the case.

We are chasing county councillors out of local democracy because the reality is that, in order to do one's job properly, it is a full-time job. There is no way one can hold down a job properly and be a local representative at the same time. It is just not possible. All we are looking for is fair play and a fair day's pay for a fair day's work. No local representative goes into local government to make money. All we are looking for is the vital role they play on a daily basis is recognised and that they get full recompense for it.

Deputy Helen McEntee: I thank the Senators for raising this issue and the Minister for Housing, Planning, Community and Local Government sends his apologies for not being able to attend the Chamber.

Effective local government structures are an essential part of our democracy. In turn, effective local government cannot be achieved without the hard work and commitment of elected members in service of their communities. I join with the Senators in commending the work of many local authority members across the country. A range of financial supports is in place to assist councillors in their vital work. These include a representational payment, fixed annual expenses allowances, travel and subsistence allowances, a mobile phone allowance, a retirement gratuity, as well as conference and training provisions.

The programme for a partnership Government includes a commitment to review the supports provided to councillors, in consultation with representative bodies, to enable councillors to continue their important work. Shortly after assuming office, the Minister met with representatives of the Association of Irish Local Government, ALG, and the Local Authority Members Association, LAMA, to discuss the view of their members that positive consideration should be given to improving the range of supports available. In January this year, taking account of the considerable additional workload on councillors since the 2014 local government reforms were introduced, the Minister announced two important changes to better support councillors in their role as public representatives.

First, a municipal district members' allowance worth €1,000 per annum is being introduced in the 25 local authorities that now have municipal districts, as these areas were most affected by the reduction in councillor numbers since 2014. Second, a new vouched annual expenses allowance of up to a maximum of €5,000 is being introduced which councillors may choose to opt for in place of the existing unvouched fixed rate annual expenses allowance worth approximately €2,500. These new measures must be implemented from July this year, following the necessary legislative amendments being put in place in consultation with the Minister for Public Expenditure and Reform. The ALG, on behalf of its members, has called for a degree of flexibility to be applied to the new annual expenses allowance by retaining an unvouched element while amounts above this would be claimed on a vouched basis. The Minister is taking this matter under consideration and has asked his Department to examine this proposal in the context of the arrangements in place for members of the Oireachtas.

The Department is also examining the revised travel rates for public servants recently announced by the Minister for Public Expenditure and Reform so as to consider how they can best be aligned with councillors' terms and conditions in a manner that is both fair to councillors

but also has a clear rationale and is consistent with rates that apply elsewhere. Consultation with the Department of Public Expenditure and Reform and the Revenue Commissioners will be necessary.

I again thank the Senators for raising this matter. The Minister intends to give his full consideration to the issues raised by the representative associations and to reach a conclusion in this regard as soon as possible.

Senator Mark Daly: I thank the Minister of State for her reply. I wish to share my supplementary time with Senators Gallagher and Wilson who is also concerned about this issue.

The issue of vouched expenses was raised in this House before with several suggestions put forward. I am glad the Minister is examining the issue of travel rates and that they should in effect be compatible with a rationale behind them. He will have to return to the House in July to update us on the conclusions reached in regard to these proposals. While there are no distinct answers on some of these matters, it is an ongoing issue.

Senator Robbie Gallagher: I thank the Minister of State for her response. On the last paragraph, how soon can we expect the Minister to make an announcement on the issues on which we are waiting for clarity?

Deputy Helen McEntee: It is my understanding that will happen in July, but I will bring the Senators' queries to the attention of the Minister and ask him to revert to them directly.

An Cathaoirleach: I understand the Minister is in close contact with the ALG and LAMA. It is hoped a sensible solution will be arrived at.

Schools Building Projects Status

Senator Diarmuid Wilson: I would like to share my time with Senator Robbie Gallagher.

An Cathaoirleach: Is that agreed? Agreed.

Senator Diarmuid Wilson: I welcome the Minister of State, Deputy Helen McEntee, and thank her for taking this matter on behalf of the Minister for Education and Skills.

The Holy Family school in Cootehill, County Cavan is unique and an important school for the counties of Cavan and Monaghan. It caters for pupils between the ages of four and 18 years with severe and profound learning difficulties, moderate and multiple learning disabilities and/or autism. It is an important project for the community at large. While the Department has gone some way towards progressing the project, the approval of the Minister for Education and Skills is necessary if it is to proceed further.

The Department has accepted that this major building project is a priority to progress to tender and construction stage. On 31 January it was authorised to complete stage 2B, architectural planning. The initial feasibility study for the new school accommodation was carried out in 2002. The design team was appointed in 2006 but for various reasons delays have occurred, including because of an increase in enrolments and changes to the schedule of accommodation. Since 2002 the school population has doubled in size and the school's facilities are totally inadequate to meet the needs of the pupils. The school operates on two sites such that pupils

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attending the White Star complex in Market Street in the town have to travel by bus, on a daily basis, to the main building for lunch. There is a severe lack of space in both buildings. For example, one class which comprises four wheelchair users is held in the PE storeroom. I am sure the Minister of State will agree that this is not acceptable.

I pay tribute to the board of management, previous boards of management, the principal and staff for the excellent job they are doing in difficult circumstances. The board of management does not want to introduce waiting lists for the first time in the school's history as it is the only school of its type in Cavan-Monaghan. However, if something is not done soon and it is not possible to accommodate all of the children who need to attend the school, serious problems will arise for children in both counties with moderate, severe and-or profound disabilities. Children who need to attend the school must not be deprived of that opportunity. It is important that the Minister, Deputy Richard Bruton, give the go-ahead for commencement of construction of the project this year.

The school sought and was granted planning permission last year for temporary accommodation to enable it to move site this summer to allow construction work to commence on the main site before the end of this year. The board of management, the parents association and the wider school community are frustrated by the delays. It is important that the requisite approval be issued at the earliest possible opportunity. I ask the Minister of State to impress this point on the Minister.

The project is a priority for councillors and Oireachtas representatives in Cavan-Monaghan. My colleague, Deputy Brendan Smith, has been raising the issue on a regular basis and was instrumental in the granting of initial approval in 2002 for commencement of construction of this project. It is also a priority for the parents of children who have attended or are attending the school and the wider community in Cootehill.

Senator Robbie Gallagher: I, too, welcome the Minister of State. I concur with the sentiments of my colleague, Senator Diarmuid Wilson, on the issue. The school in question caters for pupils from counties Cavan and Monaghan. It has a great reputation and gone from strength to strength in terms of enrolments which have doubled since 2002. I pay tribute to the principal and staff, the board of management, previous boards of management and the many others involved in lobbying to get the project moving. It has been on the track for far too long. The school operates on two sites which I am sure the Minister of State will agree is inadequate. We would welcome progress on the issue. Everything is ready to go. We need the Minister for Education and Skills, Deputy Richard Bruton, to iron out the remaining difficulties to enable the project to proceed to construction stage early in 2017. The school was founded by a former Member of the Lower House, Dr. Rory O'Hanlon, over 50 years ago. Many students have passed through the school with great distinction since. It is time the project was grasped in order that the students and staff can enjoy conditions suitable to the tasks they undertake.

An Cathaoirleach: I welcome the teachers and pupils present in the Visitors Gallery. It is nice to see young children visiting the Seanad and acknowledging our presence.

Deputy Helen McEntee: I thank both Senators for raising this issue as it provides me with an opportunity to outline to the Seanad the current position on the major building project for the Holy Family school in Cootehill. I understand the urgency attached to the project, given that it involves a multid denominational and co-educational special needs school which caters for pupils aged between four and 18 years with moderate and profound learning difficulties

and autism. The project was included in the six-year programme announced on 17 November 2015 to proceed to tender and construction. The original brief was to provide a 21 classroom school. Following a meeting with the Department in December 2015, the school and its design team were authorised to increase the scale of the project to deliver a new 26 classroom school. As outlined by Senator Diarmuid Wilson, on 18 November 2016 the design team submitted a stage 2A addendum report to the Department for review. The review was completed by the end of January 2017 and the board of management and its design team were authorised to complete stage 2B - developed design stage. This stage includes obtaining planning permission, a fire safety certificate and a disability access certificate.

All statutory approvals have now been secured for the project. Construction will require the full decant of the existing school to temporary accommodation on a nearby site. The decant will be an integral part of the school building project and form part of the main contract. Planning permission for the decant accommodation was secured in August 2016. The fire certificate and disability access certificate were subsequently secured and the Department has authorised the signing of a lease by the school to secure the decant site. The design team architect has informed the Department that they expect to submit the stage 2B report for review by the end of this month. Once the stage 2B report has been submitted and approved, the Department will revert to the school with a timeframe for the tender process, including the pre-qualification of contractors.

I regret that I am unable to give the Senators an exact date for commencement of the project, but I hope they are assured by the response that the project will be addressed at the earliest date possible.

Senator Diarmuid Wilson: I thank the Minister of State for her reply. On the reference to the school having to decant from its current site, as outlined in my earlier remarks, it is prepared for that move.

11 o'clock

I impress on the Minister the urgency for this project to proceed if children are not to be refused enrolment at the school because there is not sufficient room to accommodate them. Nobody, least of all the principal and staff of the school, wants that to happen. I urge the Minister of State to impress on the Minister, Deputy Bruton, the need for this project to progress as quickly as possible.

In regard to the group of people currently in the Visitors Gallery, they are members of the Foróige Youth Club in Narramore, County Kildare. Like the Cathaoirleach, I welcome them to the Seanad. I hope they enjoy their visit to Leinster House and Dublin.

Deputy Helen McEntee: I, too, welcome the people in the Visitors Gallery. I acknowledge that this is an extremely urgent case and that it is important the next stage of the process commences by the end of this month. I will bring the Senators' concerns to the attention of the Minister.

An Cathaoirleach: I wish the daoine óga a very happy Easter. I am sure they will have time off from school to relax and enjoy the fine weather.

Sitting suspended at 11.05 a.m. and resumed at 11.30 a.m.

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Order of Business

An Cathaoirleach: I call the House to order. I call the Leader to outline the business of the day.

Senator Jerry Buttimer: The Order of Business is No. 1, Companies (Amendment) Bill 2017 - Committee and Remaining Stages, to be taken at 12.45 p.m; No. 2, Companies (Accounting) Bill 2016 - Committee Stage, to be taken at the conclusion of No. 1 and to be adjourned not later than 3 p.m. if not previously concluded; No. 3, Civil Liability (Amendment) Bill 2017 - Report and Final Stages to be taken at 3 p.m; No. 4, Criminal Justice (Offences Relating to Information Systems) Bill 2016 - Second Stage to be taken on the conclusion of No. 3, with time allocated to group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes; and No. 5, Private Members' business, Intoxicating Liquor (Amendment) Bill 2017 - Second Stage, to be taken on the conclusion of No. 4, with the time allocated to this debate not to exceed two hours.

Senator Gerry Horkan: I will start with a bit of good news. I welcome the long-awaited deal struck between the Department of Health and Vertex to provide the life-saving drug, Orkambi, to cystic fibrosis patients. Campaigners have been appealing to the Minister for Health for well over 18 months for this drug, which will radically change the lives of more than 1,000 people who suffer from cystic fibrosis. There has been a lot of campaigning for this and Deputies and Senators in my own party have been dealing with cystic fibrosis patients and their supporters.

I also wish to raise the controversy surrounding the post office network. It has been indicated that 265 post offices around the country are unviable and many face closure. I am sure this will affect post offices in urban areas but it would decimate rural Ireland as post offices are a lifeline to many areas. On last night's "Prime Time", the chief executive of An Post, David McRedmond, said there would be a significant number of closures and that if the company does not make changes needed for the future the whole system will collapse. We need urgent clarity from the Government on what it intends to do to prevent such closures. Government responsibility for post offices and the future network seems to be shared by a number of Departments and Ministers. The Government received the Bobby Kerr report almost a year ago, which outlined a number of practical solutions, but it has not yet addressed it. It is unacceptable. It is important that we tackle this issue. We must put a new emphasis on defending services, particularly in rural Ireland, and stop neglecting positive ideas that could help. I see there has been a row between the Minister, Deputy Denis Naughten, and the Minister of State, Deputy Michael Ring, which the Minister, Deputy Naughten, seems to have won for the moment. We should bring the Minister to the House to talk about it.

I call on the Minister for Children and Youth Affairs, Deputy Katherine Zappone, to come to the Seanad to discuss the delay in publishing the interim report on mother and baby homes. The Minister has had the document since last September and I have grave concerns about the length of time it has taken to publish it. I welcome its publication but there are still large gaps in the report and it is inexcusable that it has taken six months to get to this point.

I dealt with Bus Éireann yesterday and I hope the issue will conclude satisfactorily at some point today.

Senator Michael McDowell: I wish to propose an amendment to the Order of Business proposed by the Leader. I propose that all Stages of No. 5, the Intoxicating Liquor (Amendment) Bill 2017, be taken today. I would be disposed to withdrawing my amendment if the Leader is in a position gives the House an assurance that the remaining Stages will be taken as a matter of priority in the weeks after the Easter recess.

It is time that this House had a proper debate on where the funding of public service broadcasting in Ireland is going. It is all very well for the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to say he has asked the joint committee, of which I am a member, to look at alternative funding models but many people have taken exception to the suggestion that every large tablet other than a mobile phone should attract a television licence fee or something like that. This House should debate the issue thoroughly. There are many other models, such as earmarking a portion of the local property tax for the fee and imposing it on every house, or giving responsibility for collecting the fee to an agency such as the Electricity Supply Board, which supplies to every single dwelling and commercial premises in the country. It would be a retrograde step to ask people for over €150 per year for the capacity to receive television programmes, however indirectly, on their tablets and portable computers and it would be deeply unpopular with the people. It is about time that the management in RTE realised that there cannot be an increase in the licence fee as it is currently constituted. If somebody had a house in Dublin and a holiday caravan in Skerries, they would have to come up with over €300 per annum for their licence fees. If they want to earn that kind of money to pay it over to the State, at current marginal rates of tax and USC, they will have to earn over €600 for the privilege. I am fully in favour of public service broadcasting and its proper funding, but we cannot have a situation where RTE is encouraged to think it will get more money on this front and that it will be imposed on people across the board just because they have a laptop at their disposal. I ask the Leader to arrange for the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to come to the House to debate this issue with us.

Senator Máire Devine: I propose an amendment to the Order of Business. I would like an invitation to be extended as a matter of urgency to the Minister for Children and Youth Affairs, Deputy Katherine Zappone, to come to the Chamber to respond to questions on the second interim report of the Commission of Investigation into Mother and Baby Homes which was published yesterday and her response to it. The survivor groups waited anxiously for eight months for the report to be published and their experiences to be validated by the State. Yesterday, amid the noise from the water committee and on other issues, they received validation that the lies and their experiences did not matter. They are reeling from the shock and speechless for now at their dismissal in the report. This compounds the pain and emotional distress for those blighted by the cruelty wrought upon them. It is laughable that Judge Murphy found no evidence of abuse because 600 people gave harrowing evidence to the commission, in many instances backed up by medical documents, of the physical, emotional and sexual violence that made up their daily lives. The Minister also talked to survivors, yet she agrees with the commission's statement. The dogs in the street know that abuse of an horrific nature occurred. I have counselled many survivors and I am privy to the extremities of the twisted abuse they suffered. It was a sadistic environment and a reign of terror by religious orders with State support and involvement. The report is an attempt at washing Ireland's dirtiest open secret - our concentration camps, our babies for adoption factories and our slave trade. Look at the length of time it took for the Magdalen women to be given an apology. They were made to beg for years. Even now, what was promised remains to be fulfilled. As the final report is not due to

be published until next year, there is still time to extend the terms of reference. Survivors have the right to know who they are, where they came from and who their people are. They have the right to know why the adoptees are treated differently in the report. Is there a hierarchy in Ireland's concentration camps? There was a recommendation that there be an amnesty from prosecution in order that those who were involved would give evidence. They should be subpoenaed and not treated with kid gloves. Survivors have asked me to ask the Houses and the Minister responsible where is the decency and empathy and where the moral compass lies in determining whether heinous wrongs will be investigated and addressed. Who in this Chamber believes the State has not been implicated in the savage cruelty inflicted, the slavery and torture of very vulnerable women, girls and infants? The survivors I have mentioned all seek truth, justice and accountability. They want more than tea and sympathy. The terms of reference of the commission must be extended. Will the Leader ask the Minister to come to the House to address these issues?

An Cathaoirleach: Is the Senator formally proposing an amendment to the Order of Business?

Senator Máire Devine: Yes.

Senator Colette Kelleher: I thank everyone for the cross-party support I received for the Adult Safeguarding Bill which I brought forward last Wednesday in Private Members' time. I am looking at the next steps to be taken to progress this urgent legislation. I would be delighted to have the continued input and support of the House. Yesterday the national safeguarding committee chaired by Patricia Rickard-Clarke launched the findings of its RedC poll on vulnerable adults in Irish society. I recommended that people look at the report. Some of the findings are stark and timely, given our recent debate. It is clear from the findings that adult abuse is widespread. Two in five people think vulnerable adults are treated badly, while 48% claim they have experienced abuse of a vulnerable adult. Half of the people under the age of 34 years do not know what to do if they encounter a situation where a vulnerable adult is being abused. It is clear that we need to move the Adult Safeguarding Bill forward as quickly as possible.

I ask the Leader if the invitation to the Minister of State with responsibility for equality, immigration and integration to discuss the migrant integration strategy can be reissued. The issue is really important and it would be great to see time being allocated to discuss it again.

Senator Aodhán Ó Ríordáin: I will raise two issues, the first of which is child poverty. There have been a number of requests made this morning and I agree that the Minister for Children and Youth Affairs should be invited to come to the House to discuss the issue of mother and baby homes. In the past few weeks I have found the noise in the Houses on the issue of water charges distressing. One sees images of Deputies and Senators with scraps of paper surrounded by other parliamentary colleagues and there have been discussions of the threat of an election and the possibility that the issue will cause the collapse of the Government. An incredible amount of energy has gone into discussing the issue. It would be refreshing if the issue of child poverty created the same amount of heat, excitement and enthusiasm in all political parties represented in the House. It would be refreshing to witness a politician in the Houses with a scrap of paper discussing how the issue of child poverty could be adequately addressed and tackled and to have those surrounding that individual saying it is something on which we could go to the country. It is of fundamental importance to the survival of the Republic. Anybody who believes in the real meaning of the word "republic" would take the issue of child poverty that seriously. However, the issue which generates that effect is water charges. It is the issue

that has got people excited. On the issue of child poverty, I want to make a practical suggestion that the Minister be invited to come to the House to discuss her vision for the ongoing area-based childhood, ABC, programme which encompasses a number of initiatives, including in my constituency the preparing for life scheme in Darndale. There are 15 such schemes across the country. I would like to have the Minister's input on how she believes the schemes that tackle child poverty and empower parents can be enhanced in the coming years.

Like other Senators, I raise the issue of Chechnya and LGBT rights. This was the first country in the world to openly vote in favour of marriage equality. We have a number of things of which we can be proud in this country in promoting LGBT rights across the political spectrum. Most recently, my colleague, Senator Gerald Nash, has been attempting to push that agenda further in this Chamber. We are a beacon of light for the world when it comes to LGBT rights. It is important when the Vice President of America wants to roll back on LGBT rights that we stand firmly in opposition. In Chechnya there are reports that camps and detention centres are being established and that young LGBT males, in particular, are being rounded up and sent to them. It is important we take a stand against this. I respectfully ask that the Minister for Foreign Affairs and Trade be asked to come to the Chamber to discuss the issue in order that we can have a proper conversation with him about how he can discuss the issue with the Russian ambassador to this country because we are a beacon of light when it comes to dealing with certain issues. This is a country which has a proud recent record of promoting LGBT rights. It is something on which we should not be behind the door when speaking about how we can play our role in the international fight for LGBT equality.

Senator Joe O'Reilly: As my party's spokesperson on foreign affairs, I support the views of Senator Aodhán Ó Ríordáin on what is happening in Chechnya and LGBT rights.

I will raise a different issue. There is a long-standing tradition in this House which has been honoured to this day of encouraging independent thought, independent speech and the making of distinctive and personal statements. It is a very important input to political debate in this country. For that reason, I respectfully depart from the developing and growing consensus on the opening of licensed premises on Good Friday which I am against for a number of succinct reasons. I am against it on the grounds that, de facto, pubs closing on Good Friday is part of our national identity. It is distinctly Irish and has been for a long time.

Senator Diarmuid Wilson: Closing time.

Senator Joe O'Reilly: I shall not accept interruptions because my comments are important.

An Cathaoirleach: Briefly.

Senator Joe O'Reilly: Yes.

An Cathaoirleach: The matter will be debated later today.

Senator Joe O'Reilly: The closure of pubs on Good Friday is part of our religious tradition. It is non-sectarian in that there has been a buy-in by all of the religious traditions. It also sends a subliminal message on our attitude to alcohol that we favour temperance and have space for a non-alcohol day or two during the year. We should not give in to every fad and whim of commercialism. If there is money to be lost, so be it if there is a valuable national priority to be maintained. Keeping pubs closed on Good Friday is distinctly Irish and part of our religious cultural heritage.

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Senator Michelle Mulherin: Hear, hear.

Senator Joe O'Reilly: We should open the debate and reflect more before getting rid of everything and giving in to every commercial whim. We should not “fumble in a greasy till and add the halfpence to the pence” on every issue.

Senator Keith Swanick: I wish to inform the House that the other day I wrote to the management, shareholders and directors of MidLink M7/M8 Limited to complain in the strongest terms about the treatment of the Carrick-on-Suir water rescue service. As we all know, a Herculean effort is being made in Erris to bring home the bodies of Paul Ormsby and Ciarán Smith. Last weekend almost 1,000 people were involved in the search on land and sea. Let us be clear that there is no second-class emergency service in this country. However, the treatment of the volunteer emergency workers involved was appalling. It was an insult to their dedication, bravery and selfless work that they were charged tolls for emergency vehicles while on their way home from the search. In my letter I called on the company to without delay publicly express an apology to the Carrick-on-Suir water rescue service and arrange for a full refund. This is not about the money but the principle. I want the company to immediately initiate a revision of its policy. I hope the Leader and my fellow Senators agree with my sentiments.

Senator Gerard P. Craughwell: I second my colleague Senator Michael McDowell's proposal that we take all Stages of the Intoxicating Liquor (Amendment) Bill. Like him, I am prepared to work with the Leader and will listen to what he has to say in replying to the Order of Business.

Last week I spoke about the functions and role of the education and training boards. Through Senator Billy Lawless, I was introduced to some people in the United States, including venture capitalists who had a lot of money. Having an opportunity to meet people in the United States is just one of the benefits in having somebody like the Senator there. I draw attention to a marvellous project called the 1871 Entrepreneurial Technology Centre that is mirrored on a micro level by the PorterShed in Galway. The role of education and training boards was to include seed capital, funding and resources for small stand-alone start-up companies. Through the contacts I made through Senator Billy Lawless I have been emailed by a number of people from Chicago who are interested in coming here to look at small start-ups to see whether they can fund them.

Senator Paddy Burke: Why not go over to them?

Senator Gerard P. Craughwell: Naturally, start-ups seek equity. We would like to see the education and training boards being given back the responsibility to assisting small start-ups. In order to do so, we need the Minister for Education and Skills to come to the House to discuss the issue. In the revised Bill responsibility was removed from the education and training boards. I invite everyone to visit the PorterShed in Galway and a similar place in County Kerry or west Cork. I can see Senator Paul Coghlan looking at me.

Senator Paddy Burke: Why not go and meet investors?

Senator Gerard P. Craughwell: Creating five jobs in a small town would make a huge difference. If we could get ten small towns involved, 50 jobs could be created. I ask the Leader, at his leisure, to invite the Minister responsible to come to the House to debate this issue after the Easter break.

Senator John O'Mahony: I again refer to the need to prioritise the N4 and N5 road projects in the mid-term capital review. Submissions by the public will be accepted up to 30 April. The economic crash of 2008 stopped many projects in their tracks, including the N4 and N5 road projects. They would have assisted in balancing regional development. A number of weeks ago the Minister for Housing, Planning, Community and Local Government launched the plan Ireland 2040. It outlines the need to spread jobs and development across the regions. Will the Leader facilitate a debate after the Easter break with the Minister for Public Expenditure and Reform? Will he ask the Minister to come to the House to outline the timelines once the public consultation process has been completed? It would be an opportunity for everyone to express his or her priorities. We need good forward planning, but it can be difficult to achieve when Governments operate in five-year cycles. If we do not get things right this time, one side of the country will be choked, while the other will be left totally devoid. I, therefore, ask the Leader to arrange for the Minister to come to the House after the Easter break to discuss the issue.

Senator Rose Conway-Walsh: I unequivocally support Senator Keith Swanick's proposal in response to what happened to the Carrick-on-Suir water rescue service when its volunteers had to pay tolls. It was an appalling way to treat them. Their work must be recognised as a matter of principle.

Senator Diarmuid Wilson: Hear, hear.

Senator Rose Conway-Walsh: I extend the solidarity of the House and our thoughts and prayers to the families of Paul Ormsby and Ciarán Smith who remain missing. I wish all of the rescue services involved in the search the best of luck in the coming days in seeking to reunite Paul and Ciarán with their families.

I convey my sympathy to the family of Evan Morrissey who was aged 28 years and a father of five when he died on 22 March 2014 from a bleed on the brain having been sent home three times after being diagnosed with a migraine. He had had a history of migraines, but on this occasion he was suffering from neck and back pain and vomiting. The admitting doctor in the emergency department in South Tipperary General Hospital conceded that he had not read the notes supplied by the paramedics. I raise the matter because there continues to be-----

An Cathaoirleach: I hope the Senator will not name the doctor as the case may be *sub judice*.

Senator Rose Conway-Walsh: There continues to be misdiagnosis of patients in emergency departments throughout the country. Let me give a couple of examples. I know a woman who was discharged from hospital, even though she had a fractured back. She had no one to look after her at 11 p.m. and had no money. She had been brought to the hospital by ambulance and was dismissed at 11 p.m., even though her back was fractured. I know of another woman who was sent away, although she had a broken ankle, on which she hobbled around on for three days. Another woman who presented with a life threatening illness was told by a receptionist that her next appointment would be a month later. She told the receptionist that she knew there was something seriously wrong with her and that it would be her month's mind instead of a hospital appointment. I have outlined just a few examples of what has happened in some hospitals, but there are many more. Will the Leader request the Minister for Health to come to the House to give us the aggregate numbers of cases involving a misdiagnosis that have happened in hospitals in recent years? I want the Minister to outline the safety measures he has put in place to ensure misdiagnoses will be stopped and ensure the safety of patients in hospitals.

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An Cathaoirleach: I urge Senators to be careful in referring to cases not to identify anyone, particularly when there may be a medical negligence case pending.

Senator Rose Conway-Walsh: The case has been concluded and the details are available to the public. I thank the Cathaoirleach for his advice.

12 o'clock

Senator John Dolan: The Minister of State with responsibility for disability, Deputy Finian McGrath, has a longstanding passion, commitment and interest in cystic fibrosis and those who have the condition. I commend him and the Minister for Health on developments in respect of the Orkambi drug. Many people will be very relieved today and others who will be diagnosed with the condition will take comfort as a result of what has been done.

The water issue has been raised. In December 2014, I spoke on “Morning Ireland” on the day after the “Prime Time” investigation featuring bungalow 3 in Áras Attracta in Swinford. A major water protest was held the following morning. The question that struck me that day was when we, as a country, would deal with the major issues we face, given that people in a nursing home were being rounded on by others whose role was to care for, protect and support them. I do not wish to detract from the concern and passion people have about water or their ability to pay water charges or otherwise. I plead with all Members in both Houses to get back to the work of ensuring we have proper public and social services, especially in the area of disabilities. Senator Ó Ríordáin made this point in respect of children.

I was honoured and surprised to be elected to the Seanad at this time last year. Since then, many individuals with disabilities, their families and supporters and members of disability groups have visited the House. Those with whom I have spoken have said they found all of the staff of the Oireachtas, including ushers, porters and catering staff, to be highly thoughtful and accommodating. It is important to mention this because this campus is old and not especially accessible with modern and old elements. The people who work and serve here go a long way to make it more welcoming and comfortable, for which I thank them.

Senator Michelle Mulherin: I also welcome the deal that has been struck on cystic fibrosis drugs, particularly Orkambi. It will provide welcome relief to a particular cohort of cystic fibrosis sufferers who will benefit from the drug. It also shows that we must stand up to drugs companies. In that regard, I compliment those who negotiated with the companies in question to achieve an acceptable deal in terms of cost.

I raise the issue of post offices. The suggestion that half of all post offices could face closure creates fear throughout rural Ireland and among those who are aware of the value of the post office network. Post offices are crying out for investment and diversification of services. I am heartened to note the interest the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, has shown in this issue, in particular, the hope he expressed that further services will be rolled out shortly once broadband becomes available throughout the network.

We must consider practical business. We have heard a great deal over the years about post offices providing banking and other services. Reports have been produced and action has been promised for years. We have reached a crunch point and we must stop talking about how great the post office network is because every change to date has involved diminishing post office services or shutting down branches on an *ad hoc* basis. We must be honest and put everything

on the table. Post offices should examine the possibility of assuming responsibility for compiling the register of electors. In many cases, local authorities have been unable to do this job, creating a gap in the register. Postmasters and postmistresses have a great deal of local information which could be valuable in this regard.

As I have stated before, post offices should be allowed to provide driver licence services similar to the passport express service they currently provide. This is not rocket science and I hope there will be an impetus to take many of the steps required for post offices now that the writing seems to be on the wall and An Post's plans have become known. Notwithstanding its commercial mandate, An Post, as a State company, must play its part.

Senator Paul Gavan: I second the amendment to the Order of Business proposed by Senator Máire Devine.

Yesterday, Ms Patricia King of ICTU provided some startling information to the Joint Committee on Jobs, Enterprise and Innovation, which I propose to share with Senators. The most recent statistics from the Central Statistics Office show that 35.2% of the workforce earn less than €400 per week. Senators should think about that statistic because it means one in three workers employed in the State earns less than €400 per week gross. Incidentally, this is less than one third of what Senators are paid weekly before expenses. Another 32% of employees earn between €400 and €800 per week. As such, the Government's own statistics demonstrate that this is a low-wage economy. Ireland is second from the bottom in terms of low wages in the OECD.

I ask that the Minister for Jobs, Enterprise and Innovation, Deputy Mitchell O'Connor, come to the House to debate this issue. The problem with the so-called recovery is simple. There is no recovery for people who earn €400 per week or less and when we have one in three workers employed on poverty wages. We must implement constructive policies that will help to address this issue. One simple way of doing so would be to address how the State can support a living wage, perhaps in its procurement policies, as occurs in Scotland. I am trying to be constructive and I would like a constructive response from the Government side, rather than have Senators throw the usual brickbats. There is a problem with poverty pay and the onus is on us to address it. I ask the Leader to ensure the Minister comes to the House and that all sides contribute to tackling this issue.

Senator Lynn Ruane: I congratulate UISCE, the Union for Improved Services Communication and Education, on the launch of its strategic plan. UISCE works with drug users and drug service users to keep drug use advice at the centre of drug policy, which is extremely important.

Senator Joe O'Reilly described Good Friday as part of our identity. Most things about Good Friday are definitely not part of my identity and many Irish people feel the same as I do. He also used the term "bowing to commercial whims". We should remind him of those words when we debate the Public Health (Alcohol) Bill again.

I call on the Leader to ask the Minister for Justice and Equality to come to the House for a debate on inequality. It was pointed out to me at an event last night that we have conferences, events and community initiatives on how people living in poverty can tackle their disadvantage, yet no one sits in rooms talking about how we can tackle privilege. We need to have a real conversation on inequality rather than considering the issue in a vacuum. We must address the

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broader issue of inequality and how best to tackle it, rather than assuming that people choose to live in poverty. I ask the Leader to facilitate such a debate.

An Cathaoirleach: I remind Senators that the Intoxicating Liquor (Amendment) Bill will be debated this evening. It is nonsensical to debate issues related to it at this stage.

Senator Gabrielle McFadden: I welcome the sentiments expressed by Senator Dolan on Áras Attracta and the work that needs to be done in the area of disability. I hope we can move on and address important issues, including disability.

I raise again the unfilled posts in the child and adolescent mental health services, or CAMHS. I will continue to raise this issue until I am given answers. It is unbelievable that more than 80 posts in community mental health services remain unfilled. CAMHS caters for children and adolescents with severe mental health issues, including suicidal ideation and is an essential community support for families. As such, I cannot understand why the HSE is having difficulties filling posts and maintaining staff. It says it is making every effort it can to fill posts. Can the Leader request the Minister to attend the House to give us an idea as to why there is difficulty and what is being done by the HSE to fill the posts?

Senator Rónán Mullen: I welcome the alleged compromise arrived at on the water issue. As a House and at Oireachtas level, we must reflect on what this whole affair has to say about the way we do politics here and in the country. We have had a massive national distraction and a tremendous amount of posturing on all sides on an issue which is really rather simple, namely, the idea of promoting public, individual and collective responsibility for a precious resource. What has gone on at political level over the last weeks and months has not been edifying and has not inspired confidence in the political process. We must consider our political priorities here. We have had all this distraction about whether people should pay and how much for their water usage while the entire political establishment on practically all sides of the House has ignored completely the fact that we face hundreds of millions of euro worth of overspend in relation to the proposed children's hospital, far beyond what was originally projected. There is a high likelihood that the hospital is being built in the wrong place and that it will endanger the children who need its services. Very eminent people have given dire warnings about the massive expense and lack of accountability around the constant increases in projected expenditure and questions about placement. There has been no serious political discussion of this while we rant on about a relatively minor issue, namely, water charges.

We have massive inconsistency here. While I hate to point fingers, the Fianna Fáil leader was speaking a few short weeks ago about the need for religious orders to hand over any health or education facilities they owned. Meanwhile, he asks today about the proposed exclusion of certain categories of former residents of mother and baby homes, saying the matter is complex and that it is too early to say. What really matters to our politicians? Is it the welfare of individuals, including former residents of these homes who have a very good claim to be included at the same level as others with a disadvantaged past or is this all about political posturing and going by what the media appears to want politicians to say? Is that what it is really all about at the end of the day?

Senator Alice-Mary Higgins: I join Members in supporting the suggestion that we have a debate with the Minister for Children and Youth Affairs on the statement that came out yesterday. It is shocking and appalling. I add a request to the Leader that the Minister for Justice and Equality attend to speak to us on the issue. It has been pigeonholed as something for the De-

partment of Children and Youth Affairs when, in fact, it is a deep and wide issue of justice and equality in the State. It is and should be a matter of extreme concern to us if our Government says it is not possible to implement recommendations to deliver justice, equality and redress.

It is shameful that we have had statements saying there have been no findings to date regarding abuse or neglect. Indeed, the Tánaiste, Deputy Frances Fitzgerald, stated to the UN that there had been no findings in respect of the Magdalen laundries when we are finding the bodies of children in the ground and we see the evidence, stories and testimony of people who endlessly and bravely come forward to talk about the experiences they have had. Despite obstruction and the obfuscation and removal of records, every examination finds consistent clear arrows towards abuse and neglect. Let us move past the point where we say there are no findings and say that there was abuse and neglect albeit the depth and extent of that abuse and neglect will take work to dig through.

In respect of Senator Mullen's contribution, the Comptroller and Auditor General spoke about the failure of religious institutions to contribute. That is a huge issue. There is a concern that if the State signals that it will not open these redress schemes and reopens negotiations on the contribution religious institutions need to make, including in relation to properties if necessary, they will understand that they do not need to worry either. Let us have no more complicity. Let us have a debate not on whether but on how we address these issues and deliver redress and justice to women and not only the children who have been affected by this.

An Cathaoirleach: I thank the Senator.

Senator Alice-Mary Higgins: A last point-----

An Cathaoirleach: I ask the Senator to hold on.

Senator Alice-Mary Higgins: This is related. It will take one second.

An Cathaoirleach: The Senator will accede to the Chair. Members come in here thinking they are all leaders and can have three minutes. I allowed whichever leader was chosen three minutes and the Senator has already had three minutes and wants to bring up another point.

Senator Alice-Mary Higgins: It is the same point. I will conclude.

An Cathaoirleach: I also point out that every other person bar a leader can raise only one issue on the Order of Business.

Senator Alice-Mary Higgins: This is the same issue and I will finish.

An Cathaoirleach: The Senator is over her time. I give her two seconds to finish up.

Senator Alice-Mary Higgins: Ireland hopes to chair the UN Commission on the Status of Women and to stand before the world as a leader on the rights of women. How can we do that credibly next March if we have this failure to redress the abuse of older women hanging over us? I ask the Leader how we can credibly take that role on.

An Cathaoirleach: Many other Members want to speak and it is unfair to them. Many Members abide by the limits day in, day out while there are five or six others who, day in, day out, test my patience and indulgence. Some day, I will prevent them from speaking. I am usually fairly patient.

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Senator Colm Burke: I welcome the decision on the benefits that cystic fibrosis patients will enjoy as a result of the decision to make two drugs available. I thank the Minister for Health and the Department for coming to an agreement on that issue. We also need to look at the agreement between pharmaceutical companies and the Government over 12 months ago on a saving of over €600 million in the cost of drugs. We are paying approximately €2.6 billion in real terms for drugs and pharmaceuticals every year. My understanding is that there are a number of other drugs which have been presented to the body which decides on drug availability and in respect of which negotiations are ongoing. These drugs would benefit a large number of patients. I understand there has been quite a delay in making a decision on those drugs being brought into the system. I ask the Leader to raise the matter with the Minister so that these drugs might also be made available at an early date. While I welcome the decision on Orkambi and the other drug which is now available to cystic fibrosis patients, we have a great deal more work to do. However, this is also about trying to keep the cost of drugs down because a huge number of people can benefit if drugs are cheaper. That is an extremely important issue as well.

Senator Niall Ó Donnghaile: The Leader will recall that in the run-up to the St. Patrick's Day festivities at the Famine memorial in Philadelphia in March, the Taoiseach announced the very positive news that the Government will seek to hold a referendum to extend the franchise in presidential elections to our global diaspora and citizens in the North. The Government's option papers are being considered and it is intended to discuss the issue at the Global Irish Civic Forum in May. Will the Minister, Deputy Simon Coveney, attend the House after the Easter break to update Members on where those options are and to set out the moves which have been made in terms of the practicalities of moving the issue forward?

We are moving towards the weekend, and with the weekend that it is all across the country, in towns and villages and laneways and gravesides, we will remember the sacrifice of 1916. The Proclamation throws down a challenge to all of us, making special reference to the exiled children but also reflective of the country and the nation in its entirety. It is a very apt time for us to reflect on this issue and how we utilise this in a positive way to include citizens across the entirety of the country and across our global diaspora. I welcome the announcement by the Taoiseach. I welcome the moves that the Minister and his officials are currently undertaking. I wonder if the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, would consider coming in to the House to update Members in advance of the global civic forum as it has been a while since he has addressed us on this issue.

Senator Frank Feighan: We have been talking about water and many other issues, but something that seems to have passed us by is that almost six weeks ago there was a very important election in Northern Ireland. Six weeks later we still have live issues such as the Irish language and dealing with the past. The parties still have not come to an arrangement. I have been told that the respect, goodwill and eagerness for a solution is not there among the parties involved. I have noticed over the years that when things got difficult Dublin and London were always called to intervene and step up to the plate. I feel that unless something happens before the weekend direct rule will be coming to Northern Ireland from London, which will not be helpful. London will do as little as possible for Northern Ireland. This will impact on the island of Ireland. I am hopeful that the parties can step up to the plate and show the same eagerness, respect and goodwill that was shown in 1998 in the Good Friday Agreement negotiations. It is difficult and there are many issues, but if the Irish Government can be helpful it should be. This is very important, and it is very timely with Easter coming.

Senator Diarmuid Wilson: I would like to support the comments of my colleague, Sena-

tor Swanick, regarding the emergency services, and to reiterate that there is no such thing as a second-rate emergency service in this country. Perhaps by way of a gesture the toll companies could offer free tags to the emergency services that do not have them at present.

I also acknowledge the comments of my colleague, Senator Gerard Craughwell, on the education and training boards, and the reference he made to 1871 in Chicago. I too had the opportunity, thanks to our colleague, Senator Billy Lawless, to visit that area. It is an incubator for start-up technology companies that offers entrepreneurs and start-ups space to work, meet and share their knowledge and experiences. It is something that we should look at providing here. I have spoken to our spokesperson on education and skills, Senator Robbie Gallagher, and he has written to the Joint Committee on Education and Skills requesting that representatives from 1871 to make a presentation to the committee. That would be very helpful.

Senator Maria Byrne: I rise today to raise the issue of the alarming figures from Retail Excellence Ireland that show that more people are shopping online now than are shopping locally. I would like to encourage people to go out and support their local retailers. The fact that the value of sterling has gone down is helping people in terms of shopping online. Retail Excellence Ireland has started a campaign and is working with small retailers to help promote them online and showing that they have goods and offer value for money. It is incumbent on us to get the message out that people should support local retailers and keep their money local, because that creates local jobs. It is very important that we support this campaign.

I know the Cathaoirleach said that we should not raise two issues, but I welcome the fact that an agreement was reached on the issue of the cystic fibrosis drugs.

Senator Ned O'Sullivan: It might be timely to have a debate on the Irish horseracing industry as we face into the Irish Grand National on Easter Monday, which is the jewel in the crown of national hunt racing, with a prize pot of over €500,000. It is probably one of the biggest races in the history of national hunt racing. I am not sure what jurisdiction these Houses have over the Turf Club. It is a fairly arcane body and its members are touchy about their rights and procedures. I hesitate to mention them here. Members of this House might be aware of the recent controversy arising from the non-triers ruling which was brought in recently. Nobody likes to see a horse on a racetrack who is not running to his best ability, especially the punter who has backed the horse. There is very little of that in Irish racing today, but it used to be widespread when I was a youngster. It is no longer prevalent as racing has become far too professional a business for that. The new ruling has been brought in by the Turf Club which states that if a horse is not seen to be trying then its trainer or jockey can be fined. The infamous case recently was the Music Box case, which resulted in trainer Aidan O'Brien, one of our best and most professional trainers, being fined €10,000 and his jockey being put off the tracks for five weeks. That is that man's livelihood.

Not too long ago the Turf Club was warning jockeys about the excessive use of the whip. Where does one draw the line? How one times a horse and decides what chance it has or how to produce it in a race is something beyond all our imaginations here. It is not an easy thing to call, and horses have to be ridden sympathetically as well.

I ask the Leader to bring the Minister for Agriculture, Food and the Marine to this House when we can have a good discussion on this issue. It is mostly positive, but perhaps the gentlemen with the hard hats might answer a few questions.

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Senator Catherine Noone: I thank the Cathaoirleach for letting me speak as I was late to the Order of Business. I previously called for the rolling out of hospital car parking guidelines for seriously ill patients and for a consistent service to be provided across the country for families when a member of their family is very seriously ill and they accrue major costs for car parking. There have been several studies discussed in the media and reports of hospitals making high incomes from car parking, which I am sure they rely on.

I would like to make proposals to the Minister and hope that I will have the opportunity to make them in this House in the near future. I propose that a designated member of staff be appointed in all hospitals to deal with cases where car parking concessions are required for patients with long-term illness. At the moment in many hospitals it is the nurse manager who takes care of this. No more than any other nurse, even if they are a manager, they have little time to deal with this as a priority. That person would then grant the concession of free parking to certain patients and their families. It would be very beneficial to people in those circumstances. I also propose that such concessions be advertised and displayed. In certain hospitals where these concessions exist people have so much on their minds with the illness of a family member that they do not realise it exists. I renew my call to the Minister to roll out guidelines for hospitals in this area, and in particular to take these suggestions on board.

Senator Aidan Davitt: I rise today to talk about rates and the revaluation of rates, which has been going on throughout the country at present. Recently we had the revaluation in Westmeath which brought in two reasonably sized provincial towns, Mullingar and Athlone, both with populations of approximately 30,000. It has been an eye-opening experience for small retailers. As we know already, in rural Ireland small retail businesses have gone to the wall and are non-existent. I feel that the next rung on the ladder is going to be provincial towns. This is coming down the track at speed. I have seen five different businesses over the last month that are seriously considering closing due to the revaluation of rates. One of the businesses in question has been in existence for over 100 years. Senator Byrne hit on it earlier when she said there is a change in shopping patterns. Up to 85% of clothing in the UK is now bought online, while in Ireland it is 60% and heading in that direction. We really have to look at a system where net profit is compared to rates. There will have to be changes or we will have no more shops and town centres will be decimated.

Senator Jerry Buttimer: I thank the 25 Senators who made contributions to the Order of Business. I welcome Mr. Tiernan Brady of Australians for Equality to the Public Gallery who is here for the Easter holidays. He is a former member of the Yes Equality campaign and I pay tribute to his work here. I wish him well in his work in Australia and hope to see it pass marriage equality.

I join with Senators Horkan, Dolan, Mulherin, Colm Burke and Byrne in congratulating all concerned in the protracted, although unnecessarily so, negotiations on the provision of Orkambi. I congratulate Cystic Fibrosis Ireland, its chief executive, Philip Watt, the Minister, Deputy Simon Harris, and the Health Service Executive, HSE, for their perseverance in negotiating a deal on the commercial terms of supply to patients who require this much-needed treatment. This is about patients and the lives of people. It is about improving the quality of life. The negotiations showed the importance of persevering and entering into talks. It is important we pay tribute to Vertex Pharmaceuticals and thank it for its willingness to engage in compromise and negotiation.

There is still a significant amount of work to be done, as Senator Colm Burke said, in keep-

ing the cost of drugs and medications at a point at which people and the State can afford. The significance of this deal will be seen in time. Again, I join with everybody in welcoming the conclusion of talks and hope it can bring a positive outcome. It is a pity it took so long, but it shows that the collective bargaining power of the Government through the HSE is important. I thank the Minister, Deputy Harris, for that.

Senators Devine, Mullen, Higgins and Horkan raised the issue of the second interim report of the mother and baby homes commission published yesterday. Senator Devine articulated remarks many of us would share. Rather than divide the House on a sensitive and important issue, I appeal to her to agree to dealing with this after the Easter recess. I am not in a position to bring the Minister for Children and Youth Affairs to the House today but I would be happy for her to come to the House after the Easter recess. All Members are committed to having services and supports put in place for the people who were cruelly abused in these homes. I agree with Senator Devine that it is a shameful period in our history. We must take cognisance that this is an interim report and that the final report has not yet been completed. It is also worth noting the commission has made no findings to date in terms of abuse and neglect, to which Senator Higgins also referred. Rather than divide the House, which would be unnecessary, in the spirit of co-operation, the Government is committed - I am of the same view as the Senator - that we need to see action steps, not just, as some people claim, posturing. This is about the human rights of people which were cruelly denied and abused under the care of so many. I would happily bring the Minister to the House after Easter, if the Senator accepts my bona fides. If she does not, that is a matter for herself.

Senator McDowell proposed an amendment to the Order of Business to take all Stages of the Intoxicating Liquor (Amendment) Bill 2017 today. Senators Reilly, Ruane and Craughwell also referred to it. Senator Lawless has put much work into this Bill. I am happy to take Second Stage today. However, there are anomalies in the Bill and taking all Stages today would not lead to good legislation. As Leader, I am committed to working with Senator Lawless, irrespective of whether there will be different views expressed later today in the debate, to have Committee Stage in the House on the last week of May. I also want to pay tribute to the former Senator, Imelda Henry, who did a significant amount of work on this Bill in a different format. I know Senator Lawless would not want me to forget her. I am happy to take Second Stage today. Notwithstanding there will be different viewpoints and those who will not want to see alcohol served in public houses on Good Friday, many Members will want to get this Bill right so it can be enacted by this time next year. I am more than happy to take Committee and Report Stages at a later date.

Senator McDowell also raised the issue of public broadcasting. We are at a serious point in regard to the future remit and role of RTE as our public service broadcaster. I fundamentally agree there needs to be a national debate from Cork to Donegal on the role and the future of broadcasting and RTE as well. I would not like to have to explain to people how we can put a tax on a laptop, an iPad or an iPhone because one can get TV coverage with them. I believe it is a wrong move and that debate needs to be had. I would be happy to have a debate in this House on it. Away from the committee doing work on this matter, this is of fundamental importance to our country. We see our print media under sustained pressure but we have the commercial growth of local radio. I know the Minister published remarks on it but I would be happy to debate this in the House after the Easter recess.

Senators Mulherin and Horkan raised the issue of the post office closures. I would be happy for the Minister for Communications, Climate Action and Environment to come to the House.

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To be fair, the Minister of State, Deputy Ring, was explaining he did not have any responsibility in the matter. Senator Mulherin raised some interesting points about the role of the post office in the future, which merits discussion and consideration. To be fair to her, the fact she has put some of those suggestions on the record this morning is good. I will be happy to have a debate on this subject at a later date.

I commend Senator Kelleher for her work on the Adult Safeguarding Bill. The Minister of State, Deputy Stanton, had a family bereavement yesterday and that is why yesterday's debate on migrant integration strategy was cancelled. It will be held on 16 May.

Senator Ó Ríordáin raised the issue of child poverty. He is correct in that regard. Senator Mullen used the word "posturing" earlier. We have seen much posturing by certain groups over the past several weeks around the issue of water. Notwithstanding the good work Senator Kevin Humphreys did as Minister of State in the Department of Social Protection on child poverty, I hope we will have a debate on this after the Easter recess.

All of us will welcome figures from the Central Statistics Office showing a reduction in the number of children in consistent poverty as a consequence of the policies of the previous Government. Notwithstanding this, 11.5% of children are in consistent poverty and I fully accept that this figure is much too high. It is important to recognise that the Government, in budget 2017, increased the weekly rate of payment for working age schemes and the income disregard for one-parent families. It also introduced additional child care and paternity leave provision. The issue the Senator raises is important and I will be pleased to have it debated in the House.

I join Senator Ó Ríordáin in condemning the allegations made in reports from Chechnya concerning the rounding up and incarceration of members of the LGBT community. I have written to the Russian Ambassador Peshkov on the matter. I would also be happy to have the Minister come to the House to discuss it. There can be no rowing back on the fundamental human rights that have been won across the world. In some countries, the LGBT community has not yet achieved any victories. I am conscious that we have visitors from Australia in the Public Gallery who are working to have human rights made available to all Australian citizens. It is important that the House stand up for the rights of all citizens. The reports from Chechnya are deeply worrying and distressing. As advocates for human rights, we must stand in solidarity with our LGBT brothers and sisters in Russia. We cannot allow anyone to be treated in the callous manner described. I will be happy to have the Minister come to the House to discuss the matter, which was also raised by Senator O'Reilly.

Senators Swanick and Conway-Walsh raised the toll charges incurred by volunteers from Carrick-on-Suir. It is extraordinary that they were charged tolls given that they were returning from volunteering in County Mayo on a major rescue mission to recover the bodies of two missing R116 crewmen. We all hope the bodies will be returned to their families and loved ones, for whom this is a traumatic time. From watching television coverage and listening to radio reports, I am aware of the major voluntary effort that took place along the north-west coast at the weekend. It beggars belief that no common sense was shown or no recognition given to the fact that the individuals in question were on a humanitarian mission. I join Senators Swanick and Conway-Walsh in appealing to the company that operates the toll bridges to show common sense and latitude in this case. Perhaps the Senators will raise it as a Commencement Matter with the Minister for Transport, Tourism and Sport. The House must also take up the issue.

Senators Craughwell and Wilson raised the issue of entrepreneurship in education and training boards. The local enterprise offices are engaged in work to increase employment. It is important that they work together with the education and training boards. I will be happy to have the Minister come to the House to discuss the issue.

Senator O'Mahony raised the issue of the N4 and N5 motorway projects. He has consistently advocated their prioritisation as part of the mid-term capital review. I hope the Minister for Public Expenditure and Reform, Deputy Donohoe, will come to the House after Easter because we need to discuss the mid-term capital review. We also need to have the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, before the House for a discussion on the Ireland 2040 plan which deals with regional and economic development and the locations at which we will build and concentrate population masses.

I welcome Senator Conway-Walsh back to the House and wish her well. She referred to the case of Evan Morrissey which was outlined yesterday in the coroner's court. There are protocols in place to deal with medical negligence. I sympathise with the family of Mr. Morrissey and all those who have been the victims of misdiagnosis. To be fair to health professionals, their record in this regard is good. I will be happy to have a debate on the issue.

Senators Dolan and McFadden raised the case of Áras Attracta and disability issues. The Minister of State with responsibility for disability, Deputy Finian McGrath, is committed to delivering a comprehensive package for the disability sector and I will be pleased to have him come to the House to discuss disability issues.

I welcome the decision of the Joint Committee on Future Funding of Water Services and hope the issue of water charges has been addressed for the last time. I pay tribute to Senator Ó Céidigh for his excellent stewardship of the committee. He demonstrated a willingness to go the extra mile, while being fair, impartial and stern when necessary. It is important to recognise the significance of yesterday's developments.

Senator Rónán Mullen: He had a great deal to put up with.

Senator Jerry Buttimer: Yes, and I am glad Senator Mullen was not on the committee because the Chairman would have had much more to put up with.

Senator Rónán Mullen: As Senator Buttimer well knows, I would have been one of the constructive voices on this issue.

Senator Aodhán Ó Ríordáin: Senator Mullen walks on water.

Senator Jerry Buttimer: If Senator Mullen can walk on water, he should patent it and make a fortune. He is committed to healing wounds.

Senator Rónán Mullen: I thank Senator Buttimer for what I think was a compliment.

Senator David Norris: He gives the odd dig too.

Senator Jerry Buttimer: I am sure the issue of water will be debated again when the report and legislation come before the House. Those who peddle a certain line must recognise that the provision of clean drinking water does not come cheaply. In County Cork, raw sewage equating to 40,000 full wheelie bins is being pumped into the River Lee and out to sea every week. This sends a message to all of us, as responsible legislators, to be clear in what we stand for in

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the provision of drinking water and clean waterways.

I sympathise again with Senator Gavan on his bereavement. The Senator raised the appearance at a committee yesterday of Ms Patricia King at which she referred to low pay. This issue is linked to the contribution made by Senator Ó Ríordáin. It should be recognised that the previous Government increased the minimum wage, removed the requirement to pay the universal social charge from a large number of people and is committed to ensuring more people return to work. Unemployment stands at 6.4%, which is good news that Senators on the other side may not want to hear. It is not fake news or alternative facts but the truth. Having a job helps people to get out of poverty.

I join Senator Ruane in congratulating the UISCE organisation on the launch of its strategic plan. The Minister of State, Deputy Stanton, came to the House to discuss equality.

Senator McFadden raised unfilled posts in child and adolescent mental health services. I will be happy to have the Minister come to the House to discuss the issue.

Senator Mullen raised a host of issues in the context of posturing on the new national children's hospital. At the risk of causing a row with the Senator, which I do not want, the debate on the children's hospital is about political posturing and populism at one level. I was Chairman of the Committee on Health and Children in the previous Dáil when members visited the St. James's Hospital site and carried out an independent review of the work on its suitability. More important, following decades of discussion and debate, the previous Government took a decision to locate the new hospital on the site and an independent panel of international experts examined the suitability of the site, the board, structures and so forth. The debate must now focus on delivering the hospital, progressing the needs of children who require urgent facilities and having transparency on costs. I hope there will not be a cost overrun.

Senator Rónán Mullen: Senator Buttimer should tell that to the Jack and Jill Foundation. Taxpayers are worried about hundreds of millions of euro. It appears we are back in the Celtic tiger days of waste and there has been no debate about it.

An Cathaoirleach: Please allow the Leader to continue without interruption.

Senator Jerry Buttimer: There is a lot of vested interest in that hospital. What I and the Government are committed to-----

Senator Rónán Mullen: People like Jimmy Sheehan do not have vested interests.

Senator Jerry Buttimer: I have met them all. I have heard everybody. What we must do is build a hospital. Let us get it done for the children and parents who require it.

Senator Rónán Mullen: The right hospital in the right place

An Cathaoirleach: We are well over time and we have a very busy schedule today. We have a CPP meeting after this and-----

Senator Jerry Buttimer: I am doing my best. Half the problem, as the Cathaoirleach said, is that many people have raised more than one issue. I have to reply to them all. The Cathaoirleach is dead right.

Senator Rónán Mullen: It is a unifying theme.

Senator Jerry Buttimer: Senator Higgins raised the issue of the UN Commission on the Status of Women. She raised an interesting point but, to be fair, the Government has committed to redressing the wrongs of the past. We will have that debate if Senator Devine will accept my proposal.

Senator Colm Burke raised the issue of costs, which I have discussed.

Senator Ó Donnghaile raised the issue of the Taoiseach's speech at the Famine memorial in Philadelphia. The Government is working on the options paper which will be presented at the Global Irish Forum in May. This Easter week, it is important to reflect upon and remember the men and women of 1916 and the events that happened that week and in those afterwards. Senator Feighan mentioned the Assembly elections, which were six weeks ago. I note the talks have been suspended today until after Easter. All of us, North and South, have an obligation to reflect upon what happened in 1916 and beyond. The legacy we have been left with is that all of us, of whatever political hue, must work together. None of us wants to see a return to direct rule in the North. I hope we can see both sides coming to an agreement so we can have an assembly up and functioning.

Senator Byrne raised the issue of online shopping and the Retail Excellence Ireland report. It is important that we support local areas and shop locally. I appeal to all people and all Members of the House to shop locally this Easter weekend. The temptation is to shop online. It is critical we support small, local enterprises.

I join with Senator Horkan, who raised the issue of Bus Éireann, in hoping for a resolution to the dispute. I have spoken to and met with bus workers in Cork and the issue is before the Labour Court today. It is having a profound impact not only on the bus workers and their families, but also on local shops, restaurants, cafes and all types of shops and commercial activity in the city of Cork, in particular, which I am familiar with. It is important we get a resolution so we can have buses back on the road taking people to different parts of the country on a holiday weekend. We also need a resolution on the issue of Bus Éireann for the workers, many of whom are not on the rates of pay being attributed to them by some in the media. It is important that there is a resolution.

Senator Ned O'Sullivan raised the issue of the Irish horse racing industry. It is important that we congratulate young Fox, the jockey, on his great ride in the Grand National last weekend on One for Arthur from Sligo. He is an Irish jockey. The Senator is right that the Turf Club needs an examination. It seems to be a law unto itself when some of its decisions are mystifying from afar. I am happy to have the Minister come to the House.

Senator Noone raised the issue of hospital parking guidelines. She refers to the need for a designated person. She has raised a good point on the issue of the hospitals. There are derogations and waivers given but the Senator makes a good point. She also made a point about the concession being advertised and displayed.

Senator Davitt again raised the extremely important issue of rates and the revaluation of rates. Both he and Senator Butler are very strong on that matter. The Senator is right to raise the issue. I am happy to have the debate in the House. It is about the future of our small and not so small towns. It is also about the viability of our small, rural businesses which are pivotal in drawing people to rural Ireland and creating employment.

I will not accept the proposed amendments but I am happy to work with the Senators in the

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interest of co-operation rather than dividing the House on both issues.

An Cathaoirleach: Senator McDowell proposed an amendment to the Order of Business.

Senator Michael McDowell: I withdraw the amendment.

An Cathaoirleach: Senator Devine has proposed an amendment to the Order of Business that there be a debate with the Minister for Children and Youth Affairs on the interim report of the commission of investigation into mother and baby homes today. Is the amendment being pressed?

Senator Máire Devine: Far be it for me to divide the House. I will withdraw the proposed amendment if the Leader will confirm that the Minister can come to the Chamber before the end of May to have a further debate. I thank all the other Senators. As a House, we can work together on this.

Senator Jerry Buttimer: I am happy to work with the Senator to get a date for the Minister before the end of May.

An Cathaoirleach: Is Senator Devine happy with that?

Senator Máire Devine: Yes. I withdraw the amendment.

Order of Business agreed to.

1 o'clock

Companies (Amendment) Bill 2017: Committee and Remaining Stages

Sections 1 and 2 agreed to.

Title agreed to.

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

Companies (Accounting) Bill 2016: Committee Stage

Sections 1 and 2 agreed to.

SECTION 3

Amendment No. 1 not moved.

Senator Aidan Davitt: I move amendment No. 2:

In page 8, between lines 12 and 13, to insert the following:

“(2) The obligation in subsection (1) (j) shall not apply with respect to any company whose business in the State comprises the manufacturing, supply and/or distribution of

pharmaceutical products where a director of that company certifies (in the prescribed form) that compliance with that subsection would be especially burdensome in terms of regulatory, import/export, customs requirements or otherwise.”.

We have talked to the Minister about this issue and outlined our concerns. The amendment is prudent. While the Minister can look at these situations on an *ad hoc* basis, having talked to a number of companies, we believe it is very important. A great number of jobs are involved. We will press the amendment.

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor): I do not support amendment No. 2, the effect of which would be to introduce a permanent exemption from an important transparency measure. It would also be confined to a particular sector, which I believe would not be appropriate. Furthermore, it would raise concerns from a state aid point of view. It is a long-standing rule of Irish company law that virtually all types of company must include the company type in the company name. Therefore, a limited liability company must include “Limited” or “Ltd.” in its name. It is important information for third parties doing business with the company as different rules and considerations apply, depending on the legal form a company takes. For example, a limited company has full legal capacity, like a natural person. However, a designated activity company is more restricted in what it can do. Similarly, the unlimited company is exempt from the obligation on other company types to file financial statements with the CRO. Therefore, company type is not an insignificant detail for third parties in extending credit to, or doing business with, a company. The Companies Act 2014 extended the general rule to unlimited companies. Up until that time unlimited companies were the only type of company that did not have to comply with the obligation to include the company type in its name. This change gave effect to a recommendation of the Company Law Review Group. The Government accepted that recommendation and made it public in 2007 as part of the general scheme of what became the Companies Act 2014.

I accept that the organisational challenge of adapting to the new requirements of the Companies Act 2014 may be significant for some companies. They may have complex businesses, perhaps with operations around the world, but these are not concerns that are confined to the pharmaceutical sector. For this reason, all companies were given an 18-month transitional period in which to make the necessary arrangements to comply with the 2014 Act. The transitional period ended on 30 November 2016. During that time the vast majority of companies managed to adapt, but some unlimited companies considered that 18 months was too short. At the time the Companies Act was being passed, the Oireachtas accepted that some unlimited companies might need more time to adapt; therefore, it gave the Minister the power to grant an exemption for longer than the 18-month period in special circumstances. During the transition period extensions were granted to just over 100 companies, some within the same group. These extensions are for an additional five years on top of the 18-month general transition period that applied to all companies. In other words, they run to 1 December 2021. I understand some companies may now find that the additional five years are not enough. I have received representations to this effect. As a result, officials in the Department are due to meet representatives of some companies to learn more about their concerns and identify appropriate solutions. As Minister, I will also be meeting some companies to discuss their concerns. If there is a concern, it may not be confined to the pharmaceutical industry, as the amendment suggests, and while some of the companies that have been granted extensions are in the pharmaceutical sector, not all of them are. In fact, the majority are in other sectors of the economy. Moreover, I am aware that there are some unlimited companies in the pharmaceutical industry that did not apply for

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any extension beyond the general transitional period and were able to adapt within the period of 18 months. If there is a concern, it may not be widespread within the sector.

I do not support the amendment because it would be an open-ended exemption from the rule that a company must include in its name its legal type. The rule is an important transparency measure that protects third parties doing business with that company. Moreover, we must be mindful of state aid rules. If we were to allow an exemption from compliance rules for only some companies on the basis of cost, we would risk falling foul of the rules. If an unlimited company faces such significant challenges that it requires more than six and a half years to adapt to the rule, we should examine appropriate ways to address the difficulties for that company. This should be the case, regardless of in what sector the company is operating.

Senator David Norris: On a point of order, I understand I missed an amendment I had tabled because I was outside the Chamber.

Deputy Mary Mitchell O'Connor: The Senator was chatting.

Senator David Norris: It was tabled on the Minister's instructions. I was greeting a member of an international delegation. The Acting Chairman said I could resubmit the amendment on Report Stage.

Acting Chairman (Senator Gerry Horkan): I said the Senator could consider resubmitting it on Report Stage.

Senator David Norris: Does that mean I have to resubmit it to the Cathaoirleach's office?

Acting Chairman (Senator Gerry Horkan): Yes.

Senator David Norris: When will Report Stage be taken? Will it be taken straight after Committee Stage?

Acting Chairman (Senator Gerry Horkan): It will not be taken today. It will be a matter for the Leader to decide when it should be scheduled to be taken.

Senator David Norris: It will not be taken today.

Acting Chairman (Senator Gerry Horkan): Report Stage will not be taken today.

Senator David Norris: Is there any way we could rewind?

Acting Chairman (Senator Gerry Horkan): Unfortunately, no. I did ask the question but was told "No".

Senator David Norris: May I speak to the section?

Acting Chairman (Senator Gerry Horkan): The Senator can speak to the section, but we have moved beyond the stage when we could consider his amendment. I am sorry, but they are the rules.

Senator David Norris: That is okay.

Senator Aidan Davitt: I am sorry we have to disagree with the Minister today. I know she has done a lot of work on this Bill and it is quite technical legislation, but according to IDA Ireland, some 25,000 people are directly employed in the pharma industry and another 25,000

people indirectly employed. The pharma sector provides highly skilled, quality jobs. Around two thirds of the people working in the sector possess a third level qualification. The latest provision, which the Minister has added in section 3, would have such a disproportionate impact with thousands of filings required and an increased compliance on the industry, we do not feel this is prudent at this stage. It is not today nor yesterday that we flagged this issue. It had been discussed before, possibly on Committee Stage. I know the Minister is aware of it and is making inroads and I appreciate the work she is doing in regard to it but we are going to press the matter.

Senator Colm Burke: The Minister has given a detailed explanation on this matter but I am concerned coming at it from a Cork point of view. Nine out of ten top pharmaceutical companies in the world are based in Cork. They have come to me to express their concern on this issue and the use of the one word “unlimited”. I know that they have an exemption until 2021 and I fully accept that but they have advised me that they have to apply for a new licence in something like 220 different jurisdictions and the net cost to them will be in the order of €25 million. They are the figures that they have given to me. I had a long meeting with them to see if there was any other way around this. I am concerned that we rely so heavily on this industry that one word can make such a difference. We are not talking about one company but a number of them.

The Minister outlined the number of companies that did get the exemption and I accept what she is saying about new companies not needing to get the exemption because the issue is clear in regard to individual companies making new applications for a new drug or for the appropriate licence. The problem is that in each jurisdiction where they have to apply for the licence, they have to make a new application. It is a very legal technicality. We need to be very careful in this matter and be conscious that in light of Brexit, with Britain going out of Europe, we must do everything possible not only to keep what we have but also to make sure that new companies are attracted into the country and we do not anything that will upset that in any way. This matter needs to be given very careful consideration.

Deputy Mary Mitchell O’Connor: The difficulty I have is with the third line of the amendment. It is on the distribution of pharmaceutical products. It only speaks about one type of company and one sector. We believe that will have implications on state aid rules. The issue is more complex than the Fianna Fáil amendment suggests. As I said, it affects other sectors and it may cut across state aid rules. I have invited relevant companies to meet me and I will meet with them. I am also keen to explore appropriate solutions and if legislation is needed I will consider that in the context of the forthcoming statutory audits Bill. That is due for publication in the autumn.

I am aware that the pharmaceutical companies may face particular organisational challenges when it comes to updating the company name. As Senator Colm Burke mentioned, they point to the fact that they have licences and patents in many countries around the world. That is why some pharmaceutical companies have been granted extensions beyond the traditional transitional period that all other company types had to meet. In effect, they have been given six and a half years to comply. I note that any company that converted to a designated activity company during the transitional period also had to change its company name. These include companies in insurance and other financial advisers. They are also complex businesses with their own organisational challenges and as there is no possibility for these companies to seek an extension they all have to apply within the 12 month transitional period. I stress that I am keen to explore solutions. If legislation is needed, I will consider that in the context of the forthcoming statu-

tory audits Bill due in autumn.

Senator David Norris: Will the Acting Chairman tell me when we are at the section?

Acting Chairman (Gerry Horkan): We will deal with the amendment and then we will have finished the section at that stage.

Senator Aidan Davitt: I fundamentally disagree with the Minister. On her admission, under her own powers she is able to grant an exemption. The place to clarify and deal with an issue such as this is when we are giving detailed consideration to a Bill, as in this instance. I disagree with talking about this in regard to state aid rules and hiding behind tax compliance. This is about tax compliance, it is certainly not about a particular rate of tax or a state grant. I fundamentally disagree with those two points. That is why we are pushing it.

Senator Pádraig Mac Lochlainn: I appreciate the point that the amendment refers only to the pharmaceutical industry but it is telling that the only industries that have been in contact over this legislation is that sector, so it must particularly affect it. All of the different sectors could have contacted us to express their concerns about legislation, as is their right.

Senator David Norris: Some others did.

Senator Pádraig Mac Lochlainn: I am not aware of any, other than those in the pharmaceutical industry. We have all received e-mails from various parts of the industry, I am not aware of any others. I accept there may well be-----

Senator David Norris: They are just from small companies. They were not necessarily pharma.

Senator Pádraig Mac Lochlainn: On the specific amendment, I am cognisant that there is clearly a very serious issue for the pharmaceutical sector. We have to strike a balance between overburdening business and meeting the need for regulation, accountability and transparency. I have not heard from the Minister about any loss of transparency or accountability that would arise from the Fianna Fáil amendment which addresses the very serious concerns of this agency.

Why is the Minister suggesting that we should wait until other legislation is introduced? We are only on Committee Stage in the Seanad. We have yet to deal with Report and Final Stages. We have time to deal with the issues involved. We are taking a recess for a number of weeks, so it could be a month or five weeks before we return to this. Will the Minister assure Fianna Fáil and other Members who are concerned about this that she will seek to address those concerns with ministerial amendments on a later Stage? That would avoid dividing the House on the matter. If it is not going to impact hugely on the responsibility of the Minister and the Department to ensure the full transparency and accountability of business, I cannot see the reason for not addressing the serious concerns they have. Perhaps the Minister would advise us, first, that she is not arguing that there is a huge issue for transparency and accountability that we are not aware of. In fairness, we have heard the concerns of the pharmaceutical industry, so we must hear the views of the Department on that. Second, can the Minister consider amendments on a later Stage? It will be four or five weeks until Report Stage.

Senator James Reilly: Clearly, there are concerns here. The Minister made it clear that the issue for her is primarily the fact that it is limited to one area and, as Senator Mac Lochlainn correctly said, that is the area most of us have heard about, notwithstanding Senator Norris's

contribution. Perhaps Fianna Fáil would be willing to withdraw the amendment so we could agree the wording for a Report Stage amendment and let the Minister reconsider it in light of an amendment that is not so specifically related to one area, which might put us at risk in terms of state aid rules. Neither I nor Senator Davitt, with respect, is an expert or an attorney general, so caution for the sake of a couple of weeks might appear to the wisest course if the Minister is agreeable.

Senator Colm Burke: I accept what Senator Reilly said. The reason it affects the pharmaceutical industry so much is due to the fact that it needs a particular licence for every product it sells in each jurisdiction. That is the problem. However, if one is producing equipment and is selling it to another country, one does not need a licence in the same way. I have no difficulty with an agreed amendment, whereby my colleague would withdraw this amendment and an amendment would be made to this Bill rather than leave it for other legislation. I accept Senator Reilly's suggestion on this matter, but it is important that it is not left to drag on. We are consistently being lobbied on the matter and we can deal with it now. Perhaps an amendment agreed by all sides can be drafted that will facilitate the concern of the pharmaceutical industry. It is a serious concern and it is important that it is resolved at an early stage, rather than leaving it to be dragged into another legislative measure at a later stage. I accept that the exemptions are in place until 2021, but let us clear the desk now rather than allow it to drag on for another 12 months.

Deputy Mary Mitchell O'Connor: I understand the Senators' comments but I still have to deal with the issue that this is not just in the pharmaceutical sector. I must talk with the other companies. We have written to the companies and I am meeting some of them tomorrow to understand exactly what their views and issues are. To be fair, the concerns of the pharmaceutical industry only came to light in the last few weeks, so it is too soon for us to know how others are affected. I will consider it on Report Stage. If legislation is required, I must be very careful and must ensure it is properly drafted. The drafting of the audits Bill is well advanced and it should be ready in a few more months. The pharmaceutical companies have four and a half years, so it is not as if they will have an issue tomorrow or in the next number of months. I will consider the matter on Report Stage and if I cannot do it well enough then, I will definitely do it in the audits Bill.

Amendment put:

The Committee divided: Tá, 11; Níl, 24.	
Tá	Níl
Daly, Mark.	Bacik, Ivana.
Daly, Paul.	Burke, Colm.
Davitt, Aidan.	Burke, Paddy.
Gallagher, Robbie.	Butler, Ray.
Horkan, Gerry.	Buttimer, Jerry.
Lawless, Billy.	Byrne, Maria.
Leyden, Terry.	Coffey, Paudie.
McDowell, Michael.	Coghlan, Paul.
Norris, David.	Conway, Martin.
Swanick, Keith.	Dolan, John.

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Wilson, Diarmuid.	Feighan, Frank.
	Higgins, Alice-Mary.
	Hopkins, Maura.
	Lombard, Tim.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Nash, Gerald.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	Ó Ríordáin, Aodhán.
	Reilly, James.
	Ruane, Lynn.

Tellers: Tá, Senators Aidan Davitt and Diarmuid Wilson; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Section 3 agreed to.

Section 4 agreed to.

SECTION 5

Question proposed: "That section 5 stand part of the Bill."

Senator David Norris: I thought we were on section 3.

An Cathaoirleach: We agreed it.

Senator David Norris: Does the Cathaoirleach mean during that hubbub?

An Cathaoirleach: I have asked for silence.

Senator David Norris: I was at the back, preparing to come to my seat, and I heard absolutely nothing.

An Cathaoirleach: I understand the Senator's complaint, but it is the same thing every day. Senators congregate here and they do not understand that we have to move on. I am chairing a Committee on Procedure and Privileges meeting on an important issue and have to go back to that, unfortunately.

Senator David Norris: Can I take it up with the Cathaoirleach's successor?

An Cathaoirleach: Yes, the Senator can, if he finds him more indulgent.

Senator David Norris: I hope so. Could I ask the Acting Chairman's indulgence to say a few words on section 3? As he knows, I had tabled an amendment but I was instructed by the Chair to talk-----

Acting Chairman (Senator Gerry Horkan): I have been instructed that is not possible, but the Senator is allowed to resubmit his amendment on Report Stage.

Senator David Norris: That is not an awful lot of good to me-----

Acting Chairman (Senator Gerry Horkan): I understand, Senator Norris.

Senator David Norris: -----because the issues I wanted to raise were very serious. There is the fact that paper forms and paper financial statements filed on or after 1 June 2017 do not count, and so one is forced into an audit. This is about forcing small companies into an audit. It is something that is not considered by the European court-----

Acting Chairman (Senator Gerry Horkan): I am being fairly indulgent. Senator Norris might conclude.

Senator David Norris: I will conclude. Although the member state and the national court may impose penalties on an individual or company that is not compliant with the provision of EEC law, this is subject to the conditions and the penalties must not be disproportionate and must not undermine entitlement to a basic company right. Small companies are being pushed into an audit, which is very expensive. It is contradictory with European law in both the spirit and the letter of the law and I will return to this on Report Stage.

I was asked to leave the House earlier because I had met somebody from a foreign delegation and wanted to talk to them. However, nobody had the wit to send an usher to get me when my amendment came up. Like the person who complained about the noise earlier, I did not hear what was going on. I was gathering my papers to come into the House but the amendment went through in a flash. I was caught at both ends.

Acting Chairman (Senator Gerry Horkan): Senator Norris was on one side of the argument on the first attempt and the opposite side on the second attempt. I have been very indulgent with him and have let him make his point.

Senator David Norris: Yes. I said a certain amount of what I wanted to say on the record and I very much-----

Acting Chairman (Senator Gerry Horkan): I have to move on.

Senator James Reilly: Would it be fair to say Senator Norris was topped and tailed?

Senator David Norris: Yes, I was topped and tailed. I would like to say to the Minister-----

Acting Chairman (Senator Gerry Horkan): We might move on to section 5 if that is okay.

Senator Aidan Davitt: It will be interesting to see whether that ends up in *The Irish Times*.

Senator David Norris: In the absence of this type of detailed debate, which I would have liked to have had, I hope the Minister and her very able assistants will go back and take a look

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at this matter of removing section 3(6)(iii) in order to allow greater flexibility for small companies. Then we can have this discussion on Report Stage.

Acting Chairman (Senator Gerry Horkan): I thank Senator Norris. Senators can understand why it is important we have silence in the Chamber, so that Senators can hear what it is going on. That is why Senator Nash asked for Senator Norris to take his conversation outside.

Senator David Norris: I immediately obliged.

Acting Chairman (Senator Gerry Horkan): The Senator did, which I suppose was to his detriment at a later stage.

Senator David Norris: The Minister has nodded, so we will get somewhere on it on Report Stage.

Acting Chairman (Senator Gerry Horkan): I thank Senator Norris. He can deal with it on Report Stage.

Deputy Mary Mitchell O'Connor: I was only nodding as I listened to the Senator.

Acting Chairman (Senator Gerry Horkan): I thank the Minister.

Question put and agreed to.

Sections 6 to 91, inclusive, agreed to.

NEW SECTION

Senator Gerald Nash: I move amendment No. 3:

In page 60, between lines 21 and 22, to insert the following:

“Amendment of section 599 of Principal Act

92. Section 599 of the Principal Act is amended by the substitution of the following for subsection (4)(c)—

“(c) whether an action of the related company or of any subsidiary of the related company caused the liquidation;

(d) whether the directors of the company acted at all times in their capacity as such or as directors or employees of a related company;

(e) whether the directors of the company distinguished at all times between the best interests of the company and those of any related company;

(f) whether the related company’s prior conduct led creditors to believe that it stood behind the company;

(g) the intermingled nature of the business carried on by the companies;

(h) where a group structure enabled a company with assets insufficient to meet its liabilities to trade while using assets belonging to a related company, whether the structure was calculated unfairly to defeat the interests of creditors in a winding up

or to impose any liabilities on the Exchequer or other public funds;

(i) the effect which such order would be likely to have on the creditors of the related company concerned.”.”.

The amendment is designed to stop or at least prevent a repeat of the asset stripping that we saw at the Clerys company on O’Connell Street where hundreds of people lost their jobs in a property play. I am sure the Minister will agree that the people of Ireland were scandalised at what happened, and that such a thing could be allowed to happen, in a situation where the profit motive triumphed over every other consideration. Using common enough grip company structures, the valuable aspect of the Clerys business, the building itself, was held in a subsidiary company called OCS Properties while the trading section was held in an outfit called OCS Operations, which is the trading arm that ran the department store.

As the Minister will know, Clerys was sold to a company called Natrium on 11 June 2015 and the trading section was sold for €1. Lo and behold, at the stroke of a pen, the company was wound up with minimal notice. This meant, in plain terms, that there was nothing whatsoever in the coffers of the trading company to pay redundancies and to ensure that concession holders who were left on the hook for thousands of euro received what they were owed.

As the Minister will be aware, section 599 of the Companies Act allows for a liquidator or creditor to bolster the assets of a company being wound up and for it to apply to the court for an order directing that a related company, and in this case it was the property company that held a valuable asset, to contribute to the debt. Since the introduction of the section in the Companies Act 1990 by one of the Minister’s predecessors, Desmond O’Malley, the provision has not been used or tested in the courts. In the meantime, companies like Natrium and its directors have laughed all of the way to the bank and the taxpayers of Ireland, including me, the Minister, everybody in here and citizens across the country, are squeezed for the redundancy money. This fact was pointed out in a report to Cabinet almost two years ago on the sale and liquidation of Clerys. I am sure that the Minister has had an opportunity to, if not read the detailed report, be briefed on same. We do not know when the next Clerys-type episode will happen. What we can say with some clarity is that the current set of laws, in the absence of testing, are not robust enough to prevent a Clerys-type situation from happening today or tomorrow.

Amendment No. 3 proposes to amend section 599 in the context of today’s Bill, which is timely and necessary. Fundamentally, if the amendment is accepted, it would remove the profit motive and make anyone considering undertaking a Clerys-style stunt to think again and to reconsider their actions because all of their assets would clearly come into play. Again, this approach was outlined in a report that I drafted and brought before Cabinet in July 2015.

Limited liability cannot be abused or exploited and company directors have obligations to all of their companies and staff. Carrying out business of an intermingled nature and within a group structure should never be used to exploit people in any way. The seven criteria that I have listed in the amendment, if adopted by the House, will send a strong message that we do not encourage, in this country, a business culture where people who are caught up in the wreckage of corporate power plays are treated like collateral damage. The message will go out that we encourage responsible corporate behaviour, that we do not view it as a luxury, that through our laws we encourage and promote responsible corporate behaviour, and that we do not preside over a wild west-type business culture where people like the Clerys workers, the small business holders and the concession holders in Clerys were left on the hook. I appeal to Senators, specif-

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ically my colleagues in Fianna Fáil, to support this provision that will have a transformational effect on the conduct of business in this country. I clearly recall that when the Clerys scandal first broke our colleagues in Fianna Fáil were, quite rightly, outraged and they called for laws to be changed and initiatives taken to ensure that something like this did not happen again. Today they have an opportunity to support a change of the law that will ensure episodes like Clerys are prevented from happening or at least the risk of something like it happening again is minimised.

Acting Chairman (Senator Gerry Horkan): If no other Senators wish to comment, I call on the Minister to reply.

Deputy Mary Mitchell O'Connor: I am not in favour of accepting amendment No. 3. The contribution order remedy is a unique feature of New Zealand and Irish company law. The Irish provision in section 599 echoes the judgment of Mr. Justice Costello in *Power Supermarkets Limited v. Crumlin Investments Limited*. It is a mechanism that deals with related companies in insolvency and the possibility of unfair behaviour in the group. Accordingly, section 599 gives discretion to a court to hold a related company liable for the debts of a company being wound up provided that the court is satisfied that circumstances giving rise to the liquidation are attributable to the actions or omissions of the related company. I note that Ireland does not yet have an authoritative judgment on the circumstances in which a contribution order will be made between related companies.

The Company Law Review Group, CLRG, was requested after the Clerys insolvency to review and recommend ways that existing company law and, indeed, other legislative provisions could be potentially amended to ensure better safeguards for employees and unsecured creditors. I understand that a subgroup of the CLRG has met a number of times to consider a wide range of provisions and remedies contained within the Companies Act. I understand that this review includes the existing section 599 and other related provisions. I look forward to receiving the CLRG's recommendations later this year and I shall give them careful consideration. It is in these circumstances that I am not in favour of the amendment.

Senator Gerald Nash: I am disappointed that the Minister will not take on board the valid arguments that support this particular initiative to strengthen section 599. We have waited well over a year for the report of the Company Law Review Group. As I said in my earlier contribution, we do not know the minute or the hour when another Clerys-type scenario will emerge in this country. If we do not tighten up our laws, and the last Administration attempted to do so, then when something like Clerys happens again it will be on all of our heads in this Chamber. I have worked extremely closely with those who lost their jobs in desperate circumstances in Clerys in the summer of 2015. They must be given enormous credit for the way in which they have conducted their campaign. Their campaign was not about payments and support for the Clerys workers because they knew that their ship had sailed. They wanted to ensure that the law was amended and strengthened to prevent such an event from happening again. I am not certain that we are closer to reforming the law in favour of working people in this country and those who go about their business and enterprises in a responsible fashion.

2 o'clock

I do not think the country wants to have the kind of label around its neck which certain elements of our business community got because of the way the Clerys situation was dealt with. The strengthening of section 599 and our efforts to make it more robust and meaningful would garner support from responsible business people who want to see a strong business culture in

the country. I am not saying there is not a strong business culture in the country. However, where there are weaknesses in our law that permit something like this to happen, they need to be addressed.

As I stated, we have been waiting for a considerable period of time for the CLRG report. We have waited too long. If the Minister will not accept the amendment, which I am prepared to put to a vote, will she confirm when we will get the CLRG report? What will be the timeline involved in terms of taking and accepting the report and legislating for any changes the group might propose? Further, when will she legislate for the provisions of the Duffy-Cahill report? A twin-track approach was taken by the previous Administration to try to address these issues. One related to changes in employment law that were required to protect the interests of employees caught up in insolvencies such as that at Clerys. The second focused on the need to review company law and propose changes to strengthen it in these situations. I would like to see that happen.

The particular matter I will now refer to is before the courts. I welcome the fact that this week there has been some formal State action on matters relating to the Clerys redundancies on foot of an investigation that I helped to trigger. I will keep my comments on it to a minimum as the matter is before the courts. However, it is high time for concrete action from Government to at least minimise the prospect of a Clerys-type insolvency happening again. Small businesses are caught up in them and considered to be simply collateral damage in a corporate and property power play, workers are left on the hook and the taxpayers of the country are left to pay only statutory redundancy to employees who, in some cases, have decades of experience and contribution to the company.

Senator Aidan Davitt: Senator Nash airs a couple of good concerns. However, I strongly feel that the Company Law Review Group is the way forward. Senator Nash noted it himself. I urge the Minister to answer the question the Senator posed. When does she expect to hear from the group? It will be interesting to hear its findings. When we have those findings, I have no doubt that there will be ways forward to strengthen the law in this area.

Senator James Reilly: I have listened with interest to Senator Nash's contribution. We all share his concern about what happened to the workers at Clerys and the unscrupulous and cynical manner in which the law was used to - let us call a spade a spade - deprive workers of their rights and a natural expectation, having given a lifetime's service to a company such as Clerys, which was iconic in Dublin, that their future in retirement would have been safe. However, I believe the Minister has made a strong case for having strong and robust legislation which should await the outcome of the review and is imminent in any event. As Senator Davitt stated, the Company Law Review Group will be very informative here as well.

All of us in the House are aware of how, despite the best of intentions, rushed legislation has untoward consequences. While I believe everyone in the House would agree with the sentiment expressed by Senator Nash, we do not want to find ourselves with unintended consequences again or with weaker legislation than we would otherwise have had, had we waited for the Company Law Review Group's report. As Senator Nash stated, that report is coming any day now. I know the Senator is anxious that we could have another situation on our hands. However, in fairness, let us have good legislation that is properly prepared and has the required effect without, in so far as we can manage it, having unforeseen consequences. We have had too many of those episodes, although they were all done with the best of intentions at the time. I, therefore, support the Minister's contention.

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Senator Alice-Mary Higgins: I support Senator Nash's amendment. We have spoken and heard about unforeseen consequences, but it behoves the House to consider foreseen consequences also. As the legislation currently stands, we are leaving ourselves exposed and open. We need to ensure that we do not speak of the situation that happened in respect of Clerys and others as an anomaly because it was a response to and a reflection of the current structuring of the laws and the lack of adequate protection in place.

We have the evidence that the situation as it stands is not a good or acceptable base position. When further information comes through and we have the report, we may wish to amend the legislation again. However, I have no doubt that Senator Nash's proposal in the amendment, if accepted at this stage, would lead to a better starting position from which we could then move. In terms of political realism, it is unlikely that there will be another Bill to amend the Companies Act within the next five to six months or year, although it is appropriate that we would have a clear indication of timing. However, while we may get an indication of when the findings and recommendations will come through, we do not want to leave open a period of time in which there is still permission to act in a way that is unconscionable.

There is a real concern because we have seen this happen systematically. It is a very real thing. What is the role of a director of a company? Are directors of companies there to ensure the companies' success or are people being put into positions in companies to facilitate their dissolution and destruction? If we are serious about our recovery and are concerned about vulture funds, for example, but do not accept the amendment at this point, we cannot wring our hands and express great surprise and concern if international companies that work to maximise their profits and returns on a quarterly basis with, in many cases, little concern for productivity, are rewarded if they take advantage. That is what will happen. In the Companies (Accounting) Bill 2016, we have an opportunity to identify and address a problem. Can we improve it in the future? Absolutely. However, this will be an immediate improvement.

If the amendment is unsuccessful, I reserve the right to table an amendment that is worded slightly differently to address the issue in a slightly different way. I reserve that right for Report Stage.

This is a sensible proposal. It shows that we are serious and that the Legislature will not lope behind business practices, commenting on the trail of destruction that they leave. It also rewards good business practice and recognises the majority of good business practices, including those of companies that have been taken over. It gives them a fair chance of recovering and moving to effective trading practices with decent conditions for their workers. I strongly support the amendment and ask the Minister to support it or suggest her own amendment on Report Stage. Either would address the issue.

Deputy Mary Mitchell O'Connor: While I note that the Senators propose to introduce more prescriptive criteria in terms of the circumstances the court ought to address when considering whether a related company should contribute to the debts of a company being wound up, I am not satisfied the amendment, as drafted, adds to the settled provision. As I already stated, I am not in favour of accepting this amendment. I do not wish to disrupt existing law until I have received the totality of the recommendations from the Company Law Review Group, CLRG. I am not sure the Senator's amendment will strengthen section 599. I strongly recommend we wait for the expert group report from the CLRG which is looking at section 599. Adding criteria before the report is received could inadvertently narrow the scope of the courts' powers. That is a risk I do not think we should take.

I appreciate there is a need to be seen to be providing a fix for a Clerys-type situation. I was as disgusted as Members and the rest of the nation were with the whole Clerys events. However, it is not so simple. Duffy and Cahill noted in their expert report on the examination and review of the laws on the protection of employee interests when assets are separated from the operating entity that it seems section 599 is a potentially useful remedy. However, it is only when the provision is tested in the courts that any necessary amendments may become apparent. Accordingly, I am not in favour of this amendment. I understand a subgroup of the CLRG has met several times to consider the wider range of provisions contained in the Companies Act. I am looking forward to the CLRG report. While I cannot say exactly when I am going to receive it, I understand it is actively engaged and it will be soon.

Senator Gerald Nash: We have been waiting a long time for the CLRG's report. To the best of my recollection, it was commissioned in January 2016. While welcome, nobody envisaged it would take 18 months. The fact the Minister is not in a position to confirm when the report will be received concerns me greatly. I frankly do not believe there is a political will in this Administration to deal with this one way or the other.

Senator James Reilly: That is unworthy of the Senator.

Senator Gerald Nash: I do not believe there is a political will to deal with it. I say that because of the delay in the conclusion of this report. We have seen very little product in this area and in the whole area of employment rights over the past year or so. It is not as if it is a case that there are not any issues to address. There are myriad of issues to be addressed but I do not believe they will be addressed any time soon. I hope, however, I can stand up in the House and correct myself at some point in the not-too-distant future. However, we will wait and see.

This is not a case of rushed legislation or concerns about unintended consequences. Proposals of this nature have been distributed around system since the Clerys situation first emerged. It is not a case of rushed legislation but of no or very little legislation that will protect working people and small businesses, as well as ensuring our business culture manages to progress and we do not have situations like this in the future. This is a genuine attempt to make our company law more robust to protect everybody and improve our business culture.

We know from the Minister and our own experience that section 599 has not been tested. When it is a case that provisions in legislation go untested for 27 years, then we must ask why. Clearly, there are some who would have considered it over the years, but there might have been considerable obstacles to creditors and liquidators taking the case. I was disappointed that the Department of Social Protection as a creditor - one could argue the lead creditor - in the Clerys situation decided not to test section 599 and to go after the related assets. The State, one could argue, is owed over €2 million because of redundancy payments paid out of the statutory redundancy fund to those entitled to it in Clerys.

If the Minister is not prepared to accept the amendment, give a date for the receipt of the CLRG report and legislation emerging from that, will she have direct formal conversations with her colleague, the Minister for Social Protection, with a view to taking a case under section 599 to test the robustness, or otherwise, of the legislation? It is quite telling that after 27 years of the existence of this legislation, not a single case has been taken.

Senator Alice-Mary Higgins: I am concerned to hear the Minister talk about testing in the courts. If we are not only waiting for reports but waiting for testing in the courts, it would seem

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to me that we are looking at the long-fingering of this issue. I genuinely do not understand why it cannot be seen to be clearly in the interests of good business practice that we would introduce these changes and amendments.

Will the Minister clarify whether she will be ensuring there is a test? If the Department of Social Protection decides it does not wish to test section 599 in the courts, will we wait for a test to emerge at some time? Is that a block against us moving forward in this area? There is a concern. Clearly, if legislation is not working and has not been used, then that is a sign it is not effective. We need to look to strengthen it to ensure it becomes a tool which people can use. The idea of a wait-and-see approach, not just for a CLRG report but for a court case, is unacceptable.

Will the Minister consider delaying Report and Final Stages to accommodate her own changes to address this issue? We know how difficult it is to move legislation through these Houses. There is an opportunity for the Minister to delay Report Stage to get a report from the CLRG by the end of Easter and to come up with her own proposals in respect of this issue.

Acting Chairman (Senator Gerry Horkan): We are not taking Report Stage today. It is only Committee Stage.

Senator Alice-Mary Higgins: Yes, I know. I was just wondering if there is an opportunity to delay Report Stage.

Deputy Mary Mitchell O'Connor: The Government has taken several actions in response to the closure of Clerys. First, the CLRG was asked to examine legislation with a view to recommending ways the law could be amended to better safeguard companies, employees and unsecured creditors. That work is ongoing. I am awaiting recommendations from an expert group. My Department has looked at the Senator's amendment and believes it dilutes what is there already. Accordingly, I am not going to accept this amendment. The CLRG is looking at section 599. We strongly believe that adding criteria before an event could inadvertently narrow or dilute the scope of the courts' powers. I am committed to addressing any issues with section 599 if necessary but I am waiting for expert advice.

I cannot say when the CLRG report will be given to me but I am awaiting it. Senator Nash knows that it took us ten years to bring this company law all together. This process takes time and it is better to have good law than bad law. Introducing something from New Zealand law will not fix it. It would not strengthen section 599. I am saying that very honestly. I would like the Senators to take it on board. I am waiting for the expert group to come through.

Acting Chairman (Senator Gerry Horkan): Does Senator Nash wish to respond?

Senator Gerald Nash: No.

Acting Chairman (Senator Gerry Horkan): Is Senator Nash pressing the amendment?

Senator Gerald Nash: Yes.

Amendment put:

The Committee divided: Tá, 11; Níl, 22.	
Tá	Níl

Seanad Éireann

Bacik, Ivana.	Burke, Colm.
Devine, Máire.	Burke, Paddy.
Gavan, Paul.	Buttimer, Jerry.
Higgins, Alice-Mary.	Byrne, Maria.
Humphreys, Kevin.	Daly, Paul.
Kelleher, Colette.	Davitt, Aidan.
Mac Lochlainn, Pádraig.	Feighan, Frank.
Nash, Gerald.	Gallagher, Robbie.
Norris, David.	Hopkins, Maura.
Ó Donnghaile, Niall.	Horkan, Gerry.
Ó Ríordáin, Aodhán.	Lombard, Tim.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	O'Sullivan, Ned.
	Reilly, James.
	Swanick, Keith.
	Wilson, Diarmuid.

Tellers: Tá, Senators Alice-Mary Higgins and Gerald Nash; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Sections 92 to 101, inclusive, agreed to.

Senator James Reilly: I have never heard so much agreeability before in my life.

Acting Chairman (Senator Gerry Horkan): Even when we are disagreeing, we are doing it agreeably.

Schedules 1 to 6, inclusive, agreed to.

Title agreed to.

Bill reported without amendment.

Acting Chairman (Senator Gerry Horkan): When is it proposed to take Report Stage?

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Senator James Reilly: Next Tuesday.

Report Stage ordered for Tuesday, 18 April 2017.

Sitting suspended at 2.35 p.m. and resumed at 3 p.m.

3 o'clock

Civil Liability (Amendment) Bill 2017: Report and Final Stages

Acting Chairman (Senator John O'Mahony): I remind Members that on Report Stage a Senator may speak only once, except the proposer of the amendment who may reply to the discussion on the amendment. Also, Opposition amendments must be seconded. Amendments Nos. 1 to 6, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 1:

In page 7, between lines 23 and 24, to insert the following:

“(II) whether the court has made an order in the proceedings concerned expressed to be one of an interim nature with respect to the payment of damages to the plaintiff, and where such an order has been made, the amount of such damages,”.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): This group of amendments has been tabled for the purpose of ensuring that the provisions of the Bill in regard to periodic payment orders, PPOs, will apply to actions that are before the courts and have been the subject of interim orders for the payment of damages to the plaintiff. I have been informed by the State Claims Agency that there are 65 cases in respect of which interim orders have been made. All of these cases involved catastrophic injury to infants or wards of court. The Government wishes to make certain that the Bill will apply to these cases, as they are the very cases that need to be regularised in a formal PPO process following the enactment of this Bill. These cases have been adjourned for specific periods as the interim orders made provision for the care needs of the plaintiffs for a number of years, mostly two or three years. In the absence of legislation enabling periodic payment orders these cases have been made returnable to specific dates in the future. In making the orders for interim payments the Judiciary was cognisant of the fact that legislation in this area was forthcoming.

Amendment No. 1 inserts a new sub-paragraph into section 51L(2)(b). The purpose of this amendment is to make it clear that the court in considering whether a periodic payment order should be made must have regard to whether an interim order for the payment of damages to the plaintiff has been made and the amount of such damages. Amendments Nos. 2 to 4, inclusive, are consequential amendments arising from the insertion of the new provision provided for in amendment No. 1.

Amendment No. 6 inserts a new paragraph (b) in section 51O(2) to better reflect the intention that the Bill will apply to action where an interim order has been made. A new text at paragraph (b) no longer contains a reference to “a final decision” which means that subsection (2) can, therefore, be deleted. Amendment No. 5 is a technical amendment consequential on amendment No. 6.

Amendment agreed to.

Government amendment No. 2:

In page 7, line 24, to delete “(II) the” and substitute “(III) the”.

Amendment agreed to.

Government amendment No. 3:

In page 7, line 26, to delete “(III) any” and substitute “(IV) any”.

Amendment agreed to.

Government amendment No. 4:

In page 7, line 28, to delete “(IV) the” and substitute “(V) the”.

Amendment agreed to.

Government amendment No. 5:

In page 12, line 23, to delete “**510.** (1) This” and substitute “**510.** This”.

Amendment agreed to.

Government amendment No. 6:

In page 12, to delete lines 27 to 34 and substitute the following:

“(b) that have been initiated, and have not been concluded, prior to such commencement, and the actions to which this paragraph applies include an action in which the court has made an order of the interim nature referred to in clause (II)# of section 51I(2) (b)(ii).”.

Amendment agreed to.

Acting Chairman (Senator John O’Mahony): Amendments Nos. 7 to 11, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 7:

In page 20, between lines 13 and 14, to insert the following:

“ “open disclosure meeting” has the meaning assigned to it by *section 16*.”.

Deputy David Stanton: These amendments make technical changes to Part IV of the Bill, which concerns open disclosure. Amendments Nos. 7 and 8 correct the order of the definitions section to put open disclosure meeting in its proper position ahead of open disclosure of a patient safety incident. Amendments Nos. 9 and 10 remove commas which are not necessary to the meaning of their respective sections and they are being removed for clarity. Amendment No. 11 substitutes the word “subsequent” with “additional”, which in respect of an additional information meeting is the term used in the relevant section.

Amendment agreed to.

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Government amendment No. 8:

In page 20, to delete line 17.

Amendment agreed to.

Government amendment No. 9:

In page 20, line 24, to delete “service, is,” and substitute “service is,”.

Amendment agreed to.

Government amendment No. 10:

In page 32, line 4, to delete “apology,” and substitute “apology”.

Amendment agreed to.

Government amendment No. 11:

In page 32, line 24, to delete “subsequent” and substitute “additional”.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: That the Bill do now pass.”

Minister of State at the Department of Justice and Equality (Deputy David Stanton):

On behalf of the Tánaiste and myself, I thank Senators for their support and constructive engagement on this Bill. The Bill as passed by this House provides that a court may award damages by way of a periodic payments order, having considered the best interests of the plaintiff and all of the circumstances of the case, including the views of the parties. The court must be satisfied that payments under the order will be secure.

The Bill also provides for the indexation of periodic payments and that the payments will be tax free. In the unlikely event that a person in receipt of a periodic payment becomes bankrupt the Bill provides for such payments will not be vested in the official assignee. The Bill includes important provisions to support voluntary open disclosure of patient safety incidents.

I thank Senators for facilitating the inclusion of these provisions. The measures of open disclosure form part of the Government’s wider approach to improving patient safety throughout our health system.

Senator Martin Conway: As is customary when legislation passes, it is important to thank all the parties who have helped in bringing it into force. It will inevitably protect vulnerable people who have had awards made by the courts. Unfortunately, there have been examples in the past of significant awards having been made, with no account having been taken of the future care needs of the people in respect of whom the awards were made.

I thank the Minister for this legislation. It is a further example of good law being enacted by the Houses of the Oireachtas. I thank all parties for their work on the Bill and I commend the Minister of State for his work in this regard.

Senator Gerry Horkan: I concur with Senator Martin Conway. It is good when Bills are passed. The periodic payment order has been dealt with. With all other Senators, I received an e-mail last night from the Irish Patients Association on the issue of open disclosure. It seemed to be of the belief that the issue was to be discussed today and we were asked not to rubber-stamp any proposal. However, this business seems to relate to periodic payment orders. Will the Minister of State clarify the position? The Irish Patients Association does great work on behalf of patients and will, no doubt, have an opportunity to deal with the topic on a different day.

Deputy David Stanton: I confirm that it is entirely separate.

Senator Niall Ó Donnghaile: I echo the comments of colleagues. This is important legislation which I have followed intensively. It is a rare example of legislation the practical effect of which is clear. It shows the ability and willingness of all parties in the House to work together constructively with the Minister of State, the Department, the Tánaiste and officials. It has been an anomaly. While nothing can fully compensate someone in these circumstances, we can compensate in a way that is beneficial. Maith sibh.

Question put and agreed to.

Criminal Justice (Offences Relating to Information Systems) Bill 2016: Second Stage

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

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I am very pleased to introduce the Bill to this House on behalf of my colleague, the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, who regrets that she is unable to be present. I am also pleased to be able to report that it received general support on its recent passage through the Lower House.

The Criminal Justice (Offences Relating to Information Systems) Bill 2016 is relatively short but very significant legislation. It is, notably, the first piece of Irish legislation dedicated to dealing with cybercrime, a transnational problem which requires a co-ordinated, international response. The Bill will ensure Ireland will play its part by giving effect to provisions of Directive 2013/40/EU of the European Parliament and the Council of 12 August 2013 on attacks against information systems. It will also give effect to many of the key provisions of the Council of Europe convention on cybercrime - the Budapest Convention - which Ireland signed in 2002. The legislation reflects these international instruments in that it provides for criminal offences in relation to attacks against information systems and establishes effective, proportionate and dissuasive penalties for such offences, the most serious of which could result in a term of imprisonment of up to ten years. The offences provided for relate to information systems and data and do not cover content-related matters. The Bill creates new offences relating to the unauthorised accessing of information systems; unauthorised interference with information systems or data on such systems; unauthorised interception of transmissions of data to or from information systems; and the use of tools such as computer programmes, passwords or devices to facilitate the commission of these offences relating to information systems.

Before outlining the content of the Bill in more detail, I would like to provide some context for the legislation. It is true to say information systems are very much part of our daily lives in the modern world. They are increasingly relied on by governments, businesses and

individual citizens alike. The term “information system”, as defined in the Bill, is deliberately broad, encompassing all devices involved in the processing and storage of data, not only those considered to be computer systems in the traditional sense. This reflects the range of modern communications and data storage technology currently available such as tablets and smartphones. Information systems also encompass the IT infrastructure or networks that support communication systems and individual devices, as well as data. The term “data” is also broadly circumscribed in the Bill, as meaning any representation of facts, information or concepts in a form capable of being processed and includes a programme capable of causing an information system to perform a function. There is no doubting the very significant benefits which modern information systems bring to our lives. However, reliability on such systems can also, unfortunately, mean vulnerability.

New technology creates opportunities for new crimes. Cybercrime and attacks on information systems have become increasingly problematic and challenging across Europe and the rest of the world. The European Commission brought forward its proposal for a directive in this area against a backdrop of steadily increasing cybercrime. It included previously unknown large-scale and dangerous attacks against the information systems of companies such as banks, the public sector and even the military in EU member states and other countries. New concerns emerged in this area such as the massive spread of malicious software. Such “malware”, as it is termed, can, for instance, create what are known as “botnets” - networks of infected computers that can be remotely controlled to stage large-scale, co-ordinated attacks. These networks of compromised computers may be activated, often without the knowledge of the users of the computers, to perform specific actions such as attacks against information systems.

The interconnection of computers and information systems, through cyberspace, facilitates communication between companies and individuals across the world. What has become clear is that, as cyberspace has developed and evolved, so has cybercrime which is a transnational phenomenon. Traditional law is based on physical geography, whereas cybercrimes occur in the virtual world of cyberspace and readily intersect and transcend national boundaries. There is a clear need, therefore, for international co-operation in this area and harmonisation of national laws to counter the very real threats faced. It is vital that we seek to protect citizens, businesses and government structures alike from cyber attacks which represent such a growing challenge in the modern technological environment. That is the central aim of the Bill.

I propose to outline in more detail the content of the Bill which contains 17 sections. Section 1 provides the necessary interpretation provisions for the Bill and includes a definition of “information system”. The term “information system”, rather than “computer”, is used in order to enable the Bill to have the widest possible application taking account of rapidly evolving technology in this area. The section also includes a broad definition of “data”. Both definitions are based on those contained in the EU directive.

Further important definitions in section 1 relate to the concepts of lawful authority and right holder. These are particularly significant in relation to how the offences under sections 2 to 6, inclusive, are framed. I will outline these offences presently, having made a couple of preliminary comments in this regard. I first point out that the activities concerned such as access to or interference with information systems or data are not offences if they are performed with lawful authority such as with the permission of the owner or right holder of the system. It is clearly not intended to criminalise the activities of those who have authority to access information systems or possess a computer programme or code for the purpose of maintaining, testing or protecting information systems. There are, for instance, companies which carry out such

activities legitimately in the course of their work which could involve testing the security of information systems and protecting them from attack. Such companies are effectively exempt from the provisions of the Bill. A further point of commonality in the manner in which the offences under sections 2 to 6, inclusive, are framed is the notion of intent. When the activities described are carried out with lawful authority and without criminal intent, they could not be considered to be offences.

Section 2 provides that it is an offence to intentionally access an information system by infringing a security measure without lawful authority or reasonable excuse.

Section 3 provides that it is an offence to intentionally interfere with an information system so as to hinder or interrupt its functioning. It also describes the various means of interference such as, for example, inputting data to the system, damaging or deleting data or making data on the system inaccessible.

Section 4 provides that it is an offence to intentionally interfere with data on an information system, for example, by deleting, altering or causing the deterioration of the data.

Section 5 provides that it is an offence to intentionally intercept the non-public transmission of data to or from or within an information system.

Section 6 provides that it is an offence to intentionally produce, sell, import, distribute or otherwise make available a computer programme or any device, computer password, access code or similar data for the purpose of the commission of an offence under sections 2 to 5, inclusive. It will be noted that the direct intention to commit an offence is specifically required in relation to this provision, in addition to the general intent requirement contained in all of the offence provisions. This reflects the requirements of the EU directive and is designed to avoid criminalisation where such tools or devices are produced and put on the market for legitimate purposes such as the testing of the security of information systems.

Section 7 allows a search warrant to be issued to An Garda Síochána by the District Court in the investigation of the suspected commission of offences under the Bill. It also sets out the process involved and provides for related matters. It includes a requirement that a person under investigation shall, on request, provide the Garda with any password or key or code necessary to operate a computer or access the data. This provision, essentially, replaces the search warrant provision in section 13 of the Criminal Damage Act 1991 in so far as it relates to data and applies the provision generally to the investigation of offences relating to information systems. Section 13 of the Bill amends the 1991 Act and includes a transitional provision in respect of search warrants issued under that Act. I will return to section 13 and the Criminal Damage Act shortly.

Section 8 sets out the penalties for the commission of offences under sections 2 to 6, inclusive. It provides that a person who commits an offence under sections 2 and 4 to 6, inclusive, will be liable, on summary conviction, to a fine of up to €5,000 or imprisonment for a term of up to 12 months, or both. On conviction on indictment, these offences are punishable by a fine or a term of up to five years in prison, or both. The same penalties apply on summary conviction for offences committed under section 3 which relates to unlawful interference with an information system but conviction on indictment for this offence carries an even more prohibitive penal sanction of up to ten years. This penalty reflects the gravity of the offence and the potential for damage in which unlawful interference with an information system could result.

Section 8 further provides that fraudulent use of the personal data of another person will be treated as an aggravating factor when the court is determining sentence for an offence under sections 3 or 4. It also provides for penalties for offences in relation to the search warrant provisions in section 7. Such offences include obstructing a Garda member acting under authority of a search warrant, a failure to provide information to facilitate Garda access to a computer or a failure to give the Garda a correct name and address.

Section 9 clarifies that where an offence under the Bill is committed by a body corporate, liability will rest with the person acting on behalf of the body corporate, as well as with the body corporate.

Section 10 establishes legal jurisdiction with regard to the commission of offences under sections 2 to 6, inclusive. It provides that a person may be tried in the State for an offence under sections 2 to 6, inclusive, where it is committed by a person inside the State in relation to an information system outside the State or where an offence is committed outside the State in relation to an information system in the State. Legal jurisdiction also extends to the commission of such an offence in relation to an information system outside the State if the person is an Irish citizen, ordinarily resident in the State or a body corporate or company under the law of the State and the act is an offence under the law of the place where it is committed.

Section 11 relates to evidence of Irish citizenship in the context of legal proceedings for offences under the Bill that are committed outside the State. It clarifies that it is an officer of the Minister for Foreign Affairs and Trade who certifies that a passport has issued and that it is an officer of the Minister of Justice and Equality who certifies that a person has not ceased to be an Irish citizen.

Section 12 deals with the legal concept of double jeopardy and provides that a person who has been tried for an offence outside the State will not be proceeded against for an offence under this legislation in respect of which the person has already been tried.

Section 13 amends the Criminal Damage Act 1991 in so far as it relates to damage to computer data in the context of damage to property. The offences contained in the 1991 Act in relation to computer data are being deleted and will instead be covered and expanded on in this legislation. Section 5 of the 1991 Act which relates to unauthorised access to computer data is, for instance, being deleted as it is being replaced by section 2 of the Bill.

Section 14 amends the Bail Act 1997 to include in the Schedule to that Act the offences provided for under sections 2 to 6, inclusive, of the Bill. The Schedule to the 1997 Act specifies serious offences, in respect of which an application for bail may be refused by the court. The offences under sections 2 to 6, inclusive, of the Bill will, therefore, come within this category.

Section 15 is a technical amendment to Schedule 1 to the Criminal Justice Act 2011 which provides for certain powers and procedures with respect to the prosecution and investigation of white collar crime. Schedule 1 specifies the offences which are relevant for the purposes of the 2011 Act and includes the data related offences which are contained in the Criminal Damage Act 1991 and which will be replaced by the Bill. Section 15, therefore, includes the new offences in the Schedule and also inserts a transitional provision to cover data related offences which were committed under the Criminal Damage Act prior to the commencement of this legislation.

Section 16 provides that expenses incurred by the Minister for Justice and Equality in the administration of this legislation shall, to the extent sanctioned by the Minister for Public Ex-

penditure and Reform, be paid out of moneys provided by the Oireachtas.

Section 17 is a standard provision providing for the Short Title and commencement. There will be an opportunity on Committee Stage to discuss in more detail any aspect of the Bill that Senators wish to explore further. I am sure they will agree that it is vital that we seek to safeguard modern information and communication systems and maintain users' confidence in the safety and reliability of such systems. This is arguably even more important and appropriate in Ireland which has become somewhat of a global cyber-hub in view of the number of high-tech and information technology and Internet based companies that have major operations here. The legislation ensures unlawful activities relating to information systems are criminalised and that strong penalties are in place to both deter and punish offenders. I am pleased, therefore, to commend the Bill to the House.

Senator Gerry Horkan: I have extensive briefing notes and speaking points, but I will try to not to use all of them as I appreciate we are discussing Second Stage and will have an opportunity on Committee Stage to engage further on the Bill.

The good news is that the Fianna Fáil Party will support the Bill which aims to define criminal offences in the area of attacks against information systems and establish effective, proportionate and dissuasive penalties for such offences. As the Minister of State outlined, given the presence here of many information technology companies, including Google, Facebook and eBay - there are too many to mention - it is important that we be at the top of our game in dealing with people who seek to make life difficult and awkward for all of us. We all rely on mobile phones, use mobile banking services and send e-mails and want to ensure these activities are as safe as possible.

It is critical that citizens, business and government be protected from cyber-attacks which increasingly constitute a major challenge in today's technological environment. The presence of so many high-tech and Internet based companies in Ireland makes this even more relevant. However, it is also critical that we resource the Garda to enforce the laws on cybercrime. It is a matter of concern that the number of gardaí working in the area of cybercrime fell in 2016. Late last year figures provided for Fianna Fáil through a parliamentary question showed that only 29 gardaí were tasked with policing cybercrime, despite the number of cyber-attacks doubling. The number of gardaí working to tackle this growing threat declined in the past two years, despite an increasing number of cyber-attacks in Ireland. Cybercrime is a real and growing threat to individuals and businesses. We have seen personal attacks involving blackmail which had tragic consequences, as well as economic crimes that resulted in losses of millions of euro to business through fraud. In just a few clicks lives can be ruined and businesses destroyed. While the creation of a dedicated unit is a welcome step, it will be unable to make substantive progress unless it has sufficient and skilled personnel. The increase in the number of gardaí secured by Fianna Fáil in the confidence and supply agreement must be used in part to help deal with this rising threat.

A recent comprehensive PwC Irish economic crime survey outlined the scale of the threat posed by cybercrime. The report found that nearly half of organisations which had reported economic crime had suffered a cyber-attack in the previous two years. The figure has almost doubled since 2012 and is substantially higher than results globally. Of those affected by cybercrime in Ireland, nearly one in five incurred losses in excess of €92,000 and figures as high as €4.6 million were reported. Also, board members and directors are not paying sufficient attention to cyber-readiness. Fewer than half of board members request information on the

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cyber-readiness of their organisation in any given year.

The 2015 Garda Inspectorate report highlighted how cybercrime and cyber-security covered a range of offences. Advances in technology are creating new opportunities for criminals. I appreciate that this area is changing rapidly - almost on a daily basis - and that organised criminal networks are expanding into it. Cybercrime affects everyone, including citizens, corporations and governments. During visits by the Garda Inspectorate, many senior gardaí highlighted cybercrime and the threats it posed as requiring the creation of a cybercrime unit and immediate action by An Garda Síochána. Many policing services have developed cybercrime units and some have included cybercrime in an existing organised crime unit. The Garda Inspectorate believes there is an opportunity to create cybercrime investigative capacity within a serious and organised unit. As part of the responsibility of such a unit, a national cybercrime strategy should be developed. In its more than 20 years in existence, the computer crime investigation unit at the Garda Bureau of Fraud Investigation has had many successes in detecting crimes such as computer related fraud and illegal trading over the darknet. It has built up significant experience and expertise, with many of its staff regarded externally as experts in their respective fields. However, a lack of technology has resulted in a widely reported backlog of cases in the unit. Additional resources and a change in processes in the computer crime investigation unit have led to a reduction in the backlog. However, to ensure it has the capacity and capability to deal with current and future workloads, the unit will be restructured and further management and staff added.

Although it is a separate area, the significant growth in cyberbullying in recent years has allowed bullies to target individuals with little or no sanction or regulation. A September 2016 report published by the Law Reform Commission underscores the need to do more to tackle the emergence of online hate campaigns and bullying. Cyberbullying can have devastating consequences and tackling it will require much more awareness. While it has not affected the school, the board of which I chair, I am aware that young people are very vulnerable to this problem which has had tragic consequences for those who have been attacked online. I appreciate that this issue is not directly related to the Bill. It is important, however, that the House acknowledge the need to strike a balance when dealing with digital harassment. Awareness campaigns on digital safety and good practice and better education are all components of this. Equally, strong sanctions which are provided for in the Bill act as an important deterrent. Fianna Fáil previously proposed a major shift in the law to protect people, especially children, from cyberbullying and make it a criminal offence to engage in, assist or encourage cyberbullying. If the legislation had been successfully supported by the Government, the offence of cyberbullying would have been defined in Irish law to help to protect people from online hate campaigns. Online bullying, hate campaigns and harassment are major issues, principally for the younger generation, and we need a strong basis in law to help to tackle the problem. The Government must ensure the full recommendations made in reports on how to deal with cyberbullying are implemented. As the digital and technological revolution continues, we must be prepared to respond to legally protect our civil liberties. In the past, online bullying has only had consequences for the victims. Now is the time to ensure the perpetrators also face legal consequences.

I commend the Minister of State for the Bill, which is great work, and welcome the transposition of EU legislation in this area into Irish law. We must ensure the Garda has sufficient resources to enforce this law appropriately. While I appreciate that much of this relates to systems and the cloud and we are no longer talking about computers at home, we must tackle cyberbullying and cybercrime. This is a good step, but we must make sure the Garda is re-

sourced with sufficient highly qualified and technical personnel. This is not a job for ordinary gardaí graduating from the Garda College in Templemore, as good as they may be. This is a very specialised and skilled area. There have been murder cases solved through the use of technology, including a very famous one recently. There are amazing skills within the Garda, but we need to make sure that we work together to resource them sufficiently to tackle these bullies and criminals.

Senator Martin Conway: I welcome the Minister of State at the Department of Justice and Equality, Deputy Stanton, to the House, and commend both him and the Tánaiste for bringing forward this very important legislation. In this country we regularly pride ourselves on having seven of the top ten IT companies based here, including Google, Facebook and Apple. We are always pronouncing on how we as a nation have been able to attract them because of our talented pool of graduates who have the skill sets required, plus the fact that Ireland is attractive in any regard. Dublin certainly is a hub, and Senator Horkan is correct in that regard. Equally so, we should be leading the way in terms of dealing with the criminal aspects of this. I would be the first to say that the development of technology has been of incredible benefit to many people. For example, what people with disabilities can do with iPads is phenomenal, compared to how it was twenty years ago. Equally there is a downside to everything, and this certainly has a downside. That is why this legislation is timely. I have no doubt that either the Minister of State here or one of his successors will have to update this legislation because it is very fast moving and constantly changing and evolving, no more than standard crime. The criminal is almost always one step ahead, and I have no doubt that it is the same in cyber crime. New devices and methodologies to facilitate crime will spring up.

I recently became aware of a small retailer in the Galway area who experienced a cyber attack, and their small computer system with perhaps 400 or 500 accounts was invaded. Unfortunately, the Garda told the company to pay the ransom. There was some sort of ransom in computer terms, and it cost the people a few thousand euro in order to get their system freed up so that they could continue doing their business. It was outrageous. It is the type of thing one might see in the movies, but one would not think that it actually goes on.

In the last Seanad I called for SIM cards to be registered, because any young fellow can go down to the sweet shop and buy 20 penny sweets and he can go into the mobile phone shop next door and buy 20 SIM cards for €50 or whatever it is. One does not have to be over 18 to buy a SIM card. Furthermore, there is no registration of these SIM cards. If one had to produce a driver's licence or passport to buy a SIM card and that SIM card was registered, at least then if the Garda investigating crime discovers this mobile phone number there would be some traceability there. I asked the library and research unit here to do some research as to what was international best practice in that regard, and it seems that only five or six countries had a registration of SIM cards system in place. It was seen as unworkable because of the amount of SIM cards. There are probably twice the number of SIM cards in this country as there are citizens. That is how fast technology is moving.

I welcome the Bill. It is great that it is getting support from across the House, but I fear that it will be amended many times going forward because of the fluid nature of the Internet and social media and cyber crime. I look forward to Committee Stage, and hopefully we will get it passed through this House as quickly as it was passed through the Lower House.

Senator Niall Ó Donnghaile: Sinn Féin will also be supporting the passage of this Bill today. Colleagues have succinctly outlined the vast potential of how this can impact on our lives.

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I have been a victim of online crime myself, in that someone treated themselves to a flight to Manchester and an overnight stay in a hotel on my credit card. How that happened I have no idea, but nevertheless it happened. Colleagues have touched on much more sinister and tragic outcomes from some of the people who are criminally active online, and we have seen this in the North in recent years, where young people have taken their own lives because they have been pushed to such extremes as a result of the manipulation, harassment, bullying and criminal activity being carried out by these people. While sometimes we can get caught up in the world of technology and we can switch ourselves off to just how vast and complex it is, this does have a very tangible negative impact on people's lives, day in and day out. It is right, proper and positive that governments are responding to that.

I thank the Minister of State for the comprehensive presentation he gave. It is very detailed. As Senator Conway has outlined, this is a very complex situation and one that we will no doubt have to adapt to and be fluid as we move forward. I have no doubt that we will work collaboratively in terms of the next Stages to try and refine this legislation together to deal with some of it.

I have some questions that I feel are important to have on the record. The law on cyber crime in Ireland is somewhat outdated, as the Minister of State has acknowledged, and contained in a range of legislative provisions. It is difficult to navigate across the Criminal Damage Act, the Criminal Justice (Theft and Fraud Offences) Act and the Criminal Justice Act 2011. The provisions of Acts dating from the early 1990s are rarely used because they are not fit for current prosecution needs. Clearly, given the nature of the technological developments over the last 15 years or so, there is a need to update and modernise laws pertaining to the protection of information and communication systems. Along with an update to the language and terminology relevant to offences in cyber crime there are a number of substantive offences introduced in this Bill, including the offence of hindering or interrupting an information system, denial of service offences, as well as the offence of providing the tools to commit denial of service offences. There are provisions for fines of up to €5,000 and 12 month prison sentences.

Sinn Féin broadly welcome the Bill and welcome this aspect of it, but we have some concerns regarding the provisions on search warrants. We wish to hear the Minister of State outline further if there are any protections for whistleblowers who might break the law or be perceived to have broken the law in the public interest.

While the Bill is to be welcomed it has to be said that there is little point in introducing more legislation and giving the Garda extra powers if it does not have the resources to investigate any breaches of this new law. It is not just about the correct training, which is important in terms of capacity building within the Garda, but we also need to resource the Garda to meet the demands that are there as a result of this criminal activity.

I am aware from the review of the computer crime investigation unit under the Garda Síochána modernisation and renewal programme that a dedicated Garda cyber crime unit has recently been established, but there are no figures currently available for the level of resources actually attached to it. Perhaps the Minister of State can provide those figures, now or later. Saying that the allocation of resources is ongoing is not enough, for all of the reasons that Members have outlined today. I also wonder if the Minister would have an update on the intention to establish regional cyber crime units beyond the current pilot regions, when this will happen and what resources will be attached to them.

During last summer the Garda Commissioner, Nóirín O'Sullivan, said that the Garda would be introducing a new computer based system to track criminal complaints by the end of 2016. Can the Minister of State confirm that this has happened? Considering the number of Garda stations that have no Internet access - some do not even have access to PULSE - it seems unlikely that this could be the case.

These are practical issues that we hope to work on collaboratively with the Minister of State and other colleagues on Committee Stage to make this a better Bill in order to protect people. We have had many victims of cybercrime at many different levels. What we want to try to do with this legislation, and of course it is also the intention of the Minister of State and the Department, is to ensure fewer and, ultimately, no more victims.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank the House for giving its time and consideration to the matter. As I stated at the very start, and it has been acknowledged by colleagues, this is significant legislation. I thank the Senators for their contributions and their general support for the Bill. It is clear there is a shared determination to combat cybercrime. The Bill focuses on protecting information systems and the data they contain from unauthorised access or interference. This is vital to the interests of businesses, Government structures and individual citizens alike, given the central role information systems play in all our lives.

As technology advances and new forms of crime evolve, our legislative frameworks must also develop to counter these threats. Cybercrime activities come in many different forms and broadly involve criminal attacks on information systems and infrastructures themselves or on their associated data. Data are an increasingly valuable commodity in the economic world and personal information in particular carries a premium. Criminal gangs are aware of this and perpetrate large-scale pervasive attacks involving unauthorised access to, collection of and use of data for monetary gain. Some of the more common forms of cybercrime involve identity theft, online Internet scams or fraud, cybercrimes on business, cyber extortion, as was mentioned earlier, industrial espionage and online intellectual property theft. It is these crimes which cause the greatest impact economically in Ireland and around the globe. It has been estimated the cost of cybercrime to the Irish economy is €630 million per annum. Grant Thornton, the consultants who carried out this analysis, discovered the cost of traditional crimes, such as welfare and tax fraud, moving into the online environment is a significant threat to the Irish economy.

The legislation we are introducing seeks to protect information systems and important data from cyber attacks from within and outside the State. The Bill makes it an offence to engage in cybercrime activity and provides strong penalties for those found guilty of offences relating to information systems, including up to ten years imprisonment if the crime is sufficiently serious. Cybercrime is an international worldwide problem. It knows or respects no borders. There is a need, therefore, for international co-operation to counter the menace. Harmonisation of national laws is a very important way of doing this. By strengthening our laws throughout Europe and beyond we present a united front against cybercrime and counter its transnational dimension. The legislation before us will serve to transpose the EU directive on attacks against information systems and ensure Ireland can stand alongside our European partners in combating criminality in this area and protecting vital infrastructure.

International co-operation is also necessary on a practical operational level through sharing information between police authorities to bring cyber criminals to justice and enforce our laws. A key aim of the EU directive, in addition to criminalising offences relating to information sys-

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tems, is to improve co-operation with and between competent authorities, including the police and other law enforcement services such as Europol and the European Cybercrime Centre. For the purpose of exchanging information on cyber offences, member states are required to have an operational national point of contact, which is available 24 hours a day, seven days a week. The designated national contact point for Ireland is the Garda computer crime investigation unit, and its contact details have already been provided to the European Commission and can be made available to other member states' competent specialised agencies and bodies.

The Bill will ensure unlawful activities relating to information systems and their data are criminalised and strong penalties are in place to deter and punish offenders. In doing this it seeks to protect modern information and communication systems and maintain users' confidence in the safety and reliability of such systems. This is clearly important for business, the Government sector and individuals.

Senator Horkan mentioned the Law Reform Commission's report on harmful communications and digital safety published in September 2016. While noting the positive benefits to society of the interconnected digital world in which we live, the report also noted the negative aspects of the emerging trend to engage in online communications that cause significant harm to others. While the report identified the existing criminal law already addresses some of the harmful communications described, it also identified significant gaps that require legislation, particularly where new technologies are being used in new ways that could not have been previously anticipated. Colleagues have mentioned the importance of developing and moving on, and it is changing by the hour.

In December 2016 the Government gave its approval for the drafting of a general scheme of a Bill which would provide for new and amended criminal offences along the lines set out in the report. The Bill will address the criminal law aspects of the Law Reform Commission's report. Work is being undertaken to prepare the general scheme of the Bill which, when published, can be fully considered by the Oireachtas Joint Committee on Justice and Equality and the public at large.

As we know, there are proposals to reconfigure the Garda computer crime unit into the Garda cybercrime unit. I am not aware of whether many civilian staff will be involved. It strikes me that those involved will really be on top of their game and really specialist people. It is not the number of people, as has been said, but that we have people who really are specialised in these areas. The Garda has built up considerable expertise in this area. The former head of the unit heads up the European cybercrime unit.

Other questions were asked earlier and I will endeavour to get answers at a later stage, as has been requested.

Question put and agreed to.

Acting Chairman (Senator John O'Mahony): When is it proposed to take Committee Stage?

Senator Catherine Noone: Next Tuesday.

Acting Chairman (Senator John O'Mahony): Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 18 April 2017.

Intoxicating Liquor (Amendment) Bill 2017: Second Stage

Senator Billy Lawless: I move: “That the Bill be now read a Second Time.”

I welcome the Minister of State to the House. I am grateful for the opportunity to debate the Bill, which has been co-sponsored by Senators McDowell, Boyhan and Craughwell and for which I hope to obtain the support of the majority of the House. The Bill has one very simple and straightforward objective, which is to remove the prohibition on licensed premises, including restaurants, off-licences and supermarkets, from trading on Good Friday. I acknowledge former Senators Imelda Henry and Maurice Cummins who, along with a current Member of the House, Senator Colm Burke, sponsored the same Bill which, unfortunately, never got past First Stage in the previous Seanad and was not debated.

It is very welcome, as reported in *The Irish Times* yesterday, that the Minister, Deputy Frances Fitzgerald, sought Cabinet approval to ensure the support of all of the Fine Gael Senators, and that all parties have indicated their support for the Bill. I equally respect those opposed to the Bill, including my colleague, Senator Mullen, with whom I recently enjoyed a lengthy and respectful debate. I am of a generation which fully appreciates the importance of what religious observation means to many in this country and I appreciate how they feel the country in which they grew up has dramatically changed over the past 50 years. Unlike what we have seen in my adopted country of the United States, however, Ireland’s modernisation has been intergenerational and has cut across class divides. The so-called “left behinds” in the United States, who do not recognise the modern United States advocated by former President Obama and yearn for a country which reflects the old ways of their past, is a constituency that is in large absent in Ireland. Nowhere was this more self-evident than in the same-sex marriage referendum, when an overwhelming 61% of the population, across all ages, genders and traditions, voted to support a change to the fabric of our nation, which would have been unconscionable when the Irish Free State was established in 1922.

That Free State, in an understandable desire to distinguish itself, in almost one of its first legislative actions enacted the Intoxicating Liquor Act 1924. Until that point, as the then Minister for Justice, Kevin O’Higgins, outlined to Dáil Éireann when he introduced the Bill, pubs were open on Good Friday from 2 p.m. to 9 p.m. in cities and towns where the population was more than 5,000 and from 2 p.m. to 7 p.m. elsewhere. In an expression of support for the Bill, it was observed by a Labour Party Deputy, Thomas Johnson, that Good Friday is a Christian memorial day. He supposed one might say that in Ireland, more particularly in the Twenty-Six counties, it is recognised and taken notice of to an extent more than in any other country, perhaps in Europe or the world. This is how the debate was framed then. Prohibition of opening pubs on Good Friday was intertwined with the image which our new independent State was seeking to portray. While the prohibition on pubs opening was lifted for St. Patrick’s Day some 60 years ago, for the best part of 90 years, the prohibition on pubs opening on Good Friday has stayed the law of the land, with only two attempts to seek legislative change in the area. One was made in a Private Member’s Bill in 1998 by the Labour Party, and I note from the record of debates that it had the support of then Deputy Michael McDowell, now Senator and co-sponsor of this Bill. It was defeated on Second Stage. The second was in 2014, by Fine Gael Senators, in a Bill that never got past First Stage. It was former Senator Joe O’Toole, however, in seeking

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to amend a Government Bill in 2000 to allow pubs open on Good Friday, who perhaps framed the debate in the most straightforward manner to date. He stated:

Ireland is a grown up country. We appear able to deal with bribery, corruption and other nasty aspects of life.

Senator David Norris: Like hell we are.

Senator Billy Lawless: He continued:

We talk about creating an inclusive society, openness and giving people responsibility for their actions. Perhaps somebody could tell me why pubs do not open on Good Friday.

He went on to capture what has now become the great irony of the Good Friday prohibition, stating that, "The prescription is more often honoured in the breach than the observance." This is plainly the case right across the country, where Holy Thursday is now one of the single biggest off-sales days for supermarkets and off-licence outlets in the entire year. Past Ministers for Justice have acknowledged time and again that people are free and entitled to take a drink in their home and that the prohibition on pubs opening on Good Friday does not interfere with a person's right to take a drink on that day if that person so wishes. It is of course perfectly true to say this, but what the current Minister must acknowledge is that incentivising low-cost drinking away from the controlled environment of licensed premises directly contradicts the current Government's entire alcohol policy. It is stated Government policy that, to reduce binge drinking in Ireland, an objective with which I believe no one in this House would disagree, we need to remove cheap, low-cost alcohol from our supermarkets and off-licence outlets.

Senator David Norris: Hear, hear.

Senator Billy Lawless: Currently, an 18 year old with €10 can buy ten cans of beer on Holy Thursday to keep for the next day, but cannot walk into a pub and meet friends where he or she might buy two or three drinks with the same money. Keeping pubs closed on Good Friday actively incentivises binge drinking where people - particularly students - gather all day in arranged premises, and bring cans of beer and bottles of vodka and spend the day fuelling themselves in an uncontrolled environment, simply because the 90-year old rule has remained stubbornly unremoved from our legislation.

It is no secret that I am a publican and restaurateur. That is my trade, but I am also a father and a grandfather and I have seen the real damage alcohol abuse does to families and to young people. There are clear economic benefits to licensed premises opening on Good Friday, where it has been estimated that local businesses lose between €30 million and €40 million as a result of the closure. Tourists amble around the streets looking for the world famous Irish pub atmosphere, which they have spent hundreds of euro to enjoy in some cases, to be turned away on arrival. These are strong reasons to end the 90-year rule, but they are not the only reasons.

I believe there are few in this country, which is a hugely tolerant nation, that believe their values or their beliefs are being harmed or weakened as a result of changing these laws. If anything, much like Ash Wednesday has become a secular day to encourage people to stop smoking, there is no reason Good Friday could not take on similar manifestations regarding alcohol abuse once the prohibition has been lifted.

Senator David Norris: What will happen to the Senator's €40 million loss then? He will

put people off drinking.

Senator Billy Lawless: Over the last 30 years, however, we did not hear discussions about the effect of alcohol on young people or the promotion of responsible drinking when Good Friday comes around. Instead, what we hear are the humorous stories of the ingenuity of those seeking to evade the prohibition, heading to train stations, theatres, greyhound stadiums and other sporting venues. It does not serve as a reminder to Christians of what I know is an extremely solemn day in their calendar to see images on the 6 o'clock news of people guzzling down cans of beer on trains and in sports stadiums. The prohibition simply solidifies this "them and us society" which is not reflected in Ireland. So it is time to move on, make the change to the legislation and send this Bill to the Dáil today, so that by next Good Friday, in 2018, Ireland can continue to promote a much more mature attitude to alcohol consumption.

Senator Gerard P. Craughwell: I wish to second the Intoxicating Liquor (Amendment) Bill 2017. I welcome the Minister of State and thank him for giving the Bill a Second Stage reading. I thank Senator Billy Lawless and my fellow Independent colleagues for bringing the Bill forward in 2017.

The need to repeal the Good Friday alcohol ban is raised on a yearly basis to no avail, but I am very hopeful today. We know that Ireland's relationship with alcohol dates back to the Stone Age. Like many other countries, we have an ambivalent relationship with it. On the one hand, excessive drinking is a serious social and health problem. On the other hand, the pub, as a focus for drinking, socialising, entertaining and culture is an important part of our national identity. We therefore have a dual perception of alcohol as a problem to be managed and as a pleasure to be enjoyed. Our policy and legislative developments have reflected this ambiguity.

As legislators, we are tasked with balancing the rights of individuals to make their own lifestyle choices with the ethics of legitimate democratic intervention in public health by the State. In supporting this Bill, I believe that legislation to support our pub and tourism sector and legislation to tackle alcohol-related harm are not mutually exclusive. By supporting one, we are not automatically diminishing the other. Lifting the ban on public houses being opened and alcohol being sold on Good Friday does not interfere with the Government's policies and legislation to reduce the harm that excessive use of alcohol creates. As we speak, the Government's Public Health (Alcohol) Bill is going through the Oireachtas. Notwithstanding some contentious areas, we must be resolved on it. It is one of the most progressive pieces of legislation in Europe in the way that it tackles pricing, labelling, marketing and availability. I supported this Bill when it was in the Seanad, but I am not conflicted in supporting today's Bill either.

Neither is my support for this Bill an attack on the practices and traditions of the church. As a nation, we have a strong history of teetotalism, "the pledge" and the temperance movement. Traditions of abstinence on certain church holidays, such as Ash Wednesday and Good Friday, have been an important part of our social and religious history. These practices are now in relative decline and our laws must be updated to reflect that. I am not for one moment undermining the validity or importance of fast and abstinence for those who wish to practise it, but I am deeply conscious of the growing secularisation and multi-religious nature of Irish society, the increasing separation of church and State and our obligations as legislators to meet the needs of an evolving society.

I am not here today to promote the drinks industry. It can do a good job of that itself. I am here to promote tourism, the Irish public house and the citizen's right to choose without

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the interference of the State. To say that this legislation is overdue is an understatement. The Licensed Vintners Association, representing Dublin publicans, and the Vintners Federation of Ireland have been campaigning on this issue for years and I applaud them for their patience, which I hope will be rewarded.

I read recently that there are now Irish pubs in over 40 countries and that the Irish pub is a highly successfully global commodity, a gold mine for owners all over the world trading on the Irish reputation for hospitality, culture and good craic. Their success is not just due to the stout and whiskey for which Ireland is also renowned, but to their unique Irish characteristics. The authentic Irish pubs, the ones in this country, are honeypots for tourists and having them closed on Good Friday makes no moral or commercial sense. In fact, there is a curious irony in the fact that one could drink in an Irish pub anywhere in the world on Good Friday except for Ireland. Irish pubs are an intrinsic part of our national heritage. They are much more than a place to purchase alcohol.

4 o'clock

Pubs are important third spaces, places which are not home and not work, which are inherently democratic, ubiquitous and near at hand. Pubs are our locals and we frequent them in patterns, some people are regulars and others occasional visitors, but everyone is welcome.

Pubs have been described as an icon of the everyday where people can meet, relax and enjoy as much political engagement as we do here, a place where everything and anything is discussed. Pubs are an intrinsic part of our social capital, they are often the centre of community and village life and are a vital part of our tourism offering. Having them closed on Good Friday creates confusion for tourists and does little to enhance public health.

Section 10 of the Intoxicating Liquor Act 1962 has already been successfully challenged in court in Limerick in 2010 albeit in very specific and quite accidental circumstances. Rock on Munster. In his judgment, Judge Tom O'Donnell declared that it would be somewhat absurd if pubs lost out on business from the Munster rugby event. I believe that it is now equally absurd that thousands of pubs are losing out on business on one of the busiest tourism weekends of the year.

I welcome this Bill as a solid and conclusive solution to what has only previously been addressed by court challenges and the creation of piecemeal *ad hoc* solutions. I look forward to the passing of the Bill and to the sale of alcohol in the normal way on Good Friday, 2018. The challenge for us as legislators is to balance the benefits of social drinking with the costs of excessive and addictive drinking. To say it is about time is almost an understatement as the Licensed Vintners Association representing Dublin publicans and the Vintners Federation of Ireland have been campaigning on this issue for years. The response by the Oireachtas has been *ad hoc* and piecemeal and the result is unsurprisingly confusing.

Having led a trade union and been president of a union, I am acutely aware that by opening pubs on Good Friday we are creating an extra day's work but it is not an extra day's work because Good Friday is not a bank holiday. I have no doubt that my colleagues in the trade union movement will address the issue of any additional pay that workers in pubs would be entitled to-----

Senator David Norris: Of course it is an extra day's work.

Senator Gerard P. Craughwell: -----and that should not be an impediment for moving this Bill on and delivering a more secular society. I congratulate my colleague, Senator Billy Lawless, for bringing this Bill forward.

Senator David Norris: What else is it except an extra day?

Senator Gabrielle McFadden: My good friend and former Senator, Imelda Henry, who is here today recently said that closing pubs on Good Friday belongs to another era. While I do not wish to disrespect anybody's religious beliefs, as a person who grew up in a pub I am inclined to agree with her. She has said that it was a legacy of the past which does not recognise the massive changes in Ireland and the manner in which pubs have changed in recent times. Almost 60% of our pubs now serve food. It is no longer realistic to expect one sector of our hospitality industry to remain closed while shops and restaurants remain open for business.

We have spent a lot of time and money as a country advertising Ireland as a tourism destination and as a Government we have grown the tourism figures hugely with the 9% VAT rate, the Wild Atlantic Way, Ireland's Ancient East and of course the beautiful lake counties. Why then would we not allow publicans to open their pubs which are an intrinsic part of our Irish tourism experience? This has been reported by research which states that the Irish pub is a top selling point for Irish tourism, or at least one of them.

I respect those who do not agree with this proposal but there is no obligation on any publican to open if he or she does not wish to. I did a straw poll of friends who are publicans and I phoned ten people this morning. Of the ten, eight were in favour of opening on Good Friday and two were not but both of those two who said they were not in favour said that they believed it should be left up to publicans.

Apart from preventing tourists from experiencing a good old Irish pub and what it has to offer, do not forget that people who want to drink on Good Friday can do so by stocking up in advance with below-cost price slabs from the supermarket, as Senator Lawless mentioned. At least in a pub there is some regulation on the quantity of alcohol that can be consumed.

I commend the work done by former Senators Imelda Henry and Maurice Cummins and all those including Senator Lawless who have brought this Bill here today and opened a debate which I think is really important. I support the Bill in principle and the very great need to reform the Good Friday rules but this needs to be done in a manner that does not create further anomalies and unfair trading conditions for categories of licence holders. It is really important as we are pushing our country as a tourism destination and it is part of what we have to offer to tourists.

Senator David Norris: Oh.

Senator Gabrielle McFadden: I know the Senator does not agree with me but it is true.

Senator David Norris: No, I do not like to see Ireland turned into a theme park.

Senator Gabrielle McFadden: It is not a theme park.

Senator David Norris: It is a theme park.

Senator Gabrielle McFadden: It is not a theme park, it is part of what we are. People can go into a pub but they do not have to drink. They can have water and a meal but it is part of

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what we offer as a destination and it should be looked at.

Senator Gerry Horkan: I do not want anyone to accuse me of not declaring an interest so I was very privileged and lucky to have been elected last year, and one of my nominating bodies was the Licensed Vintners Association of Dublin, the Dublin publicans. Some of its representatives, including the chair and chief executive are in the Public Gallery along with the chair of the Vintners Federation of Ireland. I welcome them all to the Chamber.

There are so many things to say about this issue. Fianna Fáil is supporting the Bill which will allow licensed premises to serve alcohol on Good Friday. I commend Senator Lawless and his colleagues for putting forward this Intoxicating Liquor (Amendment) Bill 2017. It is very important that we acknowledge, as previous speakers have, that publicans all over the country have been calling for the licensing laws to be amended to permit all premises that are licensed to sell alcohol on Good Friday. I know it is not Senator Lawless's intention to prioritise pubs over restaurants, off-licence outlets or supermarkets.

Senator Craughwell alluded to the fact that Good Friday is not a bank holiday. It is a bank holiday but it is not a public holiday. The banks do close on Good Friday but only the banks. If one looks at our experience with Sunday trading over the years, it was quite restricted and now it is completely normal and no one thinks twice about it. I am sure that if any major retailer was asked if Sunday was one of its busiest days, it would say that it is far busier than a Monday, Tuesday or Wednesday.

Senator David Norris: What about the employees?

Acting Chairman (Senator John O'Mahony): Senator Norris will get his chance.

Senator Gerry Horkan: We can discuss other matters but I have not interrupted anyone else and I hope that I will not be interrupted.

The current laws have been described as archaic and discriminatory. A study done by Anthony Foley of DCU estimates that the Good Friday ban costs publicans about €30 million and the State €6 million in excise duties when most other retail businesses are open and trading on Good Friday. It is a normal day of work for many people, it is not a public holiday.

The Intoxicating Liquor Act 1962 allows area exemptions in all parts of the country with the exception of Dublin which is how the Munster match allowed alcohol to be sold in 2010. The Intoxicating Liquor Act was introduced in 1927 originally and prohibited the sale of alcoholic drinks on Christmas day, Good Friday and St. Patrick's Day but in 1960, 57 years ago, that was repealed in order to facilitate visitors coming to Ireland from overseas. We all acknowledge that Easter is the first major tourism weekend of the year and that while the numbers are very good, tourism is a fragile industry. Brexit will have potential implications for our trading in terms of tourism with our nearest neighbours and we have to make sure that we do not put up barriers to tourism. Many publicans have said to me that they are embarrassed by the fact that they must tell their customers, in particular tourists, that they cannot serve them alcohol. Many Dublin publicans, in particular, open on Good Friday to serve food, water, tea, coffee and soft drinks. Customers wonder why they cannot have a glass of wine or beer with their meal. Publicans have said they are embarrassed by having to tell people about an archaic law that does not exist in any other part of the world. People must acknowledge that closure is an option and publicans are not bound to open. Senator Leyden, my good colleague, has just joined me here in the Chamber. He could open his pub at 10.30 in the morning but he does not. He can choose

to open his pub at 7 o'clock in the evening or whenever it suits his customers. The provision is not compulsory. As Senator McFadden has said, we must give publicans a choice. Equally, it is important that we acknowledge that both organisations that represent publicans, the Vintners Federation of Ireland and the Licensed Vintners Association, fully support the Public Health (Alcohol) Bill in terms of minimum pricing, advertising and other parts of that Bill.

We must ensure that we do not have a situation where we must tell tourists that they cannot be here. We must acknowledge that 30% of trade in pubs takes place on a Friday. We have moved on as a country and Good Friday is considered a day of shopping but many people reflect on Good Friday. Nobody is required to go to a pub, restaurant or supermarket to buy alcohol if they do not want to but at this stage we need a choice. We need to allow tourists who travel to Ireland on the most important tourism weekend or the first major tourism weekend of the year to have a choice. The 1916 celebrations showed us how important tourism is to us. Easter has a greater resonance since the 1916 centenary celebrations in 2016 and in future we should allow alcohol to be served on Good Friday. It is fitting that this year marks the 200th anniversary of the foundation of the Licensed Vintners Association. I hope that by 2018, pubs and other licensed premises will be able to trade on Good Friday. When the Minister of State responds I want him to tell us how quickly we can get the legislation to pass through both Houses. We must pass this legislation in time so that we can convey the message to the world that if people want to visit Ireland on Good Friday they will no longer be restricted from purchasing alcohol.

Like other colleagues, I acknowledge the important work done by former Senator, Imelda Henry, when she was a Member of this House and welcome her to the Chamber today. I congratulate Senator Lawless for putting forward this legislation. I hope his Bill will be supported by the vast majority of Members in the Chamber.

Senator Niall Ó Donnghaile: I thank Senator Lawless for bringing this legislation forward because this is an important discussion. As outlined by previous contributors, we need to have this discussion as a society. I thought we were bad in the North with restricted opening hours but I quickly discovered when I came to this House that the Good Friday prohibition, as Senator Lawless calls it, is in place.

I shall stress a couple of points to the Minister of State at this early stage of my contribution. We, in Sinn Féin, first and foremost as republicans who believe in a broad civic society where all traditions and views of the world are equal, believe that pubs should be allowed to open on Good Friday. There should be no barrier to them doing so because in the past a religious denomination thought pubs should close on a Good Friday. I include a caveat to my statement on the need to show respect to those who want to observe their religious practices on Good Friday. They have an absolute right to do so and they should be afforded every opportunity to do so.

I do not believe, and Sinn Féin does not believe, that a bar being allowed to open on Good Friday hinders or prohibits people from observing their religious practices in any shape or form. I have been consistent because I was very much to the fore, in my previous role as a Belfast city councillor and a person who had the privilege to serve as Belfast's Lord Mayor, in saying that the licensing laws in the North need to be changed and modernised to bring them into the 21st century. I say so as someone who comes from a place where pubs are allowed to open for a limited period on Good Friday and over the course of the Easter weekend. This Bill is important not just in terms of what it says about the block on Good Friday but also what kind of society we seek to be. The more pluralist our society is, the greater benefits will be bestowed on us all.

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I share some of the concerns expressed by Senator Norris and I hope I am not prejudging what he will say next. He expressed a concern that people have a twee notion of the Irish pub. I am someone who enjoys the Irish pub and make no apologies for doing so. When we encourage tourists to experience an Irish pub we should encourage them to do so in order to experience the music, craic, Irish hospitality and céad míle fáilte and not throw loads of money at Diageo. When we encourage people to experience Irish pub culture then we should highlight all that it has to offer.

Sinn Féin is concerned about the public health aspect. As a Seanad, and Senator Black's Bill has been referred to, we need to be careful in how we approach this issue. Sinn Féin's main concern is as follows. Senator Lawless's engagement with us thus far has been very positive and proactive. Sinn Féin wants to work collaboratively with colleagues here to improve the legislation. We have serious concerns about the working conditions for people who work in pubs and the sector. This Bill, perhaps without intending to, has shone a light on the working conditions once again.

My colleague, Senator Gavan, will outline some of Sinn Féin's concerns but they have already been articulated by Mandate and other trade unions. We need to consider these issues in their own right and on their own merit. We must acknowledge the fact, as we have said previously, that a publican can bring staff in on Good Friday. He or she can tell staff to conduct a stock take, carry out a deep clean or paint the ceiling in the toilets. If we are serious about this legislation then we need to implement the existing legislation that protects workers and puts workers in the sector and pub trade first, and affords them opportunities.

It is not good enough to simply say that people who work in a pub are guaranteed only two days off in a year. I have heard this issue articulated when discussing this Bill only to discover that it is not the case. Most bars will bring people in to work on Good Friday. Some premises, dare I say it, may open and serve drink through the back door on Good Friday. All of these matters must be discussed in the round. That is why I think the decision not take all Stages today was a positive one. It is never good practice to drive legislation as significant and important as this through the House. We need to have the opportunity, particularly on Committee Stage, for Members in the first instance to tease out some of the concerns and work with the proposers of the Bill to try and improve it where we see fit.

We also need to hear from stakeholders, the publicans, their representatives, the trade unions and the representatives of the workers who will be impacted as a result of any change. For us, this legislation is at an early stage. We will not oppose the Bill at this stage but we seek to improve the Bill where there is an understanding, acceptance and acknowledgement therein that the conditions currently faced by staff and people who work in the trade and sector are simply untenable. I wish to refer to the figure that Senator Gavan stated this morning. What percentage of people earn under €400 per week?

Senator Paul Gavan: As many as 75% of employees earn under €400 per week.

Senator Niall Ó Donnghaile: That is the reality. Let us bolster our tourism offering and the night time economy but let us, for God's sake, consider the existing legislation. If we are expecting staff to work on those days, we in these Houses, as a society, State and Government, should do everything we can to ensure that they are protected, valued and afforded a salary and protections which reflect the demand we are placing on them.

Acting Chairman (Senator Gerry Horkan): The next speaker is Senator O'Reilly, who has five minutes.

Senator Joe O'Reilly: At the outset, I join with others in welcoming the former Senator, Ms Imelda Henry-----

Acting Chairman (Senator Gerry Horkan): I apologise. Senator O'Reilly has eight minutes. Everyone in the debate will have eight minutes.

Senator Joe O'Reilly: I welcome Ms Imelda Henry to the Gallery today. She is a great advocate for publicans and vintners. As she is a fearless and good advocate for them and well fit to articulate their position, she is not afraid to deal with a diversity of views. I know that she will take all views on board.

I rise to oppose the legislation on a number of grounds. The first is that the tradition of closing on a Good Friday is a deep rooted tradition in Ireland. It is part of the Irish identity and arises from our Christian identity. I make no apology for the fact that the great majority of people have a Christian ethos and ethic. In actual fact, this is non-sectarian to the extent that all the Christian churches are *ad idem* on it. This is part of a specific Irish identity and tradition and a deep rooted part of our culture and heritage. It therefore merits respect on those grounds. As a colleague said to me earlier, we cannot allow the country to become totally bland and adopt every new fad at a whim in a thoughtless fashion. I, therefore, think this merits a lot of consideration.

At a subliminal level having the pubs closed on a Good Friday sent a message about restraint and the moderate use of alcohol. People talk about having a day of alcohol education on the day. The best way to do it is to have the pubs closed and to marry the two. It sent an important message and was an important part of our identity.

Ms Henry and the other publican representatives here know and would be the first to say that quite a number of their members are not in favour of opening the pubs on a Good Friday. It was interesting that two of eight had indicated they were against it in the random survey done by my colleague Senator McFadden. I suspect that the number would increase if she did a wider and less urban trawl. I find that many publicans are delighted to have the only two days off that they have all year, including that particular day.

The point that the staff will somehow get magic money for the day is a nonsense. Quite truthfully, it will involve staff coming in on an extra day, which was a day they had off, and they will work at the same rate because margins are so tight. If they are earning €400 per week on average, it is pie in the sky and nonsense to think-----

Senator David Norris: They could get double-----

Senator Joe O'Reilly: It is nonsense to think that they will come in on a special rate that day. That will not materialise. Many workers will be exploited in the process.

Senator Terry Leyden: The Senator will have to work it himself.

Senator Joe O'Reilly: We should not always be affected by commercial considerations and I want to suggest a variation on that in a minute. We should not always measure what we do in society and how we conduct our business on purely commercial considerations. There are things that are valuable in our culture and part of our heritage, identity, tradition and what we

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are that we should preserve. I suggest humbly - this merits reflection - that perhaps in a funny way keeping some distinctively Irish things and native parts of our tradition might be commercially valuable. My humble suggestion to a lot of those here is that a number of tourists come to Ireland because we have a specific ethos, culture and tradition and are an island society with certain values. They come and are attracted by our values, lifestyle and way of life. If we create a society that is homogenous, bland, has no distinctively Irish things and is too reflective of western cultures, I know many tourists who would be turned off. Our very identity is a bonus to our tourism. There is a misnomer in there if one is talking about boosting tourism. We should be concerned that there is a misplaced concern around commercialism because I suggest the contrary is the case.

We have deep seated traditions and values. Christmas Day and Good Friday are the two days the pubs are closed. Good Friday is a very special day. Why should we apologise for that? I do not think there is anything un-republican or non-inclusive about the fact that we reflect the values of the vast majority of us. As the census suggested recently, the vast majority of our people identify with one Christian church or the other. Good Friday is a very special day in the Christian calendar and in our culture and identity. Why not honour the day, be distinctive and do our own thing? Rather than putting tourists off, it will attract tourists. Tourists want to come to a different place. Those of us selecting holidays this year will look to places with a distinct identity and a different tradition and culture. We will go on an exploratory and interesting holiday. We will not go somewhere bland. My good colleague, Senator David Norris, interjected earlier to say that it is some sort of a theme park. We go for reality, not artificiality.

My humble suggestion is that we reflect a little on this one and that we think of the workers who will not benefit and whose conditions will suffer from it. We should think of the many publicans who do not want this change. Many publicans I know find it hard to maintain business for those times they are already open. We should think about our Christian tradition and identity and about what we are. Let us hold onto some things. Let us not throw everything out. Let us have a bit of pride in ourselves, our identity and what we are. Do we have to bow and doff the cap to every new fad and whim? Can we not be distinctive? Let us honour our great Christian tradition that goes back many years. Let us honour and celebrate it and not be ashamed of it.

I will conclude on this point. Many of us are happy to go on holidays and members of our families are happy to work in other countries with other cultures where there is a definite emphasis on their traditions. We do not interfere with those traditions. Why, for one day of the day, can we not stand up for ourselves?

Senator Terry Leyden: A persuasive speech.

Acting Chairman (Senator Gerry Horkan): A number of Senators have indicated. If everyone wishes to speak, a speaker and a half will miss out as we are short about 12 minutes at the end. Will Members try to be less repetitive, if possible, and try to make new speeches? I will not stop anyone from contributing. However, if every Member takes eight minutes, a speaker and a half will not get time at the end. The next speaker is Senator Black, who has eight minutes.

Senator Frances Black: It might be a surprise to some that I support this legislation. I have spoken openly on the Public Health (Alcohol) Bill and will probably speak on it again today. It is something that I am extremely passionate about. Unfortunately, people might think

I am in the temperance movement given I am so passionate about that Bill. However, I support this legislation because, in recent years, Good Friday has been marred by excessive drinking in homes throughout the country. The panic buying of alcohol in the days beforehand is a sad reflection on our culture. Excessive drinking in homes where young people are present sends out the wrong message. I, therefore, welcome any measure that will help reduce the harm that alcohol will do to the health of our people and am delighted that Senator Lawless supports the idea of the pub being a regulated environment.

I would like to see the introduction of responsible serving of alcohol training built in as a requirement under licensing law in Ireland. Given the level of pre-drinking at home before people go out, many licensed premises serve alcohol to people who are already intoxicated.

I wish to make a number of points on pubs opening on Good Friday. This was one of the few days in the year that bar workers could spend with their families, and it should be an optional work day where if they decide to work they get compensated. It would be like working for a bank on a bank holiday.

The expressions of support I have received with regard to the Public Health (Alcohol) Bill from people throughout the country is very heartening. Recently, I was in Cork where I was asked to speak at several community events on the impact of alcohol on society. There is genuine disbelief that there are public representatives out there who are not in favour of the Bill in its entirety. The Bill will save lives. The notion that the retail and alcohol industries are succeeding in influencing some Deputies and Senators to prioritise profits before the health of the nation is incomprehensible to most people to whom I speak. It is imperative the alcohol industry does not have any input into legislation that would benefit the health of the Irish people and that any lobbying by these vested interests is opposed. To put it into stark terms, the saving of even one life is much more important than the profits of multinational corporations. Every day, three people die from an alcohol-related illness and this needs to be tackled.

The crisis of people being forced to stay on trolleys in hospitals must be considered against the fact that 1,500 hospital beds are taken up each day by people with an alcohol-related issue. No family with a relative on a hospital trolley would support the idea that company profits are more important than a loved one's health care.

I am not opposed to alcohol when it is used in moderation. Education on the effect of alcohol needs to be available to all. The fact that one in eight cases of breast cancer is caused by alcohol needs to be highlighted. The cultural change around alcohol needed in this country is being led by the great work of the Minister of State, Deputy Marcella Corcoran Kennedy, in introducing the Public Health (Alcohol) Bill. We know alcohol is a psychoactive drug and should be treated as such.

I have mentioned previously that I work with families who deal with this issue every day. Their hearts are broken watching their adult children going down this self-destructive route. This is why I am so passionate. I am supportive of the legislation because I believe in the pub. It can be a really good environment where people can socialise, once alcohol is monitored or supervised in some way. The fact alcohol is legal does not reduce the harm it does, and we have an obligation to ensure Ireland is not defined by our consumption of this drug. I hope we will arrive at a time when the idea of pubs being opened or closed on Good Friday will be irrelevant.

I support the legislation and I wish Senator Billy Lawless well. He also supports the Public

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Health (Alcohol) Bill and I appreciate this. I hope my timing was all right.

Acting Chairman (Senator Gerry Horkan): It was excellent, and if everyone else could be as efficient as Senator Black with regard to speaking time we would get everybody in.

Senator Aodhán Ó Ríordáin: The Labour Party and I support the Bill, but before our friends in the Gallery from the vintners association get too excited I wish to state on the record I am not a fan of that association or what it does. Its influence over Irish politics is far too powerful, and its opposition to the injecting centre proposal is at best misguided and at worst miserable.

We have an obsession with alcohol in this country which is dysfunctional. It is the cause of a high percentage of domestic abuse, sexual assault and rape cases. Two people a week in Ireland die from fatal overdoses of alcohol. These are not people who get so drunk they fall in front of a car, these are people who drink so much that they die. It costs the HSE approximately €3 billion every year and if one goes to an average accident and emergency department any night of the week one realises why this is so.

I wince when I hear politicians speak about the pub being the centre or focal point of a community. If this is the case we have gone seriously wrong. I remind people that the GAA, when it was established in 1884, was as much an institution to tackle the abuse of alcohol among young people as it was to re-engage people with the national sports.

I will put my cards on the table. I have a vested interest as I drink and I partake in a pint or two. However, I am also a republican and on this basis I inform the House that as someone who has been a public servant and paid from the public purse since March 2000, as a teacher, a principal of a school, a Deputy, a Minister of State and a Senator, in all that time I have started my working day with a Christian prayer. In every place I have worked, in my school, in the Dáil and now in the Seanad, as a public servant every single day my working day has begun with a Christian prayer. I am paid from the public purse now, as I was when I was a teacher. I absolutely believe in the separation of church and state. This is why I and my party support the contention that if people do not want to drink on Good Friday it is absolutely their religious right not to partake in alcohol on Good Friday.

Senator David Norris: Thank you very much. How frightfully liberal of you.

Senator Aodhán Ó Ríordáin: People in my family feel very strongly about what they consume with regard to food on Good Friday and Ash Wednesday. It is something they do because of their strong religious beliefs. I will not belittle anybody. In fact, I was very impressed by Senator Joe O'Reilly's speech. Despite the fact he was interrupted by number of people in the Chamber, I am quite impressed that somebody would stand against the grain and make the case for the retention of the law as it is, although I do not agree with his reasons.

As somebody who fundamentally believes in the separation of church and state, this is not the big issue. Our churches still have a huge influence over our hospitals, health system and education system, and there are bigger issues that need to be contended with.

I must accept the issues raised by my colleagues in Sinn Féin on workers' rights, and agree with the representatives from the trade unions who have also made these cases. It is a low-paid industry where people generally start on very low pay, and it is a vulnerable type of work. By its very nature, the individuals employed in the industry deal with people who have had too

much to drink. It is something of which we must be mindful. In this regard I am thankful we did not ram through the legislation in one day and we are taking the time to consider it more fully.

I will summarise my few points. Our national obsession with alcohol is dysfunctional and literally killing us. It is supported by a very powerful lobby group, whose influence on Irish legislation is something that must be tackled. I make reference again to its objections to the injecting centres. It is remarkable how it feels the drug it pedals is somehow more socially acceptable than what we are trying to control in injecting centres. Fundamentally, as somebody who believes in the separation of church and state, on this basis if someone wants to go down to a pub on Good Friday and have a pint in good conscience who are we to stop him or her from doing this?

I believe the original legislation was enacted in 1927 and it also included St. Patrick's Day. Since that was overturned 50 years ago, nobody has suggested we should return to having pubs closed on St. Patrick's Day. Let us be honest, what goes on on Good Friday shows exactly what type of a dysfunctional relationship we have with alcohol. There are lines of people outside off-licences on Holy Thursday, people trying to get into train stations to go on imaginary train journeys and people going on barges on the canal. I heard a story last Good Friday of a friend of mine on a barge on the canal, who shared the barge with several friends and an English hen party who were so confused as they could not find a drink in Dublin.

Senator David Norris: We need more hen parties in Dublin.

Senator Aodhán Ó Ríordáin: I do not in any way diminish the issues we have with alcohol in this country, which are killing us. On the republican basis of separation of church and state, this is something we must support.

Senator Catherine Noone: I congratulate Senator Lawless and other Senators for tabling this legislation. I welcome to the Gallery the former Senator, Imelda Henry, who did a lot of work in this area in the last Seanad. I was conflicted on this legislation. Part of me wishes we would leave licensed premises closed and take a national day to reflect on our toxic culture of alcohol but on reflection, I do not think if the pubs are open another day of the year it will make a blind bit of difference because there are much more deeply rooted issues we need to sort out. Senator Ó Ríordáin spoke very eloquently about the effects of alcohol on our nation and I agree with every word. I have spoken in here numerous times on it. Ireland has developed considerably since the Intoxicating Liquor Act was passed into law in 1927, particularly with regard to economic and social aspects. Senator Lawless outlined this very well in his contribution. The tourism sector has grown significantly, making a greater contribution to the economy while the Irish population has become more diverse and less inclined to practice religion. For these reasons, the re-examination of the current Good Friday rules are merited. The Intoxicating Liquor (Amendment) Bill 2017, which proposes to permit the sale and supply of intoxicating liquor on Good Friday addresses these changes. Furthermore, this legislation will facilitate the continued growth of Ireland in terms of tourism, the economy and social diversity.

I support the Bill but there are a number of technical issues that I will address. The Intoxicating Liquor (Amendment) Bill 2017 proposes to amend section 2 of the Intoxicating Liquor Act 1927. This amendment will remove the restriction on the sale of intoxicating liquors on Good Friday. That is the objective of the Bill. Furthermore, amending section 2 of the Act would permit the sale of intoxicating liquor in off-licences and public houses. I concur with

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Senator Lawless's comments on this. The Licensing Act and Registration of Clubs (Ireland) Act make the regulatory environment considerably complex. This must be considered when debating the proposed Intoxicating Liquor (Amendment) Bill before us.

Notwithstanding my support for the Bill, as a result of these complexities there are a number of issues in the current proposed legislation that must be addressed. First, with regard to removing restrictions on sale during Good Friday, the licensing code is considerably complex. Passing this Bill without addressing the licensing code would create further inconsistencies and unfair trading conditions for certain premises. We should take these considerations into account with this legislation going forward. Second, the Bill proposes to permit the sale of intoxicating liquor in off-licences and public houses. However, it would remove the restriction in respect of restaurants operating under the Intoxicating Liquor Act 1988. Excluding restaurants from the provision of the Bill would, in part, defeat the purpose of the Bill, especially when it comes to tourism, which is to re-examine and update our current legislation to better match modern day Ireland in particular with regard to tourism and the economy. Moreover it will create unfair trading conditions. Additionally, it would potentially discriminate against the sale of intoxicating liquor in public houses which happen to operate as restaurants under a special restaurant licence. Furthermore, the details of the Bill with regard to hotels have yet to be clarified. This is an important aspect of the Bill. Hotels are obviously an integral part of our tourism sector and we need to produce legislation that will allow them to operate fairly and equally with other premises. Third, section 56 of the Intoxicating - I sound like I am intoxicated myself when I try to say that word - Liquor Act 1927 deals with prohibited hours in registered clubs which hold a certificate of registration from the District Court under the Registration of Clubs (Ireland) Act. In order to obtain registration, a club must incorporate requirements into its rules including a rule which provides that intoxicating liquor shall not be supplied to members or guests on Good Friday. In order to retain the current regulatory balance between registered clubs and licensed premises on Good Friday, an appropriate amendment to the Registration of Clubs (Ireland) Act will also be required. The Government has proposed, in its legislative programme, to bring forward a sale of alcohol Bill which would repeal all the statutory provisions currently set out in the Licensing Act and Registration of Clubs (Ireland) Act and replace them with updated provisions. Like the Intoxicating Liquor (Amendment) Bill before us, these updates will better match Ireland's contemporary social and economic environment.

I support the Bill, notwithstanding the issues I have outlined above. I despair at our relationship with alcohol but, having reflected on this issue, on balance I support premises being open on Good Friday. I commend Senator Lawless and other Senators for their work on this.

Senator Terry Leyden: I welcome the Minister of State at the Department of Justice and Equality, Deputy David Stanton, and his colleague, a senior official from the Department. I thank them both for coming in. I commend Senator Lawless for bringing forward this Bill. It is very clear cut and supported by Senators Boyhan, McDowell and Craughwell. It is a great achievement after just one year in the House to bring forward a Private Members' Bill and to have it debated in the House. The Senator has brought great knowledge from his experience in business and in the licensed trade.

I welcome former Senator Imelda Henry to the House. On 3 July 2014, she brought forward a similar Bill in the House called the Intoxicating Liquor (Amendment) Bill 2014, which was not progressed at that stage and did not get the kind of coverage this Bill is getting. Things have moved on.

I have to declare an interest because I am part-owner of Castlecoote Lodge, bar and replica Dáil and Seanad lounge, in Castlecoote, Roscommon. In 2014, I expressed reservations about opening on Good Friday. I said at the time that there are two special days in the Christian calendar. They are the birth of our Lord and his death on Good Friday. Since that, like Paul on the road to Damascus, I have had a revelation.

Senator David Norris: The Senator opened a pub.

Senator Terry Leyden: No, I had the pub opened before that. Let us clarify that.

Senator David Norris: It was only half open.

Senator Terry Leyden: It was opened in 2012 and 2013, to be quite correct.

Acting Chairman (Senator Gerry Horkan): Senator Leyden, without interruption.

Senator Terry Leyden: At that stage, I felt that one day off was quite relaxing but things move on. I welcome Mr. Pdraig Cribben from the VFI and the other organisations that represent publicans. It is not realistic in this day and age and we have to look at the whole business of tourism in towns and cities. People are coming here from abroad and are not aware that on this day one cannot purchase a drink in a public house throughout the length and breadth of Ireland. It is strictly adhered to. Last Saturday Ian O'Doherty wrote a very good article about this issue. He quoted a priest in Limerick who commented on Michael Noonan being in favour of lifting the ban. The article stated, "Fr Joe Young, chaplain with the city's Brothers of Charity, admits that the restriction is: 'Completely and utterly pointless... People should be allowed to make up their own minds about whether they drink alcohol on the day.'" He made the point that alcohol is sold in Vatican City. From an economic point of view about €30 million is lost in sales and about €6 million lost for Revenue.

The biggest trouble publicans have is not about opening or closing on Good Friday, it is below cost selling in supermarkets. That is a fact. That is what is causing the greatest difficulties to the licensed trade. Our parish of Castlecoote, Fuerty, was awarded the county Fleadh Cheoil 2017 under the auspices of Athleague Comhaltas Ceoltóirí Éireann. It is taking place from Easter Sunday, 16 April, starting at 3 o'clock, to Easter Monday, 17 April. It is a very important event for our parish. It has never happened in a rural area before. As it happens, there are three pubs in the village. There is Dalton's, PJ Naughton's and the Castlecoote Lodge, bar and lounge. Those three pubs cannot open on Good Friday. People will arrive in the village, because we are providing parking on our farm, which adjoins the pub, but we cannot provide toilet facilities for them because we cannot open the pub. That is a practical issue. One might say it is not a great reason to open the pub on Good Friday but it is not a bad reason. It highlights to me how ridiculous this situation is. It is 90 years since it was decided.

I will take a stand and will oppose totally the opening of pubs on Christmas Day. I think everyone in the House would say that under no circumstances-----

Acting Chairman (Senator Gerry Horkan): Please do not confuse the issue Senator.

Senator Terry Leyden: Furthermore, I ask the Minister of State to confirm-----

Senator Niall Ó Donnghaile: The Senator should come up North on Christmas Day. We are open.

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Senator Terry Leyden: Senator Frank Feighan was involved in the licensed trade at one stage. He had a beautiful bar in Boyle with a very successful trade at the time.

Has the Tánaiste announced publicly that she will include the removal of the ban in an intoxicating liquor Bill to be introduced shortly? Will this be the last year people will not have the democratic right to go into a public house to have a drink with their friends on Good Friday? By the way, no one is forced to open a pub. A publican can open any day that he or she likes. If he or she feels strongly about the issue, he or she does not have to open on Good Friday. It is the publican's choice. Nor is a person forced to go in if a pub is open. A person might decide not to do so. Senator David Norris will be more familiar with it, but Lent finishes on the eve-----

Senator David Norris: We are very grateful not to be forced into pubs. As a member of the Church of Ireland, it is so generous, big-hearted and gracious of the Roman Catholic majority not to get Protestants together and force them into pubs. We are so grateful.

Acting Chairman (Senator Gerry Horkan): The Senator is delaying his chance to speak.

Senator Terry Leyden: I am delighted that Senator David Norris has set the record straight and acknowledged the fact that we are so tolerant.

Senator Terry Leyden: I am glad Senator set the record and acknowledged the fact that we were so tolerant about the situation.

Senator David Norris: Absolutely wonderful.

Acting Chairman (Senator Gerry Horkan): Senator Terry Leyden to continue, without interruption.

Senator Terry Leyden: I think Lent finishes on the night of Good Friday and that Saturday marks the start-----

Senator Colm Burke: Senator David Norris would not understand it.

Senator Terry Leyden: He is very committed to the Anglican Church which I think is committed to these issues also.

On a serious note, this is an important Bill which I hope will be adopted. Respectfully, there are so many Private Members' Bills going through the House. There are approximately 25 or 26 and it is not just happening in this House but also in the other House. Whether the Government lasts a long or a short time, most of these Bills will not see the light of day and that is being positive about it. I have a Registration of Wills Bill and know what it is like. I would be delighted, therefore, if the Minister brought forward this Bill now that I have decided to be on the side of those proposing it. I found Senator Billy Lawless to be very persuasive. He has given great leadership in this matter. I would not have proposed the Bill because I would have been seen to have had a vested interest. Senator Billy Lawless has no vested interest in Ireland at this stage. He is doing it from the point of view of Ireland, Inc. and I say, "Well done," to him. I congratulate him and he has my full support. The House should be unanimous in putting the Bill through.

Senator Paul Gavan: I welcome the Bill and acknowledge the good work of Senator Billy Lawless in bringing it forward. We have heard about our great Christian tradition. I respectfully suggest that before it we had a great pagan tradition-----

Senator Niall Ó Donnghaile: Hear, hear.

Senator Paul Gavan: -----which was probably a lot more fun.

Senator David Norris: Not if you were being sacrificed for fertility.

Senator Niall Ó Donnghaile: We would never sacrifice the Senator.

Senator David Norris: I am not fertile. Am I?

Senator Paul Gavan: On a serious note, we should welcome the Bill because it is a small step towards the separation of Church and State, but it is not from where we should start. We should start by acknowledging that 90% of schools are still under the control of the Catholic Church, which they should not be. We should also start by acknowledging that large sections of the public health service are under the direct control of the Catholic Church, which they should not be.

Let us contrast the haste with which people want to progress this Bill with the progress of the Public Health (Alcohol) Bill, on which Fine Gael and Fianna Fáil seem to have disappeared without trace. It is gone into the hidey holes of government and we do not know when it will be brought back. I do not understand our priorities. The Public Health (Alcohol) Bill should command the support of everyone in the Chamber. That it has been disappeared by the Government parties owing to lobbying on the part of some of the folks in the Visitors Gallery is not acceptable. It is easy to support this Bill, but where is the courage of the Senators when it comes to supporting their own party's Bill and the Minister on the Public Health (Alcohol) Bill? That Bill needs to be introduced as soon as possible.

The issue of haste also concerns me because, as the Minister of State will be aware, the major vintners' associations refused to engage with the joint labour committees that were, thanks to the good work of Senator Gerald Nash, set up by the previous Government. I acknowledge that there are a number of very good employers in the industry, but, as stated by my colleague, 75% of employees in the food and accommodation sector earn less than €400 gross a week and there are huge abuses in terms of split shifts, unfair rosters and not paying proper premiums for working on a Sunday or overtime rates. The Minister of State has an opportunity today. The Government set up the joint labour committee process in which the people concerned refused to engage. Will the Minister of State call on them to engage with the industrial relations machinery of the State? If he does not do this, he is sending a clear message and giving these guys the green light to work away. The National Employment Rights Authority, NERA, reports that 60% of employers in the sector were in breach of basic employment legislation. Six out of ten employers inspected were in breach of the legislation. I have heard all of the concerns about publicans. However, apart from Senator James Reilly, who gave a genuine response, so far I have heard no expressions of concern about the concerns of workers.

There was a proposal to take all Stages of the Bill today. I say absolutely no way and I am glad that it is no longer the case. If we are serious about ensuring fairness in the sector, why not take the time, while the Bill is being examined, including on Committee Stage, to engage with the trade unions, in particular, and call on the vintners and the other folks involved in the accommodation and food sector to do what they should do, that is, acknowledge that there are poor standards in terms of pay and conditions? The House does not have to take my word for it. We know it from NERA and the CSO's figures released yesterday. Some 75% are earning less than €400 a week. Let us ensure these folks engage and set up a joint labour committee to put

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proper standards in place. I hope the Minister of State will be clear in his response in supporting that proposal. If not, he will be betraying tens of thousands of workers throughout the country and the work done by the previous Government. I would like to see that issue addressed, if possible. As the Bill is going through, we have a moment to use that leverage to good effect for the tens of thousands of front-line workers affected and I see no reason not to do so. I would like to hear some support from others in the Chamber. It cannot always be left to Sinn Féin to stand up for workers. We seem to have run out of Fianna Fáil speakers, but what are we going to do?

Senator Niall Ó Donnghaile: They are in the pub.

Senator Paul Gavan: On balance, we welcome the work of Senator Billy Lawless and the fact that the Bill has been brought forward. We will not oppose it at this time, but we do not want to see it being rushed through until such time as the genuine concerns of workers have been taken into account. That is the responsibility of the Minister of State.

Senator Michelle Mulherin: I would also like to be associated with the welcome extended to our former colleague Imelda Henry and compliment her on her work. It is always helpful and informative. I also welcome those who represent the vintners' associations. Any group, across the board, that represents legitimate concerns and business is always welcome to relay its concerns and interests. Those present are employers, pay tax and engage in legal and legitimate enterprise and are entitled to have their voices heard. As policy makers and legislators, we must consider everything in the round, including public health policy.

I do not know if Senator Paul Gavan is aware of it, but the vintners support the Public Health (Alcohol) Bill. The Senator suggested they were not supporting it. I am clear that they are.

Senator Paul Gavan: It is a pity Fine Gael is not supporting the Bill.

Senator Michelle Mulherin: I am correcting the record as the Senator stated something that was inaccurate.

It is said Irish people have an unhealthy relationship with alcohol, but it seems that the Government has a confused alcohol policy. I understand its position to be that it does not have any issue with the consumption of alcohol in principle, yet all we ever hear on public health policy is that we should drink less and be geared towards healthy drinking. If an alien was to land from Mars, it would be confused if it were to consider what we are told under the Public Health (Alcohol) Bill and the fact that there is a day on which we say, symbolically or otherwise, that drink is not to be served and which now we are mad keen to get rid of.

5 o'clock

Senator Leyden should mark my words - in due course he might have another Pauline conversion on the road again and think that we should open on Christmas Day.

Senator Terry Leyden: No, I stand firmly against that.

Acting Chairman (Senator Gerry Horkan): Senator Mulherin, without interruption.

Senator Terry Leyden: Even if Senator Mulherin brings in that Bill, I will not support it.

Senator Michelle Mulherin: The point is that we should drink less, and we have a day when we do not drink, so what we are saying is that we have to have this day where we can

drink more. If we are really trying to promote people drinking less alcohol, we could immediately tackle below cost selling. That has not been done. There are all sorts of formulae about minimum unit pricing and that, but it is within the remit of the Government to do that initially. On the other hand, another arm of Government is funding the growth of the drinks industry, whether it is whiskey or craft beers or something else. An honest analysis is that we have a very confused position on alcohol, which represents many of the views of the public.

There has been much talk about tourism and people being able to get a drink. Listening to it, one would think that tourism would go into meltdown and would decline because tourists cannot buy a drink in a pub on Good Friday. I do not agree with that. It is overstating it.

I know that the Public Health (Alcohol) Bill idea is that if one cannot see it, people might not be inclined to buy it, and that children will not see it. Children can accompany adults who are drinking alcohol into pubs and there is no restriction on that adult having the child in the pub all day. There are so many contradictions.

There has been much talk in the House of republicanism and republican-type values and the citizen. Rather than being a good republican or a person who values the rights of citizens to choose, this is actually worshipping at the altar of globalisation. People have suggested that this is a tie to our religious history or tradition and that this is a bad thing. I agree with Senator O'Reilly. Are we really so hell bent on being homogenised and pasteurised and being the same as the rest of the world? It is a tradition and part of our identity.

Senator Niall Ó Donnghaile: It is not part of our identity.

Senator Michelle Mulherin: We all know that our identity has contradictions. When there is talk about religion here, it is usually the Catholic Church that is spoken about. There are many people who at different times in their lives - some on a daily basis - derive much comfort and empowerment from their faith and their religious beliefs, and we also represent those people. The idea that we are doing this because the Catholic Church or whatever church-----

Senator Niall Ó Donnghaile: Passover was last weekend and we did not close the bars.

Senator Michelle Mulherin: I have the floor here. It is part of our tradition and part of our history. Senator O'Reilly put it very eloquently. I do not see that there is a rush to do it. I see it as something which makes us unique. Perhaps we can reconcile ourselves with alcohol in other ways. I agree with comments that have been made concerning people queuing to get alcohol the day before. Perhaps self-reflection is required. One speaker said that education is required, so that one is educated enough to know that alcohol is harmful. That applies particularly to all adults, unless this is a nanny state.

This issue relates to our Judeo-Christian heritage, which brings about Easter and Christmas, etc. One can go way back and speak about paganism, as Senator Gavan mentioned. From my point of view, when we get some commentary on religion we do not actually hear an objective type of debate but rather people's personal hang-ups about religion, which, seen in that context, explains many of the attitudes that are displayed. I support Senator O'Reilly and oppose this particular legislation. I am confused by Government policy on the matter.

Senator Rónán Mullen: Well said.

Acting Chairman (Senator Gerry Horkan): I have four remaining speakers - Senators

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Mullen, Norris, Maria Byrne and Feighan. The Minister has to come in at 17.27, which means I have 22 minutes for 32 minutes worth of speakers. If the next four speakers can be relatively brief everybody can get in; otherwise, two people will get eight minutes, one will get six and one will not get in at all.

Senator Paul Gavan: Let us prioritise Senator Norris.

Senator Niall Ó Donnghaile: The father of the House.

Acting Chairman (Senator Gerry Horkan): As quick as you can, Senator Mullen. You have eight minutes.

Senator Rónán Mullen: The Acting Chairman could give us five minutes each.

Acting Chairman (Senator Gerry Horkan): The Order of the House is eight minutes.

Senator Rónán Mullen: All right. If the Acting Chairman stops me at five minutes, I will stop.

Acting Chairman (Senator Gerry Horkan): I will stop you at five minutes.

Senator Jerry Buttimer: No posturing and we will be all right.

Senator Rónán Mullen: The effect of this Bill would be to allow the sale of alcohol in pubs on Good Friday. Let us be clear about this - this is not the most important issue that will ever come before this House. The fabric of our society will not be rent asunder if this Bill passes, but nor will the common good be in any way served if it does pass. There are essentially two arguments for the Bill. One is to allow bigger pubs to sell more drink and make more money, because Fridays are days when pubs do more trade. Good Friday is about good trade for the bigger pubs in particular. Traditionally, the smaller pubs do not mind closing on Good Friday as it is regarded as a day to wash down the house and organise things, and certainly from a worker's point of view the day off was welcome.

Senator Niall Ó Donnghaile: Not if they are washing down the house.

Senator Rónán Mullen: The second big argument is that this ban on Good Friday is somehow a vestige of Catholic Ireland at a time when far fewer Irish people are committed to their religion. This argument appeals to a certain kind of secularist who wants to remove any remnant of a public nod towards religion, despite the fact that our *Grundnorm* document, our Constitution, still acknowledges that homage is due to almighty God. Presumably we will have a referendum on that in due course-----

Senator Aodhán Ó Ríordáin: Hear hear.

Senator Paul Gavan: Absolutely, bring it on.

Senator Rónán Mullen: -----despite the fact that faith inspired many people, and that there are thousands and thousands of tolerant people who do not necessarily have faith themselves but who like the traditional elements which inform celebrations like Easter and Christmas. Perhaps they will be replaced in due course by Senator Ó Ríordáin and others when they get into power with names like Winterval for Christmas and so on, so that we do not have to offend any non-believers by having these archaic customs.

Senator Paul Gavan: Winterval? I like that.

Senator Niall Ó Donnghaile: Nollaig is a nice name for it.

Senator Frank Feighan: What about Santa's Day?

Senator Rónán Mullen: The canny drinks people, who want to sell on draft beer and not just in cans, see an opportunity here. They see an opportunity to present their case, which is a really crass, commercial case, in terms that will appeal to many people in the media and so on. The argument is nonsense. It was never about religion. It might have been inspired by that, but if the ban on drink on Good Friday is really about religion, then how come butchers' shops have never been closed on that day? There has never been a problem with the sale of meat on Good Friday. The reason was to avoid people being drunk and disorderly on a day that was very solemn for many people. The reason it is worth continuing, despite the fact that many people might not have a religious investment on the day, is that we have a national drink problem, which despite lots of posturing by politicians - to use Senator Buttimer's word - is never seriously and sincerely addressed.

We use Ash Wednesday at the beginning of Lent to encourage people to give up smoking. Everybody gets on board, even the irreligious, and good luck to them all. In the same way, instead of being petty and childish about this and scratching this anti-religious itch that seems to bother so many people, who perhaps need some betnovate, we could actually decide that regardless of whether one believes the Christian thing or believes that Jesus Christ was an interesting or inspiring historical figure, or even if one has no truck with any of that, the Good Friday ban is actually useful. We could use this as a public education day, a day when we encourage lots of social, sporting and other activities free of alcohol. In other words, we could turn it into a day of national reflection on our drink problem and how we are going to deal with it, if we want. I am not going to get my knickers in a twist over this; no one needs to do so. The aggressive secularists, however, to use Bertie Ahern's famous phrase, should really grow up and allow some of these traditions to have a modern usage, even if the country has changed in many ways and many people do not buy into the inspiring idea that led to the tradition. It is enlightened modernism rather than a kind of reactionary modernism. I therefore appeal in conclusion, having heard the elegant contribution of Senator Michelle Mulherin, and with due regard to my friend and colleague, Senator Billy Lawless, who is absolutely right to bring forward a Bill that he believes in, and to Senator Joe O'Reilly, whom I did not hear, that it would be a good idea if the parties allowed their members a free vote on this. This is essentially an idea about culture and the direction of our society.

Senator Aodhán Ó Ríordáin: It is about choice on Good Friday.

Senator Rónán Mullen: Let us respect people. I will grant the Senator that amount of choice, because nobody gets killed.

Senator Aodhán Ó Ríordáin: Except the gays.

Senator David Norris: I would like to sympathise with the Minister of State, because I understand he had a bereavement which prevented him from attending the Seanad the other day. I offer my condolences.

I do not support this Bill. I think one of the few good things done by the early Free State Parliament was the introduction of this ban on alcohol on Good Friday. Considering the state

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of alcohol consumption and the damage it does in this country, I would have thought the last thing we need is another-----

Senator Rónán Mullen: Hear, hear.

Senator David Norris: -----free for all on the holiest day of the year. This is all about money.

Senator Niall Ó Donnghaile: Whose holiest day of the year?

Senator David Norris: It is about money and political correctness. Look at the removal of cribs from Dublin hospitals because some people - I presume some kind of secularists - thought that Muslims might be offended. It is a load of rubbish. Have a look at the Muslim countries and see what there is. There is a 365 day a year ban on alcohol in those countries and people put up with it. They suck it up. If one is caught drinking, one is mercilessly flogged. The drinks industry has completely and utterly changed. In the old days, we knew the Jamesons and we knew the Guinnesses. Now it is Diageo. It is some multi-national corporation. There is scarcely a drink in this country that is produced by an Irish company any more. The pubs have changed. In my day, one went into a Dublin pub for conversation. One might see Myles na gCopaleen or Brendan Behan.

Senator Frank Feighan: And David Norris.

Senator David Norris: Now, there are huge television screens blasting out music and ghastly soccer matches all the time.

Senator Terry Leyden: Not at all actually. That is not true.

Senator David Norris: Good Friday used to be a day of respect. It is the most solemn day in the Christian calendar. It is the day on which Christ died and we are still, according to our Constitution, a Christian and democratic State. I would like to ask about the prayer. I have objected to this prayer because, to me, it is just a rigamarole. All the people who are trying to get rid of Good Friday still support the prayer and now we have this blasted secular minute of silence on top of it.

Look at Sunday. I remember Sunday in Dublin when it was a day one could really enjoy. It was a day of peace, rest and recreation. The shops never opened and when the shops opened, I spoke to some of the workers in Arnotts. They were totally against it. They were pushed and forced into it. That is a matter of workers' rights. The best day in Jerusalem is the Shabbat when nothing happens. It is a day of recreation. Look at the Angelus. People are trying to get rid of the Angelus and water it down. They are using the Protestants as a means of getting rid of it. They are not using this Protestant, even though I am not really a Protestant, but from the real Catholic church, the Church of Ireland, founded by St. Patrick in 423.

Senator Rónán Mullen: No real absence where the Senator worships.

Senator David Norris: Some 85% of Irish people still acknowledge one Christian denomination.

Then there is the old hoary stuff about tourism. For God's sake. First, the Irish pub is an embarrassment. It is a plague of warts all over Europe, with these completely artificial tractors hanging out of the ceiling and all of that kind of stuff. It is disgusting. Has anybody done a

survey of the tourists or asked the tourists what they think? I have not heard anybody introduce evidence that the tourists are bellyaching. I have never heard anyone complain. It is only one day. *Pace*, Senator Craughwell. It is a bank holiday. If one is going to open pubs, it is an extra day's work. I do not know what he was talking about but he was completely wrong.

Acting Chairman (Senator Gerry Horkan): It is not a public holiday.

Senator David Norris: No, but it is a bank holiday. He said it was not a bank holiday and it would be an extra day's work.

Acting Chairman (Senator Gerry Horkan): I corrected him.

Senator David Norris: He was wrong on both. Senator Catherine Noone, in a thoughtful speech, lamented all the dreadful things that happen due to alcohol, and then she still seemed to think that an extra day's boozing was the solution.

Senator Catherine Noone: I was saying that they are drinking at home anyway.

Senator David Norris: I simply do not follow. They are boozing and will still be boozing at home. Open the pubs and one will find people boozing at home every weekend because of the price of drink in the pubs. This is the truth. They will continue to booze at home. What one needs to do is control-----

Senator Niall Ó Donnghaile: Is Ireland responsible for some of that boozing?

Senator David Norris: -----the sale of alcohol in the supermarkets and look at planning permissions. I opposed the planning permissions in my area that led to supermarkets and every shebeen around the place. There is a joint down at the bottom of my road called Booze to Go. I wish to God it would go.

Senator Terry Leyden: James Joyce was very fond of the pub.

Senator David Norris: James Joyce never drank before 6 o'clock in the evening.

Senator Terry Leyden: He went to more pubs, then. The Senator is right. He made a good living out of it.

Senator David Norris: Then we had Judge Thomas O'Donnell's view that it was extraordinary that pubs could not open on the Munster rugby weekend. I am 73 years old. Rugby was never played on a Sunday in my day. Cricket was never played on a Sunday. Hockey was never played on a Sunday. What is there now? It has been turned into one totally bland year. There are 365 days, all the same. Ireland is being turned into a bland theme park with leprechaun museum, Carrolls' ghastly plastic shillelaghs and squiffy green squash top hats. This is not the Ireland that I love and it is not the Ireland that I want to see.

I am very glad to have been able to take part in this debate. I sat for a couple of hours and I saw people who had not been in the place at all come swanning in and get taken straight away. I know that the Acting Chairman was advised by the staff that I was not to be taken until everybody else had been taken. That is rubbish. I ought to put this on the record so the staff will know. I wrote to Senator Denis O'Donovan, who is the Cathaoirleach, and he raised it at the Committee on Procedure and Privileges. It was felt that, in light of the fact that I am the father of the House and all the rest of these things, that after the leaders had been taken, I should be

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allowed in from time to time when an appropriate spot was found. I think that is the proper way to deal with things. It is not appropriate to hold somebody to be the very last speaker, and have people coming in-----

Senator Gabrielle McFadden: There are others after Senator Norris.

Senator David Norris: That is because I squawked and protested. That is why it is, Senator McFadden.

Acting Chairman (Senator Gerry Horkan): I ask Senator Norris to conclude.

Senator David Norris: I have concluded.

Acting Chairman (Senator Gerry Horkan): As one of the Acting Chairs, I was advised that groups get preference over people who are not members of groups. Senator Norris is one of a very small number of people who is not a member of a group. I have facilitated him and will again, as often as I can, but the groups have preference.

Senator David Norris: The Acting Chairman is very fair, but advice from the civil servants is wrong.

Acting Chairman (Senator Gerry Horkan): The Minister of State has indicated that he would like to come in at this point, as is his right. The Minister of State has 15 minutes if he wants to use it. There will then be a small amount-----

Senator Maria Byrne: I object as a publican.

Acting Chairman (Senator Gerry Horkan): I accept that, but the Minister of State will be called to contribute from the Government side. When he or she indicates he or she wishes to speak, he or she has 15 minutes. Senator Byrne will be allowed in, because there will be time. There will be nine minutes left over before Senator Lawless speaks again for Senator Byrne and Senator Frank Feighan to somewhat share, if that is possible. Senator Byrne is ahead of Senator Feighan, so she could have eight minutes. He would only get one then. That is if the Minister of State uses his full 15 minutes, which he may not use.

Senator Frank Feighan: On a point of order, I put down my name last Monday to speak on this.

Senator Maria Byrne: So did I.

Acting Chairman (Senator Gerry Horkan): Maybe within the Fine Gael group, but I only have the roster for now.

Senator Frank Feighan: When one puts down his or her name and is first down, but then finds that there is a delay-----

Acting Chairman (Senator Gerry Horkan): Nobody gave me a list of who is in what order in Fine Gael. I just have the roster and I filled it in from the basis of how everybody indicated, if there was a slot available for them.

Senator David Norris: Nobody is blaming the Acting Chairman, but it is clear that the whole rostering situation does require to be looked at.

Acting Chairman (Senator Gerry Horkan): If we only have two hours for debate and more than two hours' worth of speaking time is desired by Members, there will be a problem. Maybe we need to schedule more time for certain debates if there is going to be an interest. The Minister of State is very welcome and has 15 minutes.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank Deputy Norris for his condolences and the House for indulging me yesterday on a family bereavement.

I have listened carefully to this debate. It has, overall, been an interesting and reflective debate, demonstrating a wide range of sincerely and deeply-held beliefs and opinions. When one listens to the debate, one can recognise how complex this whole area is. It is not a simple area at all. It is quite complex. The Government is also aware of alcohol-related harm and the huge damage that is done by alcohol. The Public Health (Alcohol) Bill is awaiting progress and I agree that it needs to move on and be enacted.

The Government is not opposed in principle to the Second Reading of this Private Members' Bill, which provides for amendment of the Intoxicating Liquor Act 1927 with a view to permitting the sale and supply of intoxicating liquor on Good Friday. I am also pleased that we will not take all Stages this evening as the Bill requires reflection and amendment. As I will outline shortly, the Bill falls well short of what is required in order to reform the Good Friday rules in a comprehensive and non-discriminatory manner.

Current licensing rules are set out in the Licensing Acts 1833 to 2011 and the Registration of Clubs Acts 1904 to 2008. They contain detailed statutory provisions governing the sale, supply and consumption of intoxicating liquor on licensed premises and in registered clubs, including permitted hours of sale. It has long been recognised that the licensing code is in need of comprehensive and thorough reform. Indeed, the Government's legislative programme includes a proposal to bring forward a sale of alcohol Bill which would repeal all the statutory provisions currently set out in the Licensing Acts and the Registration of Clubs Acts and replace them with updated provisions more suited to modern conditions. I need hardly say that conditions that were appropriate in 1833 or 1904 are unlikely to be suitable to today's conditions, and while piecemeal reforms have been implemented over the years, the unfortunate result is a licensing code which lacks consistency and transparency and is quite complicated.

The fact is, however, that more urgent legislative priorities have taken precedence over the drafting of the complex sale of alcohol Bill in recent years. Like many of our licensing laws, the Good Friday restrictions have historical origins which predate the foundation of the State. These restrictions were carried over and reinforced after 1922 and have largely remained in place since then. Perhaps surprisingly, they were not adjusted when the licensing hours were last reviewed by both Houses of the Oireachtas in the context of the Intoxicating Liquor Act 2000. It is undeniable that much has changed in the economic and social life of the State since the start of the new century. For example, the tourism sector, aided by low-cost air travel, improved accommodation facilities and varied visitor attractions, now makes a much greater contribution to the economy, including during the busy Easter period. Moreover, as recent census data have confirmed, our population has become more diverse and religious practice has declined.

These are factors which support the case for a thorough re-examination of the current Good Friday rules. Also relevant is the fact that there are already well-known exceptions to the

prohibition on the sale of intoxicating liquor on Good Friday, such as for travellers on trains and aeroplanes, as well as those intending to travel, attendees at certain sporting events, hotel residents, etc. These tend to be highlighted each year in media articles in the run-up to Good Friday. Only today, a colleague of mine who runs an off-licence said Holy Thursday evening is by far the busiest day of the year for him. On the other hand, reform of the Good Friday rules cannot be viewed entirely in isolation from the wider context of public concern about excessive consumption of intoxicating liquor and the extent of alcohol-related harm, including significant health risks. In this context, the Government's Public Health (Alcohol) Bill is currently awaiting progress before this House.

I will now turn to the content of the Bill. It is a short Bill which proposes to amend section 2 of the Intoxicating Liquor Act 1927 in order to remove restrictions on sales of intoxicating liquor on Good Friday. However, while the Bill would, if enacted, remove some Good Friday restrictions it would, due to the complexity of the licensing code, create further anomalies and unfair trading conditions for certain categories of premises. The proposed amendment of the general rule in section 2 of the Intoxicating Liquor Act 1927 would, for example, serve to permit the sale of intoxicating liquor in off-licences and public houses but would not remove the restriction in respect of restaurants operating on the basis of Part II of the Intoxicating Liquor Act 1988. The 1988 Act created a special restaurant licence to cater for the specific needs of the restaurant sector. It means, for example, that applicants are not required to extinguish an existing licence in order to obtain such a licence. Sales for consumption off the premises are not permitted, however. According to the Revenue Commissioners, up to 500 special restaurant licences are currently in use across the country.

Section 14 of the 1988 Act specifies the permitted trading hours for premises operating on the basis of a special restaurant licence. It prohibits the sale of intoxicating liquor at any time on Good Friday. It would clearly be anomalous, as well as potentially discriminatory, to amend the law in order to permit the sale of intoxicating liquor in public houses which happen to operate as restaurants or otherwise provide meals for customers, but not in restaurants holding special restaurant licences.

Section 56 of the Intoxicating Liquor Act 1927 deals with prohibited hours in registered clubs. These are members' clubs which hold a certificate of registration from the District Court under the Registration of Clubs Acts. According to the Courts Service, over 500 clubs currently qualify as registered clubs. In order to obtain registration, a club must incorporate requirements regarding its management and operation into its rules, including rules which are broadly analogous to the licensing code. They must contain a rule which provides that intoxicating liquor shall not be supplied, subject to minor exceptions, to members or their guests at any time on Good Friday. In order to retain the current symmetry between the rules of registered clubs and licensed premises regarding the sale and supply of intoxicating liquor on Good Friday, an appropriate amendment to the Registration of Clubs Acts would be required.

There are other references to Good Friday in the Licensing Acts 1833 to 2011 which the Private Members' Bill does not address, and failure to do so could create other legal uncertainties. For example, the definition of "weekday" in section 1 of the 1927 Act excludes Good Friday. Section 7 of the Intoxicating Liquor Act 1960 permits the sale and consumption of intoxicating liquor by guests in a holiday camp in the context of a substantial meal but only between 6 p.m. and 9 p.m. on Good Friday. It is for these reasons that the view had been taken at Government level that adjustment of the Good Friday rules should preferably be considered in the context of the Sale of Alcohol Bill. As I mentioned already, that Bill is intended to update the law relat-

ing to the sale, supply and consumption of alcohol in licensed premises by repealing in their entirety the Licensing Acts 1833 to 2011 and the Registration of Clubs Acts 1904 to 2008, and replacing them with streamlined and updated provisions more suited to modern conditions. This would mean that changes to licensing arrangements for Good Friday could be considered holistically and in a comprehensive way, rather than in a piecemeal manner.

As I mentioned at the outset, the Government is not opposed to the principle underlying this Bill. However, I believe that any reform of the Good Friday rules needs to be carried forward in a manner which does not create further anomalies and unfair competition for categories of licence holders.

I also note the concerns over workers' rights and employment conditions and these are important. They need to be debated further, though not in the context of this Bill, which deals with licensing. We need to avoid the creation of new anomalies in reforming the Good Friday rules so we need further detailed debate. I was asked whether it might be in place for next Good Friday. If we can work together on it we should be able to manage that. I would like the other Bill to be brought forward in the meantime.

Acting Chairman (Senator Gerry Horkan): I thank the Minister for his brevity. It gives us more time to allow Senators Maria Byrne and Frank Feighan to contribute. The Senators have 15 minutes between them and I will call Senator Lawless at 5.42 p.m. We must conclude by 5.47 p.m.

Senator Maria Byrne: When I objected to the Minister speaking, I thought the Chair was cutting us off.

Acting Chairman (Senator Gerry Horkan): I would not do that to Senator Byrne.

Senator Maria Byrne: I welcome the Minister and the members of the VFI and LVA. I also welcome former Senator Imelda Henry, who does trojan work on behalf of the vintners. I support this Bill. The Good Friday proposal dates back to the Intoxicating Liquor Act 1927 and the proposals also applied to Christmas Day and St. Patrick's Day. In the 1960s St. Patrick's Day was taken from the list and only Good Friday is left. Senator Norris spoke about the Munster rugby game on Good Friday four years ago and that was one of the most positive days we ever witnessed in Limerick. Visitors came from France to play Munster in a quarter final and there was a special exemption licence.

The important thing is choice. Nobody is forcing anybody to go into a pub or forcing a pub to open but people would be given the choice. If pubs wish to open and people wish to go to the pub, they will be able to do so. Many people go to sporting clubs and other places which are permitted to sell alcohol on Good Friday during certain hours, but they are not forced to go.

Some Members mentioned binge drinking. One sees people on Holy Thursday filling up their trolleys in supermarkets as if they were never going to see a drink again. Having the choice of drinking in a regulated manner is much better than forcing people to queue up in supermarkets. People who binge drink have no control over their drinking but if they are in a pub and get a measured drink they remain aware. Tourism has taken off in Ireland. All the reports show that the number of tourists visiting the country is rising. A few years ago I attended a conference in Tralee organised by a voluntary organisation during the Easter bank holiday weekend. We were invited to go for a meal with the guests attending the conference. Most of the restaurants were closed on Good Friday because of the fact they could not sell alcohol on

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the day. The hotel in which we were staying served tables in relays because there were so few places open. A number of restaurants close on Good Friday because they do not sell alcohol.

My colleagues in Sinn Féin raised the question of overtime payments for staff. I worked in private industry for approximately 12 years. We worked on Good Friday as it was in our contract of work and were not paid a penny extra because it is not a bank holiday. I think everybody is forgetting that today. While I agree staff must be looked after, they must work within the requirement. The message today is about choice. It is welcome that the Minister of State, Deputy Stanton, stated the Government will not oppose the Bill in principle and wants to work with everybody. It is possible that pubs will have the choice of opening on Good Friday next year. That is an important message.

People attending sporting occasions have the choice of drinking. They are not abusing it. Nobody is forcing them to drink and that is an important message to put across.

I thank the Minister of State, Deputy Stanton for his comments. I will be supporting the Bill.

Acting Chairman (Senator Gerry Horkan): Our final speaker before we go back to Senator Lawless, who is the proposer of the Bill, is Senator Feighan.

Senator Frank Feighan: I thank Senators Lawless, Boyhan, McDowell and Craughwell for bringing this important Bill to the House today. I welcome my former colleague, Ms Imelda Henry, who did a great deal of work on this issue over many years. When I was growing up in Boyle, County Roscommon, there were 32 pubs. Like every town and village we grew up in a haze of alcohol. Our country would be a great deal better if we did not have that love affair with alcohol. Our diaspora would be better off if we were confident around alcohol. We have this love affair of marking occasions such as baptisms, first communions, confirmations, wedding and deaths in the pub or the hotel.

As we have become more confident and can do without alcohol, we do not need to be minded. I remember when public houses were closed in Dublin for the holy hour, an hour and a half or two hours, and then opened again. In my own town the pubs were supposed to close from 2 p.m. to 4 p.m. on a Sunday so the men would go home for the Sunday dinner, but invariably most never went home. When I think of that behaviour today, I wonder how we got along. On weekend nights, in particular three or four gardaí had to clear the pubs. This happened in every town and village. Let us consider the level of Garda resources that were used to clear the pubs. Things are different now. The pubs are not as busy and today there are only nine pubs open in my town and they certainly do not open during the day.

Let me describe what Good Friday was like when I was growing up. It was like a scene from "Killinaskully". When one got up in the morning, one would see fellows going to the train. They were travelling so as to have a drink on the train. Then other groups, and I went myself, would go to Enniskillen because the pubs were open and one would meet everybody from Ballinamore or Carrick-on-Shannon, the same would happen in every Border area. The hotels were another option. My local hotel was always packed. I remember asking the hotel manager if we had something to eat could we get a drink. Of course, we got a drink and nobody passed any heed until we ordered seven steaks. The patrons did not mind the drinks but the steaks put people off as that was a time when one was supposed to fast on Good Friday. Then one went to the service.

On the way home from Mass on a Sunday, one would meet fellows who asked what the priest had said. That went on every Sunday. When I think about those times and compare them to today, we have a completely different approach to pubs and alcohol.

I had a pub. I absolutely agree with Senator Leyden in this regard. I was delighted to have a day off on Good Friday and Christmas Day. One could wash down the pub and it was a great day to have off. Most of the pubs, especially in rural areas do not open seven days a week. They are not open for 12 or 13 hours a day. They may open from Wednesday or Thursday to Sunday. Good Friday is not the special day for the publican as it was in times past. It makes absolute sense to open. I agree the wishes of the employees have not been taken on board. I certainly think this angle should be looked at but it is very good for the tourists coming to Dublin.

The proposed change in the licensing laws is a step in separating church and State. I will be supporting the Bill. Another factor is that a pub is a controlled environment. There is an issue with people drinking at home as there are no measures of the amount of alcohol consumed and alcohol is cheaper. We must address the question of people being able to buy so much alcohol for what it costs in the off-licence. People are more mature and confident than they were 30 or 40 years ago, when one needed the gardaí to clear the pubs every night of the week. We have a better attitude to drink, but we still have a long way to go. In other countries, one does hear the howls and the screams that one hears on the streets of any town in Ireland. We have come quite a bit in the past number of years.

Acting Chairman (Senator Gerry Horkan): Senator Lawless has five minutes

Senator Billy Lawless: I will be brief. I thank the Minister of State at the Department of Justice and Equality, Deputy Stanton, for taking this vigorous debate this evening. I thank my co-sponsors, Senators McDowell, Craughwell and Boyhan, and my fellow Seanad Members who contributed to and are supporting this Bill. It is 35 years since I first mooted this idea. I was president of the Vintners' Federation of Ireland in 1982. It is a long time being talked about and a long time coming.

The Irish pub is an intrinsic part of our hugely successful tourism offering and a major employer in the economy. Ireland has moved on and is now a multicultural society. As a modern European nation, we have outgrown this dated practice. I hold this view as a citizen and an Oireachtas representative who respects all traditions and faith. This Bill is about giving people a choice. The public has the option not to drink. The licensed premises have the option not to open on Good Friday, if that is their wish. I thank everybody, including the Acting Chairman, for this intensive debate. I again thank the Minister of State.

Acting Chairman (Senator Gerry Horkan): I thank Senator Lawless. I acknowledge the presence in the House of the chairman of the Licensed Vintners' Association, Ms Deirdre Devitt, and the chairman of the Vintners' Federation of Ireland, Mr. Pat Crotty, and their chief executives, Mr. Pádraig Cribben and Mr. Donall O'Keeffe, who listened to the vigorous debate in the past couple of hours. We have had a very good debate. I thank the 16 Senators who contributed to the two-hour debate. We have dealt with the topic very well.

Question put and declared carried.

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

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Senator Billy Lawless: Next Tuesday.

Senator Catherine Noone: We are not sitting next Tuesday.

Acting Chairman (Senator Gerry Horkan): I know but it is the next Tuesday that is the convention.

Senator Catherine Noone: Is it the next Tuesday we sit?

Acting Chairman (Senator Gerry Horkan): Yes. Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 18 April 2017.

Acting Chairman (Senator Gerry Horkan): When is it proposed to sit again?

Senator Catherine Noone: At 10.30 a.m. tomorrow.

The Seanad adjourned at 5.40 p.m. until 10.30 a.m. on Thursday, 13 April 2017.