



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 8 Samhain 2017

Wednesday, 8 November 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 Frank Feighan that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Health to outline the possibility of the HSE rolling out a national sleep training programme to provide assistance for the parents of babies and young children who are facing challenges in that area.

I have also received notice from Senator Maura Hopkins of the following matter:

The need for the Minister for Health to provide an update on the provision of increased ground and air ambulance services in County Roscommon, as committed to in the programme for Government.

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

The need for the Minister for Rural and Community Development to provide urgent funding to facilitate the reconstruction and re-opening of Swan Park, Buncrana, and Glenevin Waterfall, Clonmany, County Donegal, following recent flooding.

I have also received notice from Senator Gerry Horkan of the following matter:

The need for the Minister for Education and Skills to provide a progress update on the construction of the new Ballinteer Educate Together national school.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Health to outline what action is proposed to make the nine respite beds at Fermoy Community Hospital fully operational.

I have also received notice from Senator Victor Boyhan of the following matter:

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The need for the Minister for Health to make a statement on plans by the Dublin Midlands Hospital Group to downgrade services at Portlaoise Hospital and to publish the five-year strategy for the hospital.

I have also received notice from Senator Kieran O'Donnell of the following matter:

The need for the Minister for Health to include the building of a 96 acute-bed unit at University Hospital Limerick in the forthcoming ten-year national capital plan.

I have also received notice from Senator Maria Byrne of the following matter:

The need for the Minister for Transport, Tourism and Sport to provide funding for the repair of the Olympic swimming pool in the University of Limerick.

I have also received notice from Senator John O'Mahony of the following matter:

The need for the Minister for Culture, Heritage and the Gaeltacht to develop a national strategy to deal with the invasive plant, Japanese knotweed.

I have also received notice from Senator Máire Devine of the following matter:

The need for the Minister of State at the Department of Health with special responsibility for mental health and older people to provide an update on the proposed closure of the high-dependency psychiatric unit at Tallaght Hospital.

I have also received notice from Senator Rose Conway-Walsh of the following matter:

The need for the Minister for Housing, Planning and Local Government to outline how he intends to implement recommendation 6.1 of the Report of the Joint Committee on the Future Funding of Domestic Water Services regarding the principles of equity of treatment and equivalent financial support.

I have also received notice from Senator Aidan Davitt of the following matter:

The need for the Minister of Housing, Planning and Local Government to provide an update on the timeframe for the increased €1,000 representational allowance for county councillors and to clarify when the new increased vouched expenses scheme and options for county councillors will commence.

I consider the matters raised by the Senators as worthy of consideration. I have selected the matters raised by Senators Feighan, Hopkins, Mac Lochlainn and Horkan and they will be taken now. I regret that I have had to rule out of order the matter raised by Senator Davitt on the grounds that it is a repeat of a similar Commencement matter raised on the 27 September 2017. The other Senators may give notice on another day of the matters they wish to raise.

I welcome the Minister of State, Deputy Jim Daly, to the House. The first matter to be tabled is that of Senator Frank Feighan.

Commencement Matters

Health Services Provision

Senator Frank Feighan: I welcome the Minister of State back to the House. I raise the matter of the need for the Minister for Health to explore the possibility of the HSE rolling out a nationwide sleep training programme to provide expertise to parents facing the challenges of getting their babies and young children to sleep. Some may think that this matter is not as pressing as some of the other problems currently besetting the health service. For many parents with young babies, however, this is a very important topic.

For those unfamiliar with the subject, sleep training is the process of helping a baby learn to fall and then stay asleep through the night. Some babies do this quickly and easily but others have trouble settling down to sleep or getting back to sleep after waking and may need help along the way. I must admit that, up until quite recently, I had never heard of sleep training. My partner and I became very familiar with the concept, however, when we desperately needed advice on how to deal with the challenge of our baby daughter's inability to sleep well. It struck me that there are many other new parents across the country facing the issue of sleep deprivation. There is no doubt but that the problem of a baby who does not sleep can have an impact on the whole household. If a child is not sleeping properly then the parents will not be sleeping properly either. Both the child and the parents will then be out of sorts for the rest of the day. This can be an absolute nightmare for parents who have gone through or are going through it and anyone who has suffered sleep deprivation on an ongoing basis will appreciate it is like a form of torture. It becomes even worse if the mother wants to return to work and there is no proper sleep routine in place. When my baby, Francesca, arrived there was no sleep in our house for the first ten months. It was difficult for my partner and we were at our wits' end trying to figure out how we could get a baby to sleep for at least a few hours during the night rather than 45 minutes at a time. The first ten months were very stressful and as my partner prepared to go back to work the stress became greater because our little baby had no sleep routine.

Through parents' forums we discovered a sleep trainer who ultimately used her experience to give us back our lives. The sleep trainer stayed in our house for a weekend to observe our baby's sleeping patterns and then provided a solution to the problem. This, along with follow-up calls from the sleep trainer, meant that within a very short period our baby was sleeping like a baby. It was incredible; my partner and I got our lives back and the baby, Francesca, was sleeping right through the night.

When I first heard of sleep trainers, I thought it was something that one would have in California and that we must get it and at one stage I laughed at the fact that we had a sleep trainer coming to our house. It was probably the best money we ever spent and, more important, our baby is sleeping at night. Although worth every penny, this private service did not come cheap. However, the HSE should consider rolling it out nationwide, in particular for first-time parents who are struggling with their baby's sleep patterns. There may be an opportunity for a call centre and much has been done in the area through on-screen media. Some counties may have the service in place to some extent with the support of the HSE but I would like it to be extended or explored further. There are huge pressures on the health system but I never thought I would have been in such a situation where a simple answer provided an effective solution to a huge problem. I thank the Minister of State for his interest.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Senator for raising the issue. Anybody who has been through that journey of sleepless nights, as, no

doubt, the Cathaoirleach is aware, will empathise with the issue the Senator raised. Having raised six babies in my own house, I know I do. Nobody who has gone through those sleepless nights would think it a waste of time for the Senator to raise the issue in the House. Raising awareness of the issue is one thing but raising awareness of the solution is even more important. I had never heard of a sleep trainer until I was made aware of the Senator's Commencement matter. It is probably too late for me but there are many others who would like to know of that. I congratulate the Senator on raising the issue and highlighting a solution. I welcome the opportunity to address the House on the matter.

Healthy Ireland is the blueprint for how we will promote, protect and improve the health and well-being of people living in Ireland. One of the main aims of the healthy Ireland framework is to support parents in improving health and well-being outcomes for their children. This is also a key objective of the national child policy framework Better Outcomes, Brighter Futures. Approximately 68,000 babies are born in the State every year. Children, that is, those under 18 years of age, account for 25% of the Irish population, which means we have the youngest population in the EU. The Health Service Executive, through the delivery of the national healthy childhood programme, has a key role in supporting families in order that babies can fully realise good health and well-being outcomes. As part of this, the nurture programme for infant health and well-being is being led, co-ordinated and delivered by the HSE's national primary care and national health and well-being divisions. It is a three-year programme, supported by a grant from Atlantic Philanthropies to the HSE, which is designed to improve the information and professional supports provided to parents during pregnancy and the first three years of their baby's life. It includes antenatal education, maternity and infant care, the transition to home and a schedule of child health reviews, vaccinations and screening visits. These are provided as part of the child health programme and delivered by public health nurses, practice nurses, community medical officers and general practitioners.

The subject of sleep difficulties for babies and young children is recognised as a challenge for many parents. It is being addressed as part of the nurture programme. Research with parents on information needs and concerns has identified sleep as an area of specific interest along with issues such as nutrition, general development, screen time and early language. Current evidence indicates that management of sleep and other issues cannot be addressed in isolation and are most appropriately supported in the context of positive infant mental health and parent-child relationships. The outputs of the nurture programme will include management of sleep in the parent materials and resources in development, including a new evidence-based HSE child health website for parents and carers of infants and children, updated books on caring for one's baby and child and a healthy pregnancy book. In addition to parent resources, the programme will also include sleep as a subject in the overall child health training programme being developed for practitioners.

Senator Frank Feighan: I welcome the new evidence-based HSE child health website for parents and carers of infants and children. It is very important. Many of the consultations were done on Skype and that could be further considered. Simple things such as blackout blinds, a routine and diet are effective but we are trying to highlight the problem because most parents are so busy they do not realise there is some small issue that may be of assistance, nor that there is a lot of help available. I only realised the extent of the issue when I raised it three weeks ago on the Order of Business and many fellow Senators and even the Cathaoirleach asked for the phone number of the sleep trainer. I then realised this is a problem across the country and we should articulate, highlight and advertise that there is help and advice available. My baby, her

mother and I are now sleeping much better at night.

An Cathaoirleach: I thank the Senator. My concern is now more as a grandparent than a parent. My children are old enough to do their own sleeping. It is an interesting topic and I wish the Senator well.

Ambulance Service Response Times

Senator Maura Hopkins: I thank the Minister of State for his attendance in respect of an issue I have raised several times in the Chamber regarding the ambulance service in County Roscommon and, in particular, its response times. There have been a number of reports on the issue, such as a HIQA report in 2014 and the Lightfoot report in 2016. Both are very stark in their findings and provide us with evidence that action is required to ensure we have increased resources in the form of increased ambulances and personnel to deliver better response times for those in our region. People there are currently at an increased risk because they are living in an identified blackspot area and are exposed to an increased risk of delayed intervention. All Members know that being able to access a medical centre that can intervene at the earliest possible time will have a positive impact on recovery. All Members know of the FAST campaign highlighting the need for quick action for stroke victims and that being able to get to a centre that can intervene as quickly as possible has a major impact in terms of intervention and recovery. A hugely positive impact for sufferers of thrombolysis across the country is getting people to centres where they need to as quickly as possible.

Residents of west Roscommon and east Mayo have to wait the longest time in the country for an ambulance to arrive. Although there is an ambulance base at Loughglynn, County Roscommon, it is currently being operated by a crew from Roscommon town. I have raised this numerous times and it is not acceptable. We need a functioning Loughglynn ambulance base serviced by a Loughglynn ambulance crew. It is not acceptable that a borrowed ambulance from Roscommon town is catering for the needs of our region. We do not want special treatment but we want fair treatment and we deserve better. It is not acceptable that no extra resources have been given for this area. From the outside, it appears we are building hubs and a health service for an urban centre. Medical treatments and interventions have become more specialised and centralised, which undoubtedly has resulted in positive outcomes according to the evidence and research. As part of that movement, we must ensure that we are able to get those of our people who live in rural areas to those centres quickly. It is currently very difficult in certain rural areas and I point in particular to west Roscommon and east Mayo. We have also seen the hugely positive impact of the air ambulance service and its ability to improve response times, in particular for critically ill patients. As such, it is essential to ensure that service is operational at night.

I have two questions. First, when will we see increased resources for the identified black spot of west Roscommon? Second, when will we see the air ambulance service operating at night? What is happening? The programme for partnership Government indicates that additional resources will be provided for the national ambulance service. When will they be provided in identified black spot areas? A feasibility study was to be carried out in respect of operating the air ambulance service at night. What is happening within the HSE to progress that and when will it be operational at night?

Deputy Jim Daly: The programme for partnership Government committed to a feasibility

ity study on the expansion of the emergency aeromedical service, EAS. In addition, the programme committed to delivering safer pre-hospital care by considering the recommendations of three reviews of ambulance services, namely, the HIQA governance review, the national ambulance capacity review and the review of Dublin ambulance services. The programme further committed to providing additional annual investment in ambulance personnel and vehicles.

The capacity review, which was published last year, examined overall ambulance resource levels and distribution against demand and activity. Implementation of the recommendations of the capacity review will require a multi-annual programme of phased investment in ambulance manpower, vehicles and technology. To that end, €7.2 million in additional funding was provided in 2016 for the national ambulance service, NAS, including €2 million in development funding. In 2017, an additional sum of €3.6 million was made available, which included €1 million to fund new developments. I confirm that additional funding will be made available for the continued development of the NAS in 2018. This will be set out in the national service plan for 2018, which the Senator will be aware is being prepared as we speak.

With regard to pre-hospital emergency care in Roscommon, the NAS operates from Roscommon town, Boyle and Loughglynn. The Senator may wish to note that in order to further develop services in Roscommon, the NAS acquired the former Garda station at Loughglynn. Following refurbishment, it opened in 2016 as a dispatch point. This facilitates better utilisation of resources and provides greater geographical ambulance cover for the north Roscommon area. The NAS dynamically deploys resources to respond to incidents as they arise. This is achieved in the Roscommon area by dispatching resources from adjacent ambulance stations in neighbouring counties. Thus, resources from ambulance stations in Carrick-on-Shannon, Tuam, Longford and Athlone can be deployed to incidents in Roscommon as required.

Members will be aware that the EAS was established to provide a more timely response to persons in rural areas. The service is operated by the national ambulance service in association with the Air Corps. The service is available seven days a week in daylight hours and is specifically targeted at the west of Ireland. The highest demand for the EAS comes from counties Galway, Mayo and Roscommon. My Department and the national ambulance service are exploring the feasibility of extending the very successful EAS through the establishment of a community-based helicopter emergency medical service in the south. Discussions in this regard are ongoing. The capacity review identified particular difficulties serving rural areas such as County Roscommon. Outside the greater Dublin area, the population is widely dispersed with a relatively large population living in rural areas. On foot of this population distribution, Ireland has a far higher percentage of activity in rural areas than other ambulance services. The review indicated that the only practical way to improve first-response times in rural areas is through voluntary community first responder, CFR, schemes. The NAS continues to work with local CFR groups across the country to develop and enhance services.

An Cathaoirleach: We are up against the clock. I ask Senator Hopkins to be very brief.

Senator Maura Hopkins: I will make three very short points. In 2017, €1 million in additional resources have been made available. Surely, those resources should be directed towards identified, evidence-based black spots. The Minister of State referred to the Loughglynn ambulance base. To be honest, the response is not at all satisfactory. The Minister of State said this facilitates better utilisation of resources. This is otherwise known as a “borrowed ambulance”, which moves between Roscommon town and Loughglynn. It is not acceptable. We need additional resources. While the Garda station was acquired for refurbishment, a refurbished Garda

station does not deliver an ambulance service. We need ambulances and personnel.

The Minister of State said discussions on the air ambulance service were ongoing. I am looking for specifics. Has the feasibility study started? When will it finish? We need to see the air ambulance service, which has been hugely positive and beneficial in getting critically ill patients to the centres they need to be in, operating at night. Can the three specific questions be answered, perhaps outside of this Commencement debate?

An Cathaoirleach: I am not sure if the Minister of State can add anything. He has given a comprehensive answer. The Senator might take the matter up directly with the Minister of State in her own time. In fairness, both Commencement matters thus far were supposed to be in last week but were not taken as a Minister was not available. As such, the two slots lapsed. We must find a way to improve our logistics. I thank the Senator. It is a very important issue for her and I am sure the Minister of State will talk to her about it. Senator Pádraig Mac Lochlainn has four minutes for his matter.

Flood Damage

Senator Pádraig Mac Lochlainn: First, I acknowledge the apologies I have received from the Minister for Rural and Community Development, Deputy Ring. I have spoken to one of his departmental officials this morning and have been in contact with his private secretary. I have requested a meeting with the Minister and am happy for the Chief Whip, Deputy McHugh, who is also a Deputy for Donegal, to be present at that meeting because this is now an urgent matter which requires urgent attention from the Government.

I will paint the picture for the Minister of State, Deputy Jim Daly. Buncrana is a town of significant size but can he imagine any town in Ireland in which the main park, which is beloved by and rooted in the community, where families and the elderly go walking and where partnerships with schools, environmental groups and Tidy Towns groups are developed based on this amenity, has been utterly destroyed? Just up the road there are major sporting amenities which have been utterly destroyed, including the destruction of a number of pitches at Cockhill Celtic. It is two months since the flooding but I have had to raise the matter in the Seanad again and again to get someone in government to grapple with the issue. That is how serious it is. The major park and sporting amenities have been destroyed in one community while nothing is being done about it by central government. That is why I am going to keep raising this every week, with the permission of the Cathaoirleach, until I get someone to grasp how serious the issue is and to grapple with it.

A second issue is Glenevin Waterfall in Clonmany, a beautiful amenity which was developed by the local people and includes a riverside walk up to a wonderful waterfall. It is part of the tourism offering in Inishowen and is beloved by the local community. While they have worked to put it back in place, they need help and funding. I acknowledge that the Government has stepped up with some of the relief schemes. I acknowledge that Ministers came to Donegal very quickly when this crisis happened. However, there is a sense that two months later, with the cameras moving on, major gaps exist which are not being addressed.

Swan Park in Buncrana, Glenevin Waterfall in Clonmany and Cockhill Celtic Football Club are massive issues. I am not taking a parish-pump approach to it. I am being realistic when I point out that there is no other community in Ireland that would be abandoned in the way we

have been in respect of our major amenities. I ask the Government to understand that. I ask the Minister, Deputy Ring, to meet me as soon as possible, address the issue and provide once-off emergency funding to get these amenities up and running again.

That is my appeal to the Minister of State. I have passed this message to the Minister, Deputy Ring, through his parliamentary assistant, private secretary and departmental officials. I hope to get a face-to-face meeting as soon as possible.

An Cathaoirleach: I acknowledge the presence in the Gallery of Deputy Kevin O’Keeffe and his friend. It is always nice to see Members of the Lower House coming here to pay homage to this great Chamber.

Deputy Jim Daly: I am responding on behalf of the Minister for Rural and Community Development who cannot be present due to other commitments.

I acknowledge the devastation caused by the floods in County Donegal at the end of August, particularly the damage to Swan Park and Glenevin Waterfall. I understand the Department of Rural and Community Development supported the development of Swan Park in 2015 through the pilot scheme for rural economic development zones. We were all shocked at the extent of the damage to roads, bridges and property caused by the flooding in County Donegal in such a short period. In response to these events, the Government immediately activated its humanitarian assistance scheme to assist people whose homes were damaged by flooding and who were not in a position to meet the costs relating to essential needs, household items and, in some instances, structural repairs. I understand that temporary emergency support was provided for small businesses, community groups and sports clubs. The Senator has acknowledged the Government’s response in these areas. I appreciate his concern about the amenities at Swan Park and Glenevin Waterfall.

I am advised that, unfortunately, the Department of Rural and Community Development schemes which might have been of relevance closed for applications earlier in the year. The closing date for county-based initiatives under the outdoor recreational infrastructure scheme was the end of May and applications under the town and village renewal scheme closed at the end of June. Funding for 2017 under these schemes has been committed at this stage. The Minister previously suggested in response to a parliamentary question that the Leader local action group in County Donegal could engage with the local community with a view to identifying whether Leader support could assist these projects. Senator Mac Lochlainn has said he is not satisfied that Leader support is sufficient. I suggest that if funding were available under Leader, it might help to leverage other sources of funding from the private or public sectors. The approval of projects under the Leader programme is ultimately a matter for local action groups. I encourage a further exploration with the local action group in County Donegal regarding the options available to support the repair of the amenities at Swan Park and Glenevin Waterfall.

An Cathaoirleach: I think Senator Mac Lochlainn’s suggestion that he and the Minister of State, Deputy McHugh, might meet the Minister could be facilitated soon. That might lead to progress in this regard. The Minister of State, Deputy Jim Daly, does not have responsibility for this issue. Ministers of State sometimes have to fulfil certain duties when Ministers are unavailable. Perhaps the Senator’s proposal could be worked on expeditiously. That might be a better way to proceed. If not, the Senator can certainly raise the matter here again.

Senator Pádraig Mac Lochlainn: I thank the Cathaoirleach. I appreciate his guidance on

this matter. I ask the Minister of State to relay to the Minister the request I have made in support of the issue I have raised. There is frustration because the unprecedented levels of water that accompanied this remarkable act of God destroyed the amenities I have mentioned. On that basis, we are asking the Government to intervene. This should not be treated as a regular application for funding. The extraordinary events of last August require an extraordinary response. Unfortunately, there are serious problems with the bureaucratic procedures involved in making applications for Leader funding. In places like County Donegal, there are huge demands for the limited funds that are available. The Leader programme is really not the way to address this issue. In advance of the meeting I hope to have with the Minister as soon as possible, I emphasise to the departmental officials who are listening to this debate that we need an exceptional and extraordinary response. This beautiful park, which is a key amenity, has been destroyed. This beloved facility was developed over decades by the local community. I cannot overstate the wonder and beauty of the amenities that have been destroyed. In the case of Glenevin Waterfall, which is wonderful and beautiful, it is possible that Leader funding could make a limited contribution. Urgent Government intervention is needed. I do not know of anywhere else in Ireland where this would be allowed to continue without an intervention taking place. I thank the Cathaoirleach again for his assistance and support. I hope we can get a resolution soon.

Deputy Jim Daly: As natives of west Cork, the Cathaoirleach and I are no strangers to the devastation caused by flooding. We understand the Senator's plight. Following Storm Ophelia last month, the people in coastal areas of west Cork can probably, as much as anyone else, empathise with the people of County Donegal. I will pass the Senator's sentiments to the Minister. Maybe it would be helpful to put a costing on the repairs that are required. I know the Senator is engaging with Donegal County Council. If he continues to work with the council to try to get an exact and precise cost for the repairs that are required, it will help in the process of getting funding for the project and ensure we are not talking in terms of unknown figures and facts.

School Accommodation

An Cathaoirleach: Cuirim fáilte roimh an Aire Stáit, an Teachta O'Donovan.

Senator Gerry Horkan: The Minister of State, Deputy O'Donovan, and I usually talk about finance matters. This morning he is covering for the Minister for Education and Skills, Deputy Bruton, in respect of a matter of concern to people who live close to me. I know the Minister of State is somewhat aware of the situation, which has been going on for some time. I will elaborate on some of the facts before giving the Minister a chance to come back in.

Ballinteer Educate Together national school opened in temporary accommodation in 2012 using classrooms borrowed from St. Tiernan's secondary school in the general catchment of Ballinteer and a number of half-sized prefabricated units while it waited for the design and approval process for the new school building to be completed. In September of this year, it moved to temporary accommodation at Notre Dame secondary school in Churchtown. While this is not a huge distance away in the context of the distances many Senators have to contend with, it is a considerable distance for national school parents who are used to bringing their children to a particular facility. Some 280 students from Ballinteer Educate Together national school will share buildings at Notre Dame secondary school with two other schools for at least another two years.

Five years on from the opening of this school, no timeline has been given for when it will

return to its own permanent site adjacent to St. Tiernan's secondary school. Some parents have experienced severe hardship as they have tried to facilitate the new arrangements at Notre Dame secondary school. The lack of communication over the status of a new school building has contributed to this uncertainty. Rather than being told anything officially, the parents involved have been getting news through word of mouth or on social media. It is very unsatisfactory. It is shameful that parents and staff first heard of the decision to move to Notre Dame secondary school through Twitter. The issues that have created this situation do not appear to be budgetary and are not related to the planning of the building itself. They seem to centre on the securing of planning permission for road access to the new site. The initial application was submitted in 2012. Today, we are no closer to any kind of decision that will help to get the new school built.

Like the board and the parent-teacher association, I appreciate that these processes take time. However, the continued absence of a solution to this problem has resulted in an unacceptable delay which is now beginning to have an adverse impact on the school's staff, pupils and parents. As the school continues to grow rapidly, these effects will become more serious. It is a matter of time before the children's educational experience begins to suffer. I remain perplexed and surprised by the delays in the tricky negotiations involving external parties about access to the St. Tiernan's site. I have been informed by the parent-teacher association that the Department intervened with a compulsory purchase order to make progress with a building at Gaelscoil Chnoc Liamhna in Knocklyon. I wonder what legal impediments could be preventing a similar approach from being taken in this case. Perhaps it is not possible. We should investigate whether it is and let people know one way or the other. I ask the Minister of State to convey this suggestion to the Minister for Education and Skills.

I would be grateful if the Minister of State could give me an update on how matters stand with the construction process. It is not fair on the children and the parents to be treated in this way. I have received a number of emails from the secretary of the parent-teacher association at Ballinteer Educate Together national school. They confirm that the position is exactly as I have outlined. They acknowledge that the children are happy in the transitional home to which their school has moved, even if it is further away from where they live. We are all trying to get people to use sustainable travel and to work or cycle to school. The site to which the school has moved is not half as convenient for most pupils as the school's long-term home adjacent to St. Tiernan's secondary school. A stopgap solution has been found. The Department might not consider south Dublin to be growing as quickly as other parts of the country, such as the commuter belt, but it has experienced a huge increase in population, and in population density, as a result of the construction of apartments and other housing units in places like Dundrum, Sandyford, Stillorgan and Ballinteer. That is putting pressure on all the schools in the area.

I ask the Minister of State to convey to the Minister that there is a palpable sense of frustration. The final sentence in that email I received is to the effect that it is unfortunate they have had to reach out to me again but they require actors on their behalf to help build their national school. They have requested if I can ask the Minister, yet again, to make further inquiries on their behalf regarding the progress on building a permanent home for Ballinteer Educate Together national school. I have outlined their case. I believe the Minister is aware of the situation. I emphasise that progress on this matter is needed sooner rather than later.

Minister of State at the Department of Finance (Deputy Patrick O'Donovan): I apologise on behalf of the Minister, Deputy Bruton, who is unable to be here. On his behalf, I thank the Senator for raising this matter.

The Ballinteer Education Together national school was successfully relocated to the Notre Dame campus on Upper Churchtown Road in Dublin 14 pending delivery of the permanent accommodation at the St. Tiernan's community school site in Balally, to which the Senator referred. On behalf of the Minister, I extend my thanks to all concerned for their work and efforts over the summer months in facilitating that logistical move. The accommodation provided for the school at the Notre Dame campus since September comprises 11 classrooms. It also includes ancillary accommodation. Provisional enrolment data indicate an increase of 40 pupils from a total of 234 pupils in September 2016 to 274 in September 2017, meaning that an additional two mainstream teachers were required.

Regarding progress on the permanent school accommodation, as has been stated previously, access to the permanent site is a complex planning issue. Since June, the Department has met a third-party landowner on a number of occasions with a view to negotiating an acceptable solution to the access issue. As these are commercially sensitive negotiations, it is not possible to comment further at this stage. All aspects are being progressed in close liaison with the local authority in order to ensure that a further planning application has the best likelihood of success. The Department is fully committed to bringing this project to a satisfactory conclusion as soon as issues relating to the planning process have been resolved.

The Senator asked if I would give him an assurance that I will bring the issues he raised today to the Minister's attention. I give him that assurance now.

Senator Gerry Horkan: I thank the Minister of State for his reply. I appreciate that the negotiations involved are commercially sensitive. I emphasise that school authority is aware of the compulsory purchase order, CPO, relating to Knocklyon. I will not ask the Minister of State to further outline those details that are commercially sensitive but I stress the urgent need to proceed with the project as soon as possible.

Deputy Patrick O'Donovan: To provide further detail on the issues involved, as referred to by the Senator, the only access route into the property - to which the local authority has indicated agreement - involves acquiring additional parcels of adjacent land from two different third parties. It would also involve putting in place a roadway that will need to traverse a protected structure adjoining the site. A conservation architect was engaged to examine how this might be done to the satisfaction of the council without substantially materially impinging on the protected structure. The architect's report was submitted to the Department and was discussed with the council and the third party on whose land the protected structure stands and from whom the land for the road will also have to be acquired. This is a very complicated planning issue. Planning permission for the new building for Ballinteer Educate Together national school and a physical education, PE, hall for St. Tiernan's has been sought and rejected twice by An Bord Pleanála on foot of objections from the council concerning access. An Bord Pleanála asked that the Department and the council work through the issues to arrive at a mutually agreed solution in respect of the issue of site access.

The Minister has said it is imperative that all of the work is done to the satisfaction of the council in order to ensure that a further planning application has the best likelihood of success. If we rush into a planning application at this point without going through the process diligently and carefully, we could set the planning permission process back more substantially in the long term and, as a result, jeopardise delivery of the new school once again. The land adjacent to the school site is in the ownership of a third party and negotiations and agreement - of which the Senator will be aware and which I am sure he will respect - in the context of access are required

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before a planning application that is likely to be successful can be framed. These negotiations are ongoing. However, as they are commercially sensitive in nature - I am sure everybody will accept that this is only fair - it is not possible to comment further at this stage.

Senator Gerry Horkan: I would appreciate if the Minister of State could provide that further detail to me.

An Cathaoirleach: I am sure he will do that. I hope this Commencement matter will advance the Senator's cause. I thank the Minister of State for his input.

Sitting suspended at 11.15 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, International Protection (Family Reunification) (Amendment) Bill 2017 - Committee Stage, to be taken at 12.45 p.m. and to be adjourned no later than 2.45 p.m. if not previously concluded; and No. 2, Public Health (Alcohol) Bill 2015 - Committee Stage (resumed), to be taken at 3.15 p.m. and to be adjourned at 8 p.m. if not previously concluded.

Senator Catherine Ardagh: I wish to raise the issue of the Paradise Papers. We have all been hearing in recent days about different individuals who have been able to take advantage of some of the fruitful tax arrangements to which these papers refer. Ultimately, it was a database of information that highlighted the tax affairs of some of the wealthiest individuals and companies in the world. Why is this matter important? It is important because it highlights how unjust is the wealth and income disparity across the world and among individuals who live in our country. The Paradise Papers highlight the huge unfairness that exists. Many of the schemes involved are legal and amount simply to tax avoidance rather than evasion. However, what is happening sits very uneasily with many of us, including me, regardless of whether we are PAYE workers or self-employed. We pay PRSI, PAYE and income tax and we do not have the luxury of forum shopping in respect of our income tax. It is something that disturbs and upsets many people and makes them very angry. Our country is losing out on millions due to tax avoidance schemes. I hope the Minister for Finance will come to the House and engage in a debate on this matter. I also hope he will ensure that Revenue will be adequately resourced to investigate some of these papers to see if there is anything we are missing out on and if there is a possibility that we could recoup moneys from any of the individuals involved.

This leads me to think about the money involved and what we could do if there were billions more in our Exchequer. A great edition of "Prime Time" last week highlighted the standard of rental accommodation. We saw people living in really conditions that are very unsanitary and unsafe. I call on the Minister for Housing, Planning and Local Government to come to the House to discuss an NCT-style approach, which Fianna Fáil has been advocating since 2015. Obviously, supply is one of the major issues but this is also a significant issue. We cannot have people living in hazardous conditions like this, which are, ultimately, unfit for human habitation and, on many occasions, animal habitation.

Senator Gerard P. Craughwell: I wish to propose an amendment to the Order of Business to the effect that No. 11, the Defence (Veterans Lapel Badge) Bill 2017 - First Stage, be taken before No. 1. I ask the Leader to consider my request.

I congratulate Senator Feighan for organising a delegation to the House of Commons and House of Lords over the past two days of which I had the privilege of being part. Incentives such as that organised by Senator Feighan are so important in light of Brexit. The discussions we had with the Members of the House of Commons and the House of Lords left us far better clued into what is going on in Westminster. Colleagues such as Senators Coghlan and Feighan and various others left the British MPs we met and the Secretary of State for Foreign Affairs, Boris Johnson, in no doubt as to what the Irish people want and expect from Brexit, as well as the protection of our country and our interests.

Senator Paul Coghlan: He had no solutions, however.

Senator Gerard P. Craughwell: Senator Coghlan is correct; he had no solutions. We certainly did not hear any solutions, which means events such as those organised by Senator Feighan are of the utmost importance. There needs to be far greater engagement. I congratulate and thank Senator Feighan on his efforts. The administration behind getting people there and the amount of work in setting up meetings with all the political parties in the UK must have been phenomenal.

I also congratulate the Taoiseach for having the courage to walk into the Dáil yesterday wearing the Irish poppy, the funds from which support Irish veterans and Irish people who served in the British forces and who are in need of support these days. The Taoiseach is to be congratulated on this. It was not an easy thing for anybody to do.

An Cathaoirleach: I thank the Senator for all his congratulations. I call on Senator Gavan.

Senator Jerry Buttimer: Now we will have a change.

Senator Paul Gavan: We will.

Last week, figures showed Limerick has 315 homeless people, even more than in Cork. The housing crisis continues to get worse from month to month.

I want to paint the human picture of this. Just two weeks ago, I raised the case of a young woman, eight months pregnant, who was living in the most appalling accommodation and the fact the State offered her no support whatsoever and turned her away. I thank the Leader for following up on that particular query. Unfortunately, matters have got worse this week, the week in which she is due to have her baby. She spent last night in a car. That is the housing crisis in Limerick in 2017 where a 19-year-old girl, eight and a half months pregnant, with no supports, spent the night in a car. She had been forced out of her apartment because the landlord cut off the electricity.

The State services gave her one option, which was to stay in Thomond House. The staff there do a wonderful job but, unfortunately, it is inhabited by a large number of heroin addicts. When I asked the shelter manager if he could guarantee this young girl's safety, he said he absolutely could not. That is the reality of the housing crisis in 2017. Tonight, that girl still will have nowhere to go. It is shameful that this is happening in the week she is due to give birth.

Speaking to my office in Limerick this morning, I was told the situation will get worse, not better, because there are simply not enough new builds next year. The situation continues to get worse month after month. The blame lies solely with the Government and Fine Gael's ideological hang-up that the private market must produce solutions to the housing crisis. When it keeps

that fixation with this right-wing ideology, the reality is 19-year-old girls spending the night in a car when they are due to give birth to a baby. Shame on the Government.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator Colette Kelleher: Figures provided by the Department of Justice and Equality in response to a parliamentary question on 19 October outline the current status of the Government's commitments to welcoming 4,000 people as refugees to Ireland. They seem to show that Ireland is falling short with only one third of that target group welcomed to Ireland to date. In that context, and given that the deadline for meeting the Government's commitment is only two months away, will the Leader invite the Minister for Justice and Equality to the House to make a statement on this matter and outline what he and his Department are doing to meet the Government's promise and moral obligations in the context of the worst global refugee crisis since the Second World War, affecting 22.5 million people, half of whom are children? Will the Leader invite the Minister for Justice and Equality to explain to the House what urgent action is being taken to relieve the suffering of displaced people in crisis, including children, through no fault of their own but for simply being in the wrong place at the wrong time? What measures will the Department introduce, including family reunification measures, to honour Ireland's relatively modest commitments, which now seem likely to be missed?

Senator Kevin Humphreys: Yesterday, I was on the picket line with Irish Rail workers. I listened to their frustration over the lack of proper engagement by management in this industrial dispute. As we are heading towards Christmas, we may be looking at further days lost in the workplace due to the lack of proper engagement by management. I also spoke to many commuters across the city who spent hours in traffic delays yesterday. Many of them came into work late and lost part of their salaries at a time when they can least afford it. The Minister for Transport, Tourism and Sport is more interested in finding a solution for North Korea than finding one for our capital city and country. I listened to workers in Cork on "Morning Ireland" who had to club together to get the taxi fare to get home because trains were not running. It is unacceptable that the Minister for Transport, Tourism and Sport has more interest in - and less influence over - what happens in North Korea. I hope the Leader can put a rocket under the Minister to encourage him to pay attention to his brief.

At the weekend the Citizens' Assembly met on climate change, an issue I raise frequently in the House. The two line Ministers responsible are the Minister for Communications, Climate Action and Environment, Deputy Naughten, and, unfortunately, the Minister for Transport, Tourism and Sport, Deputy Ross. We see a growing carbon footprint in the transport sector but no solutions coming from the Minister.

At his earliest convenience, will the Leader arrange a debate on and all-party approach to climate change? Obviously, transport is one major element of this. The Minister for Transport, Tourism and Sport's contributions on climate change in this House have been poor. Will the Minister for Communications, Climate Action and Environment, Deputy Naughten, also attend as the Minister with direct responsibility for this area? The Minister for Agriculture, Food and the Marine also has a large responsibility in this area because the agricultural sector contributes significantly to carbon emissions. I recognise the farming community has, in many ways, endeavoured to reduce its carbon footprint.

We need a whole-of-government approach to climate change. Unfortunately, Ireland is well behind the curve. While the previous Government made great progress with climate change

legislation - the Leader himself contributed to this - nothing has happened since. We have seen public consultation after public consultation but no plan or direction. We will miss the 2020 targets, meaning we will be looking at fines of over €500 million. That money would be far better invested in our transport infrastructure and agricultural sector to reduce our carbon emissions. I look forward to that debate at the earliest convenience which the Leader can arrange.

Senator Paul Coghlan: I join with Senator Craughwell in congratulating our colleagues Senator Feighan and the MP for St. Helens North, Conor McGinn.

An Cathaoirleach: I am afraid Radio Luxembourg is butting in.

Senator Paul Coghlan: We are used to that. This organisation - if I can all it that -and this two-way flow between ourselves and Westminster is important. I encourage many more Members to get involved. When Brexit happens, there are so many connections with Britain, whether we like it or not, trade-wise, relations-wise and more. This will be more important than ever. We have to pay attention to it and do something about. They are on our side regarding wanting a soft Brexit but no specific solutions are there yet. Without a customs union, we do not know how that is going to be achieved. My colleague, Senator Paddy Burke, referred to a pleasant meeting with Boris Johnson but he had no solution either. Until they drill down into the detail of the negotiations and see who will blink or compromise, no one will know, and the uncertainty and volatility that exists will continue. There is an acceptance that there will have to be a transition period. They are saying two years but it might have to be longer. I think business would welcome that. For the sake of their economy and ours, I would say the longer the better. Let us keep up the contact. More Members of this House and the Lower House should get involved.

Senator Terry Leyden: Will the Leader invite the Taoiseach to the House to outline the discussions he had with Tim Cook, the boss of Apple, in San Francisco? The situation relating to the proposed €850 million data centre for Athenry is very serious. The project has overcome many planning difficulties in the past two years. The last of these were cleared in the High Court last week. The project should be going to tender at this point. I recognise the contribution Apple has made to the Irish economy, with 5,000 jobs in Cork and 1,000 new jobs expected. Let us be clear that Tim Cook and Apple have been good friends to Ireland, but Ireland has also been a good friend - from a taxation perspective - to Apple. The company should bear that in mind when making its decision. The Taoiseach said that consideration is being given to what it is going to be done in respect of this project. In the words of Pete St. John, "Low lie the fields of Athenry". It will be a very low day for Athenry if this project does not go ahead.

Senator Gerard P. Craughwell: Hear, hear.

Senator Terry Leyden: The construction jobs will be magnificent and afterwards there will be 50 to 100 jobs available, although we do not know the exact number. From a psychological point of view and from an international perspective, to locate this centre in Athenry, which is situated in the west of Ireland, would give hope and encouragement to those seeking employment in the region. Martin Shanahan, head of IDA Ireland, seemed to indicate that he is not that hopeful the project will go ahead. It will be for him and IDA Ireland to concentrate on bringing jobs to Athenry and the west of Ireland to compensate - if it happens - for the loss of the project. We should appeal to Tim Cook to reconsider the situation and proceed with the project. Last night, the Minister of State, Deputy Breen, stated in the Lower House that the project has not been abandoned and is part of our future. That should be confirmed because

there are two conflicting views. The Taoiseach seemed pessimistic. It was not a good exercise to go there and come back with bad news. Normally, when taoisigh go abroad on industrial missions, as I did myself, they come back with the bacon and not bad news.

Senator Jerry Buttimer: The Senator came back with no news many a time.

Senator Terry Leyden: We were there when Apple came to Ireland. I was a Minister of State when Intel came to Leixlip so I can tell the Leader one thing: it was Fianna Fáil that made us great.

Senator Jerry Buttimer: There he goes again.

Senator Terry Leyden: I can tell the Leader that this project would not slip through Ireland's hands if we had a Fianna Fáil Taoiseach because we knew how to handle business. We were the party-----

Senator Jerry Buttimer: Fianna Fáil bankrupted the country. It closed down the country.

An Cathaoirleach: The Leader's intervention prolonged matters by one minute. Ciúnas. He will have time to respond later. I call Senator Freeman.

Senator Trevor Ó Clochartaigh: There were a few bad apples in Fianna Fáil.

An Cathaoirleach: Please allow Senator Freeman, who is standing, to proceed, without interruption.

Senator Jerry Buttimer: Fianna Fáil pulled the country down.

An Cathaoirleach: The Leader will have ample time to respond in due course. He usually gets plenty of time. Ar aghaidh leat, Senator Freeman.

Senator Joan Freeman: I second Senator Gerard Craughwell's amendment to the Order of Business. I also take the opportunity to thank Members. We just had a sort of corrosive conversation a moment ago but I meet Senators and hear lovely compliments about the launch of Solace House in New York for the Irish diaspora, for which I thank them most sincerely. It was a pilot project until last week but is now a permanent service for members of the Irish diaspora who are in suicidal crisis. I thank the Members for their good wishes and will keep the House updated on the service.

An Cathaoirleach: I thank the Senator for her brevity and call Senator Conway.

Senator Martin Conway: I thank the Members of both Houses who attended the "Dine in the Dark" event last night. This sought to promote and increase awareness among Members of vision impairment and blindness and it was a great success. I also thank the many colleagues who, for various reasons, were unable to attend. It is hoped that we will be able to repeat the exercise in 2018.

This morning, I had the great pleasure of launching a phenomenal community initiative on the part of the Blanchardstown drugs task force and the Safer Blanchardstown community organisation at the Gresham Hotel. The campaign, which is trying to make a start on dealing with recreational drugs, is called "Think Before You Buy" because buying drugs will harm someone and it is targeted primarily at the people in middle Ireland who go out on a Saturday night to dinner parties and decide, for whatever reason, to take recreational drugs. They are not the

quintessential or traditional drug addict one sees from time to time. These are people in white collar and blue collar jobs who have families. They go out and, whether it is weed, hash or cocaine, they buy and take drugs. The consequences not just to their own health and lives but to society are enormous. The money they spend, whether they like it or not, funds organised crime and results in deaths in inner city Dublin and throughout the country. I commend the people in Blanchardstown on the initiative, which needs Government support and which should be rolled out across the country. They are doing their best on a shoestring budget. It would be worth bringing the Minister for Justice and Equality to the House to discuss how we deal with those in middle Ireland who are taking drugs on Saturday nights. In the Leader's own good time, perhaps this House could have a debate with the Minister for Justice and Equality on the issue.

Senator Trevor Ó Clochartaigh: Tréaslaím le Marty Walsh atá athtofa mar mhéara ar Bhostún. Tá muintir Chonamara, na Gaillimhe agus na hÉireann an-bhródúil as an éacht atá déanta aige agus as an bhfoireann ar fad a bhí ag obair leis. I congratulate Mayor Marty Walsh of Boston whose parents both come from Connemara. He is a proud Irishman, an Irish speaker and a man of the people and he was re-elected as mayor of Boston last night. It is a fantastic achievement. The reports on the campaign indicate that one of the biggest things he did was tackle the housing crisis in Boston. This created significant employment in recent years and provided affordable and social housing for those who needed it. He also did a great deal of work with people who have drug and alcohol addiction problems. It is fantastic to see him being re-elected.

A week is a long time in politics. Shortly before the break we had a debate on Catalonia. In the intervening period, half the members of the Government of the region have been put in prison and the other half are in exile in Belgium. Before the break, we heard from
12 o'clock most Heads of State across Europe that this is an internal issue for Spain. We cannot say any longer, however, that this is the case. The two leaders of the cultural organisations are still in prison. Even teachers who had debates in schools in respect of the events relating to the referendum are being threatened with imprisonment. This is an absolute assault on fundamental human rights, including the right to free speech. It is important that our Government reassesses its position on the issue. From Brussels, President Puigdemont denounced the fact that there is a Eurocratic elite which only obeys the member states and which has betrayed and corrupted the defence of the foundational values of Europe. For him, this elite has shown a lack of connection with what people are interested in.

There is a fundamental debate happening about what the European Union stands for, and what its leaders and prime ministers stand for. The contrast between the way the judicial system in Belgium has treated President Puigdemont and the way the Spanish system has treated the Ministers who are now imprisoned is massive and we need a further debate on the continuing issues in Catalonia and how they will affect every single European state.

Senator John Dolan: I note that Senator Conway mentioned Dine in the Dark and congratulated people on attending and participating in it. I was there last night and I am very happy to acknowledge the work he did and congratulate him on it. It was a very enlightening event by virtue of being in the dark. It was a moment when we could realise what daily life is like for some of our fellow citizens.

Before I attended the event I was reading a report by the National Council for the Blind of Ireland and the Vincentian Partnership for Social Justice. It examined the cost of living for basic needs, not what people want. The minimum essential standard of living for a single adult

with visual impairment cost €285.76 per week in 2016. That is €44.54 more than the main minimum essential standard of living for a single adult with vision. There are real but ordinary extra costs, daily and weekly, for people who have disabilities. I acknowledge that the Government increased the disability allowance and other related income supports by €5 to commence early next year. That is across the board. The Central Statistics Office, CSO, a Government outfit, told us in January of this year that people with disabilities are going further into poverty while the rest of the population is thankfully, and that is my word, moving slightly in the other direction. I request that the Leader now call on the Minister for Employment Affairs and Social Protection to come to this House to set out the issue. The facts are presented in this bird's eye report on one group of people, but according to the CSO people with disabilities are in fact experiencing more poverty and exclusion.

Senator Frank Feighan: I also join in thanking my colleagues who took the time to visit Westminster on Monday and Tuesday. The meetings were very worthwhile. We need to do a lot more of this. We have taken our east-west relationship far too lightly because much more can be done. A total of €1 billion of trade is conducted every week between the United Kingdom and the Republic of Ireland. After the Queen's visit in 2011, the British-Irish Chamber of Commerce was set up. That tells us this was a relationship we took for granted. Much progress has been made since the Anglo-Irish Agreement and the Good Friday Agreement. Relations are at an all-time high. There is a strong feeling of goodwill among the politicians from all sides in Westminster and there is a huge Irish diaspora that we sometimes do not understand. It is very vocal. We need to do much more of that. That is why I would like to thank Boris Johnson, the Foreign Secretary, for taking the time out to meet us for an hour. It was a robust meeting. Our views were different but at least it was a good meeting with Vince Cable, the leader of the Liberal Democrats, Emily Thornbridge, the Labour Party shadow foreign secretary, Ian Blackwood, the leader of the Scottish National Party in Westminster, and Adrian O'Neill, the Irish ambassador to the United Kingdom. When politicians from the United Kingdom come here, I urge all Members in this House to meet them. They will meet people who have fathers and mothers, and grandfathers and relations from the island of Ireland and their own areas. When they meet them, they will realise that we are very united in many ways.

I pay tribute to the Taoiseach for wearing the Irish poppy pin in the Dáil yesterday. It reflected the mature direction we are taking as a nation. When I first saw the poppy 25 years ago, I hesitated, thinking it was not mine. We have to remember the 50,000 young Irish men from the whole island, nationalists and unionists, who fell in the Great War. My favourite song about the poppy is the Green Fields of France: "Well the sun now it shines on the green fields of France, There's a warm summer breeze it makes the red poppies dance." We sing it and love this song and we should be able to embrace a part of our history that we conveniently airbrushed.

Senator Robbie Gallagher: Many Members have raised the decline of rural Ireland. I do the same in light of a report presented to the members of the Monaghan County Council this week by a group called the Irish Central Border Area Network, ICBAN. Its research estimates that at the very best it will be the end of 2025 before County Monaghan has full broadband connectivity and the end of 2023 for County Cavan. The council debated the issue and concluded that this was shocking news. If rural Ireland is to have a future, broadband is a vital component. It is vital for business and for communities. When one considers the risk that Brexit poses for this country, I would claim as I often have that it potentially affects the Border counties worst. If ever there was a case for prioritising the Border region, it is now. The Government could prioritise the Border region for broadband because it is vital if we are to have a present, never mind

a future. I ask the Leader to bring this to the attention of the Minister for Communications, Climate Action and Environment and ask him to seriously consider prioritising the Border region with full broadband connectivity as soon as practically possible.

Senator Paddy Burke: Much has been said about how the Garda Síochána has conducted its business in recent years. To give credit where it is due, I congratulate it on how it has combatted crime in recent months and the success it has had in breaking the drug gangs in this country.

Senator Gerard P. Craughwell: Well said.

Senator Paddy Burke: The way it has conducted itself over recent months is outstanding and I congratulate it. The public should not be afraid to go to the Garda Síochána. Gardaí are the only people we can turn to in our hour of need when there are break-ins, drug crime and so forth. The more people go to them and the more information they have, the better.

Senator Brian Ó Domhnaill: I wish to raise the use of drugs in the greyhound industry. In 2015, the Greyhound Industry (Racing) (Amendment) (No. 2) Regulations were introduced, coming into effect on 1 October 2015. It specifically provided for the immediate disqualification of any greyhound that returns an adverse analytical finding. Such greyhounds were to stand disqualified. However, it has come to my attention that a greyhound that tested positive on three occasions for the banned substance, cocaine, was allowed to race by the Irish Greyhound Board last Saturday evening, where he won the Irish St. Leger. There is a major issue in the greyhound industry. The owners and breeders are not being listened to. We have heard from the Government. I gave the Minister of State, Deputy Doyle, some credit when he was Chairman of the Joint Committee on Agriculture, Food and the Marine. However, since he has become Minister of State there has been little progress in allowing the ordinary breeders and owners to have their voices and concerns listened to.

The greyhound legislation is to come before these Houses. However, existing legislation is not even being adhered to by the governing authority, which is in receipt of almost €300,000 of taxpayers' money each week. It will not even listen to the breeders and owners. This industry is in decline and the issue is going to explode. It is one of our traditional industries. The greyhound is the poor man's racehorse. The situation is absolutely unacceptable. I urge the Leader to ask the Minister of State, Deputy Doyle, to come to the House to listen to the serious allegations that will be brought before him and to answer some of them and provide some clarity as to why the Government is allowing this situation to continue.

Senator Rose Conway-Walsh: I rise today to address the issue of tax avoidance once again, particularly in light of the Paradise - or parasite - Papers. This is not a new phenomenon. I was absolutely amazed last night to hear a Fianna Fáil Deputy state that he could not say whether Fianna Fáil supported Apple in respect of the €13.5 billion it has been asked to return to the State to put into an escrow account. He could not tell if Fianna Fáil was for Apple giving back the tax or against it, nor if it was supportive of the Government, which it is propping up, in taking this case against the EU. The other thing I found astounding was that, while trying to stress the importance of foreign direct investment which is very important, the same Deputy said, "remember we have no natural resources". He actually said that. I am not surprised. He was probably speaking on the basis that Fianna Fáil gave away all our natural resources.

Senator Paul Gavan: Hear, hear.

Senator Rose Conway-Walsh: Fianna Fáil then told the company that took them from us that it did not have to pay tax for at least 20 years, just as the banks have been told now. People in County Mayo and rural Ireland who listened to that would ask what in the name of God is going on in terms of our natural resources and the tax avoidance. It is very clear from the Paradise Papers that the golden circle is absolutely still in operation. Fianna Fáil set it up and Fine Gael has continued on with it. The illusion that is given year after year that tax loopholes are closed down is just not true. The Leader should ask the Minister for Finance to come in here for a full and frank debate about our fiscal sovereignty, taxation and the tax loopholes that he is not genuinely closing. They are losing billions of euro to this economy while we have children with no homes to go to this evening.

Senator Keith Swanick: Ar son mo phairtí agus ar mo shon féin, ba mhaith liom cúpla focal a rá faoin iar-Sheanadóir Gordon Wilson agus faoin ionsaí a tharlaigh in Enniskillen 30 bliain ó shin.

Today is the 30th anniversary of that ghastly attack in Enniskillen by the Provisional IRA. The killing and injuring of so many civilians was a turning point in the Troubles and it did signal a new emphasis on peace. The Hume-Adams dialogue recommenced and ultimately in 1997, Gerry Adams apologised for the bombing on behalf of the Provisional movement. Gordon Wilson lost his daughter Marie that day and his response to this atrocity was remarkable. In a BBC interview, he recounted the last words of his dying daughter:

She held my hand tightly and gripped me as hard as she could. She said, ‘Daddy, I love you very much.’ Those were her exact words to me and those were the last words I ever heard her say. But I bear no ill will. I bear no grudge. Dirty sort of talk is not going to bring her back to life. She was a great wee lassie. She loved her profession. She was a pet. She is dead. She is in heaven and we shall meet again. I will pray for these men tonight and every night.

This message of reconciliation and the call for no retaliation was a sign of a true Christian. Born in Manorhamilton in Leitrim, Gordon ran his family drapery shop in Enniskillen, yet he became an unexpected campaigner for peace. He was nominated as a Member of Seanad Éireann in February 1993 by the Taoiseach and leader of Fianna Fáil, Albert Reynolds. Who is afraid of peace? This was the question that Albert Reynolds asked. Gordon Wilson was not afraid of peace. His death in 1995 was an immense loss to Ireland.

Senator David Norris: Well said.

Senator Lynn Ruane: I am raising the issues of sexism, abuse of power, misogyny and sexual harassment that have come to light in the last few weeks in the wake of the Harvey Weinstein scandal. The discussion of these issues has obviously made its way to Ireland. I thank my friend, Grace Dyas, who was very brave in releasing a blog post two weeks ago about the ex-director of the Gate Theatre.

Senator Colette Kelleher: Hear, hear.

Senator Lynn Ruane: It has broken the seal for other women to come forward and speak about abuse of power and sexual harassment and abuse in the workplace. We are going to see a lot more of it over the coming weeks and months. It will take varying amounts of time for women to feel comfortable. Some may have to talk to family and friends first, and tell them first about an experience they have had before they are in a position to talk about it publicly. I

think there is an avalanche on the way. It is welcome and I thank the women who have spoken up so far for their courage.

In Grace Dyas's blog, if people have not read it yet, there is a very important line that says, "I believe you before you open your mouth." It was such an important sentence for me. It is because of that fear of not being believed that the culture has existed to facilitate silence of sexual abusers and people who abuse their power in certain sectors. This House could send a very important message to those women, that we believe them before they open their mouths, by calling for the Minister for Justice and Equality to come in and talk about abuse of power, misogyny and sexism in the workplace.

Senator Aidan Davitt: The Leader had the Minister of State, Deputy Phelan, come to the House to discuss councillors' pay and conditions, an issue the Leader has raised himself on a number occasions. The Minister of State gave an undertaking before the mid-term recess that the ongoing neglect of councillors' pay and conditions would be addressed. As of yet, it has not been. I hope the Leader has some update on the issue.

Senator David Norris: I would like to respectfully disagree with my colleague, Senator Ruane. I think it is terribly dangerous to say, "I believe you before you open your mouth." Everything we do must be evidence based. There have been false accusations. We should be very careful in this sensitive area.

The banks are at it again - what else is new? I would like to talk a little bit about the poppy. I listened to Senator Neale Richmond this morning on the wireless and I thought he was extremely dignified in what he said. I used to wear the poppy. I do not any more because I am so much against war. The poppy was a symbol that also raised money for the people who were mutilated and injured in the two great world wars. My father got the marine VC in the First World War and a knighthood in the Second World War. He was English but, if anybody challenges me, I am descended from one high king, six kings of Leinster and I do not know how many kings of Ossory, so I am as Irish as anybody else in this place. There were 250,000 Irish volunteers at the time of the First World War and 50,000 in the Second World War. I am delighted my colleague raised the question of Gordon Wilson. I remember Gordon Wilson very well as do other Members of the House. He was a good friend of mine. We used to go to a conference in Oxford every year where we met people from the violent republican movement. It was an opportunity to exchange views and to try to bring peace. He was a very remarkable man and I am glad his words were echoed today.

I would like to end with one memory of that period. On the day of the Enniskillen bombing - or the day after, I cannot remember which - somebody brought a poppy and laid it on the Cathaoirleach's desk and the Cathaoirleach wore it that day. It was breaking the rules but it was a very important signal of solidarity. The people who were blasted into nothing in Enniskillen on that tragic day were just ordinary simple people going about their business remembering their relatives and family who had died. It was a tragic and disgraceful thing. Gordon Wilson's words were wise and Christian and it is appropriate that we honour him here today.

Senator Jennifer Murnane O'Connor: I want to highlight the RTÉ investigation in the "Nightmare to Let" programme. I saw the programme, as I am sure all of us did. It is very sad that we depend on RTÉ to highlight issues that we have been constantly highlighting to the Minister, Deputy Eoghan Murphy. He is doing absolutely nothing about it. Only 4% of rental properties are assessed. It is unacceptable. I have brought this up several times with the Min-

ister, Deputy Murphy. People who are in receipt of HAP or rent allowance come into my clinic because they are looking for the landlord to do work. There is no staff in local authorities to go out and check the properties. People cannot find another property. There is no accountability, regulation or staffing yet the Minister will tell us there is plenty of money in housing. It is unacceptable. I say well done to RTÉ for highlighting issues that we know are happening. The Minister is not listening. He is telling us he is doing the work but is absolutely not. There are good landlords out there too. There are a lot of properties that are not inspected and which are not up to standard which people, families and children should not be living in.

With regard to the water refund planned before Christmas, the legislation is to be voted on in the Dáil. It is crucial it goes ahead because a lot of people have contacted me in my clinic who are waiting for the refund. It is only seven weeks to Christmas. I ask that the legislation is passed as soon as possible because there are people who are waiting on that money for Christmas.

Senator Jerry Buttimer: I thank the 21 Senators who contributed to the Order of Business. Senators Ardagh and Conway-Walsh raised the issue of the Paradise Papers. I join with Senator Ardagh in saying that, as a society and State, there can only be one tax code for all citizens. Any complex, labyrinthine way of getting around the paying of tax by tax residents of this country should be eroded. We all agree with that. The more people who pay tax, the more people we can have availing of essential public services. It is important to recognise the importance of taxation in our economy, whether direct or indirect. Senator Conway-Walsh referred to the Apple issue in the context of the Paradise Papers. Ireland has acted to address definitively the issues around stateless and double Irish status companies. When the Minister, Deputy Donohoe, comes to the House he will be discussing the changes he has already brought forward for a regime for capital allowances. Ireland has always been very compliant despite the Senator's protestations. We will play and we have played a full part in implementing international tax law. The Senator need not be so dismissive. I know the Sinn Féin Party does not like to hear good news.

Senator Rose Conway-Walsh: It would be good to have a debate on the issue.

Senator Jerry Buttimer: We are holding a consultative process to establish how we should, as a State, implement the remaining reforms. I have every confidence the Minister, Deputy Donohoe, and the Government will work with the Revenue Commissioners to ensure there is compliance with our tax laws. If any Member has information he or she should share it with the Revenue Commissioners. In view of the Apple case, as Senator Conway-Walsh knows quite well, the Government has a different viewpoint to her. The case is before Europe, and the Government will continue to ensure we are collecting tax from all corporations and foreign entities whether it is Apple or another. I would be very happy to have the debate in the House for Senators Conway-Walsh and Ardagh.

Senator Murnane O'Connor and Senator Gavan raised the issue of housing. The "Prime Time" programme is one we all watched with incredulity. We did not need "Prime Time" to tell us about some of the standards we have to watch because we actually go into those houses ourselves. We made representations to the RTB and the city and county councils regarding the matters. It is not correct to say the Government is inactive in the matter. The Senator may shake her head and dismiss me but sometimes it might be good to listen. All of us recognise that the landlords preying on people who require accommodation must be taken to task, investigated and held to account. Whichever way it is done in terms of accountability-----

Senator Jennifer Murnane O'Connor: I am very disappointed by that answer.

Senator Jerry Buttimer: I am not finished at all. The Senator did not let me finish.

Senator Jennifer Murnane O'Connor: It is a very disappointing answer. When we have to see RTÉ-----

Senator Jerry Buttimer: There she goes again.

Senator Jennifer Murnane O'Connor: -----yet we are telling the Minister every time we see him.

Senator Jerry Buttimer: There she goes again.

Senator Jennifer Murnane O'Connor: I am telling the Leader the truth.

An Cathaoirleach: The Senator should respect the Chair. Senator Murnane O'Connor has had her full quota of time. She should allow the Leader to respond. If she does not like the response, she can come back tomorrow and raise the issue again. I do not want interruptions. The Leader should be cognisant of that himself.

Senator Jerry Buttimer: I was in the middle of giving a response.

Senator Terry Leyden: The Leader is being provocative.

Senator Jerry Buttimer: I did not hear Senator Leyden.

Senator Terry Leyden: I said the Leader is being provocative.

An Cathaoirleach: The Leader should proceed.

Senator Jerry Buttimer: The introduction of new standards has already happened and was set out by Government. There is a commitment of funding for increased inspections. That has already commenced and now extra resources have been ring-fenced for 2018. A new system of compliance will be progressed as part of the change management plan for the RTB which the Minister, Deputy Murphy, announced in September, prior to the "Prime Time" programme. In addition, the Government strategy for the rental sector published in December of last year sets out a wide range of measures with which I ask Senator Murnane O'Connor to familiarise herself.

Senator Jennifer Murnane O'Connor: I attend a housing meeting every week. I am very familiar with them and I know there is nothing being done.

An Cathaoirleach: The Senator has had her time. If Senator Murnane O'Connor continues interrupting I will not let her in the next day. We have to have some co-ordination from the Chair. I do not mind a brief interruption but it seems to be an interaction between the Leader and a Member which is not appropriate. The Senator should speak through and respect the Chair.

Senator Jerry Buttimer: A total of €7.5 million has been provided to local authorities for inspection purposes over the four years to the end of 2017. In addition, the Government has increased the provision for inspections with €2.5 million in funding to be provided in 2018. The Minister, Deputy Murphy, intends to further increase the annual allowance up to 2021 and €10

million will be invested. This will allow for inspection rates to increase to 25% annually, which means there will be inspections of a property every four years. Each house or apartment will be inspected every four years. The issue of housing and homelessness is one we all want to see addressed as a matter of priority. It does not give any of us any solace to come in here to raise these kind of matters about citizens. Senator Gavan made reference to the young woman in Limerick. It is unacceptable, whether the lady is living in Cork, Galway, Limerick or wherever, that she is forced to be in the situation she is in. None of us condones or accepts that situation.

I would be very happy to accept Senator Craughwell's amendment to the Order of Business and I commend him for the Bill that he is bringing forward. It is an important piece of legislation that will give recognition to the people who serve our country, in particular those who have died in defence of our nation, and in other armies as well. It is an important Bill and I welcome the fact that he is bringing it to the House. I will accept the amendment.

Can I join with Senators Craughwell, Norris, Swanick, Burke and Coghlan in congratulating Senator Feighan on organising the visit to Westminster yesterday. The issue of Brexit is of course one that is of gargantuan importance to us as a nation, and it is through dialogue and engagement through parliamentarians that we can bring our voice to the table. I know that Members of this House have been very involved with the Seanad Committee on the Withdrawal of the United Kingdom from the European Union, which produced a very fine report.

Equally I commend Senator Swanick for raising today the memory of the late Senator Gordon Wilson and his daughter. One of the key phrases that he used this morning was "reconciliation". It is by building bridges, as Mary McAleese in her Presidency tried to achieve, that we can bring lasting and secure peace to our island. That is what we all want to see achieved, so that both sides of the political divide can live together in mutual respect and co-operation. I commend the Taoiseach for wearing the poppy yesterday. I note what Senator Norris said about the issue of war, but it is important that the symbolism that we saw yesterday is transferred across all divides. I know that many Members of the House are playing very key roles in that. I would be happy to speak to Senator Gavan, who I think has just left, on the issue he raised yesterday with me as well.

In response to Senator Kelleher, I would be happy to have the Minister for Justice and Equality come to the House. Ireland is committed to adhering to the numbers of refugees that we have agreed to accept. The Senator is right in saying that it is the worst global refugee crisis in modern times. There is Private Members' business tonight in regard to the International Protection (Family Reunification) (Amendment) Bill 2017, and the Minister will be here. We will be happy to have the Minister come back again in that regard.

Senator Humphreys raised the issue of the rail strike. The Minister for Transport, Tourism and Sport, Deputy Shane Ross, is not in North Korea. The Minister was on the public airwaves-----

Senator David Norris: He is there mentally.

An Cathaoirleach: Senator Norris, le do thoil.

Senator Jerry Buttimer: I cannot speak for his state of mind, but he is very much committed to ensuring that-----

Senator David Norris: Sorry, Stepside.

(Interruptions).

Senator Jerry Buttimer: He is very much hoping to see both sides return to the mechanisms of the State. Whether he steps aside from the debate or not, I am not sure. However, he is willing, and he is urging both sides to go back to the mechanisms available to them. It is a very serious matter, because to be fair-----

(Interruptions).

Senator Jerry Buttimer: -----the issue of rail is one which affects the travelling public. It is also one where the workers, who are frustrated at not having a pay increase, should have their pay demands met in some shape or form. The interesting point that I noted yesterday was that Dermot O'Leary, while on a debate on radio, was reluctant to have Deputy Ross get involved at all, because he felt that the mechanisms of the State were the way to go. That is the way we should go.

In regard to North Korea, it is a very important issue, there is no doubt about that. I am very much of the view that there must be continuing attempts to avoid any type of catastrophe in that part of the world. I welcome the remarks-----

(Interruptions).

Senator Jerry Buttimer: I welcome the remarks of President Trump, who said this morning in South Korea that he wanted to avoid military action.

In answer to Senator Humphreys, the Citizens' Assembly produced a report last weekend, and I welcome its deliberations. The national mitigation plan and the energy White Paper reflect the recommendations that came from the Citizens' Assembly last weekend. As the Senator will know, we are having a series of ongoing debates here regarding the annual transition statements. The Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, the Minister for Transport, Tourism and Sport, Deputy Shane Ross, and the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, will be before the House in the coming weeks in continuation of that. I would be very happy to have that debate continue in regard to the matter the Senator has raised.

In answer to Senator Leyden, the issue of jobs in Athenry is one of absolute importance. The Government has been very committed to the project. It will not be the fault of the Government if the jobs do not come. It ill-behoves us to play politics with it on the floor of this House, when we should have a unified approach, working together to ensure that the jobs are delivered. That is why the Government has been very strong through the Minister of State, Deputy Cannon, the Taoiseach, the Minister of State, Deputy Pat Breen, and the Tánaiste in ensuring that the jobs come to our country. We are very fortunate that Apple is located in Cork city. It is a huge employer in our region-----

Senator Terry Leyden: Thanks to Fianna Fáil.

Senator Jerry Buttimer: -----and the previous Government, and all Governments who brought in any type of policy to ensure that as a nation we are open to business, deserves to be complimented. However, it does not behove us at all to come in here and play politics with it.

Senator Terry Leyden: I am not playing politics with it at all. We are being very constructive.

Senator Jerry Buttimer: Where I agree with Senator Leyden is on the point that we must ensure that the regions outside of Dublin and outside the M50 are prioritised for job creation. The Industrial Development Authority, IDA, did this when the Minister of State, Deputy Mary Mitchell O'Connor, was at the Department of Business, Enterprise and Innovation, and this is continued now by the Minister of State, Deputy Breen, and the Tánaiste. Senator Gallagher's point in regard to broadband internet in Monaghan and Cavan is one of extreme importance and seriousness here, because it is about connectivity.

A report was referred to that was given to Monaghan County Council yesterday. I did not quite understand the name of the group that put it forward. The Minister, Deputy Naughten, and the Government must act on it as a priority. I agree with the Senator. Whether it is in west Cork, west Cavan, Monaghan or parts of Mayo, we must ensure that the regions are connected and that we have a platform within which jobs are created outside of the urban areas. That is something the Government is prioritising, and I am very much of the view that what the Senator is referring to should be prioritised.

I join with other speakers in congratulating Senator Freeman on her new appointment to head up Solace House for the Irish diaspora in New York, and I wish her well in her appointment. I know she is not here. Certainly the diaspora was a theme of the last Government, through the appointment of the Minister of State at the then Department of Arts, Heritage, Regional and Rural Affairs with responsibility for the diaspora, Jimmy Deenihan. This continues in this Government through the appointment of the Minister of State, Deputy Cannon. The diaspora is very important to us. The mental health of our diaspora is something that has been perhaps forgotten sometimes, but I am glad to see it prioritised now.

I congratulate Senator Martin Conway on his Dine in the Dark initiative last night. This is about raising the visibility of those who are vision-impaired or blind, and it is important that we continue the work that he has started.

Equally, the Blanchardstown local drugs and alcohol task force's "Think Before you Buy" community initiative is one that we all support and we hope sees results. It is not about different socio-economic groups, but about all of us combined, working to combat the misuse of drugs in our society.

Déanaim comhghairdeas le Marty Walsh as a bheith atthofa mar mhéara ar Bhostún. I join Senator Ó Clochartaigh in congratulating Mayor Marty Walsh. I join the Senator in wishing him well in his new term as Mayor of Boston. He has been a very dynamic Mayor in his first term, and as the Senator quite rightly said, he has never been ashamed or afraid to cite and use his Irish links as a part of his mayoralty. It is a good day for the city of Boston now that Mayor Walsh has been returned.

The situation in Catalonia is an ongoing evolving issue. The Department of Foreign Affairs and Trade and the Government are aware of that, and are maintaining an overview on the situation. I am sure we will get an insight in the coming weeks when we have a debate in the House on that issue. The issue of the future of Europe and what it stands for is a different issue, and we will have that debate in the coming weeks as well.

Senator Dolan raised the issue of the cost of living for people with disabilities. The budget did see an increase in the allocation of payments to people with disabilities. However, the Senator is right that we need an ongoing debate on the disparity between those who need to pay

more to maintain a standard of living and the rest of our citizens. I would be happy to have that debate in the House.

Senator Feighan referred to the issue of Brexit. I hope that we have a debate in the House on Brexit in the coming weeks. I thank those Members of the House who travelled to Westminster. It is important that we have dialogue. Whether we agree with Members of the UK Parliament on this is irrelevant, this is about ensuring our voice is heard.

Senator Paddy Burke commended the Garda on its work in combating crime. It is important that people who have information regarding a crime go to the Garda. The importance of community policing cannot be overstated. I join the Senator in congratulating the Garda on its work.

Senator Ó Domhnaill referred to the greyhound industry and the issue of the greyhound that tested positive for cocaine. The Irish Greyhound Board, IGB, has a proactive control mechanism in place. Its control committee is carrying out an official investigation regarding that greyhound. The prize money has been frozen, as the Senator is probably aware. It is important to stress that the prize money has not been paid out pending an analytical outcome of no adverse findings. The IGB has enhanced its anti-drug doping regime. If there is an issue that needs to be addressed, the IGB will not be found wanting. The Senator was right in that it is important the IGB listens to the owners and breeders because they are at the heart of the greyhound industry. I join him in emphasising that point.

I have addressed the points raised by Senator Conway-Walsh and Swanick. Senator Ruane raised the issues of sexism, misogyny, sexual abuse and sexual violence. Abusive power has no place in society - none whatever. All of us who are in positions of responsibility as Members of this House and Members of the Oireachtas must play our role in ensuring our work is carried out in a manner that is fair, equitable and has no tolerance of any misuse whatsoever. I would be happy to arrange for the Minister for Justice and Equality to come to the House to address the matters the Senator raised. The Minister was to meet members of the Gate Theatre either yesterday or today. This is an issue to which we cannot turn a blind eye. I commend all those women and the men who have come forward who have been victims. I hope they will be given the support and help, in some cases, that is needed for them to get on with their lives and to right a wrong.

Senator Davitt raised the issue of councillors' pay and conditions, an important issue which unifies all of us in this House. Many Members of the House are writing, emailing and telephoning councillors regarding this issue and sometimes I think they do that too much. There is a need for the role of the councillor to be recognised, the hard work they carry out on behalf of the people who elect them and on behalf of their communities where they serve on a variety of boards and strategic policy committees, SPCs, and are involved in amending development plans which require them to be very competent and capable. We are lucky with the quality of people we have in local government. I am confident that the Minister of State, Deputy Phelan, together with the Minister with responsibility for local government, Deputy Murphy, the Minister for Public Expenditure and Reform and the Minister for Finance will address this issue in the coming weeks. It is important that councillors' remuneration is kept up to a level, not least because they deserve it, but that the rate of pay will ensure we have quality people staying on in their roles and continuing to work in local government.

Senator Aidan Davitt: There have been a few false dawns. We had a firm commitment to

address this issue, as the Leader is aware because he has been quite active in this respect.

Senator Jerry Buttimer: Thank you.

Senator Aidan Davitt: I did not want to leave this issue unaddressed. The time for addressing it has come and gone, which is the reason I raised it.

Senator Jerry Buttimer: I appreciate that. I was not referring to the Senator *per se*. It is important that, collectively, we work to ensure there is success in terms of the pay and conditions of councillors who are doing a huge amount of work in changed circumstances. We recognise that there needs to be an increase in their pay. That is not a matter of us trying to appease our electorate, rather it is based on the fact that we must recognise that the work of a councillor has changed over time. It has now become a more full-time role. We must keep people interested and involved in local government and not lose a body of knowledge and experience that could be lost at any time.

Senator Aidan Davitt: We must keep the coal on the fire.

Senator Jerry Buttimer: Absolutely.

The point Senator Norris made about the listening to people and hearing their side of the story first is an important one. I join him in commending Senator Richmond on his dignified response on the radio this morning. The issue of our history in terms of recognising those who died and served in armies in other countries is one we should not just airbrush from history, but one upon which we should reflect. I know from reading the Senator's autobiography that he made a very strong point about that. It is good we can do that. It is a great sign of our maturity as a nation that our Taoiseach or a Member of our House can come in here with a lapel pin recognising and remembering our own people as well.

Senator David Norris: Hear, hear.

Senator Jerry Buttimer: On the issue of the water refunds, I join Senator Murnane O'Connor in expressing the hope that the people who have paid will get their money back before Christmas. We will not hold up the debate in this House. I am sure that when we get the Bill from the Dáil, it will be passed in this House.

I am happy to accept Senator Craughwell's amendment to the Order of Business.

An Cathaoirleach: Senator Gerard Craughwell has proposed an amendment to the Order of Business, "That No. 11 be taken before No. 1." The Leader has indicated that he is prepared to accept the amendment. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

Defence (Veterans Lapel Badge) Bill 2017: First Stage

Senator Gerard P. Craughwell: I move:

That leave be granted to introduce a Bill entitled an Act to provide for establishment of a veterans lapel badge to be conferred upon former members of the Army, Air Corps, Naval Service and Reserve Defence Forces.

An Cathaoirleach: Is there a seconder for the proposal?

Senator Gerard P. Craughwell: Senator Freeman was going to second it but she has-----

An Cathaoirleach: The Senator must have a colleague to formally second the proposal.

Senator Colette Kelleher: I second it.

Senator Lynn Ruane: I second it.

An Cathaoirleach: It has been seconded by Senator Kelleher and Senator Ruane also indicated she would do so. Therefore, Senator Craughwell is in order.

Question put and agreed to.

An Cathaoirleach: When is it proposed to take Second Stage?

Senator Gerard P. Craughwell: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Tuesday, 12 November 2017.

International Protection (Family Reunification) (Amendment) Bill 2017: Committee Stage

An Leas-Chathaoirleach: I welcome the Minister of State to the House.

SECTION 1

Question proposed: "That section 1 stand part of the Bill."

An Leas-Chathaoirleach: I note Senator Kelleher wishes to speak on the section.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): At some stage I would like to speak on that section, if that is possible.

An Leas-Chathaoirleach: We will hear from Senator Kelleher first.

Deputy David Stanton: Of course.

Senator Colette Kelleher: I welcome the Minister of State, Deputy Stanton, to the House. We had the Minister, Deputy Flanagan, here on the last occasion. I am delighted we have been able to bring this important Bill back to the House on Committee Stage. I thank the Senators, a majority of whom voted in favour of this Bill on Second Stage on 19 July. As I and others have said time and again in this House and in the Dáil, Ireland is failing in its duty to adequately respond to the global refugee crisis, the worst since the Second World War. According to the United Nations High Commissioner for Refugees, UNHCR, 65 million people have been forced to flee their homes due to conflict and persecution. There are currently more than 22.5 million refugees, half of whom - 11 million - are children. Two years ago, Ireland made a modest promise to welcome 4,000 of those refugees by the end of 2017, which is just two months away. Despite great plans, we have only welcomed about a third of that number.

Welcoming refugees at a time of global crisis is the right thing to do. When governments fail to meet promises and their moral obligations, such governments are standing on the wrong side of history. Essentially, this Bill will make it easier for our Government to fulfil its promises to people *in extremis* through no fault of their own other than to be living in the wrong place at the wrong time. This Bill will help our Government to reach its modest target of welcoming 4,000 refugees by undoing possibly unintended but definitely ungenerous measures contained in the International Protection Act 2015 by narrowing the definition of “family”. By excluding the extended family, which is an unrecognisable definition for most Irish people, the possibility of family reunification has been made far more difficult. Our Bill proposes to go back to an earlier more recognisable and more generous definition of “family” for the purposes of family reunification, which served us well from 1996 to 2015. This, as well as removing overly restrictive time limits for applying for family reunification, are the main thrusts of this Bill. We should remember that in terms of how we respond and vote.

Having considered the Bill since July and listened to the debate, I put down a number of amendments aimed at improving the Bill. Regrettably, two of the three amendments were ruled out of order. Amendment No. 1 would have changed the rules on marriage to ensure they are inclusive of LGBT people who may have been denied the right to marry in their country of origin and who have only been able to have a relationship since they arrived in Ireland. This has been ruled out of order. I am told it would put a charge on the Exchequer.

An Leas-Chathaoirleach: I must correct the Senator. We are on section 1 on Committee Stage.

Visit of Hungarian Delegation

An Leas-Chathaoirleach: Before I call the next speaker, I am sure Members will join with me in welcoming a parliamentary delegation from Hungary led by Mr. László Kövér, Speaker of the National Assembly of Hungary. On my own behalf and that of my colleagues in Seanad Éireann, I extend a very warm welcome to Mr. Kövér and my good wishes for a very successful visit to Ireland.

International Protection (Family Reunification) (Amendment) Bill 2017: Committee Stage (Resumed)

An Leas-Chathaoirleach: Does the Minister of State wish to come in or listen to Senator Norris first?

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I am happy to listen to Members.

Senator David Norris: I have a few general remarks to make because we need to refresh our minds as to what was happening about-----

An Leas-Chathaoirleach: We are dealing with section 1.

Senator David Norris: I know that. That never stopped me before. As has been pointed out, we are facing the greatest global displacement ever in the history of the world. Senator

Kelleher's Bill is attempting to address the attempt by the Government to reverse the situation that existed until 31 December 2016. It is doing so in order to narrow the definition of "family". This effectively makes it impossible for family members outside the nuclear family to meet up with their loved ones.

I am particularly disappointed that the question of gay people and their relationships is being ignored by the Government. This paltry excuse that it would cause a charge on the Exchequer is yet another reason we address the situation and free Seanad Éireann from the shackles of this ridiculous restriction on our powers. The 2015 Act radically changed the family reunification policy by narrowing eligibility for reunification to spouses and children if the children were under the age of 18 and unmarried. God almighty, how much bureaucracy do we have to have in this area?

It is completely ridiculous when one considers the fact that internationally the family is regarded as the fundamental building block of society and the Irish Constitution specifically recognises the family as being of primary importance. It is quite extraordinary to me to look at the way in which the Government is addressing the situation. It is not as if we were flooded with this situation. Up to and including 24 November 2016, 756 applications for family reunification were made by people with refugee status and of these, only 406 - about 50% - were accepted. I will be strongly supporting Senator Kelleher's excellent and humane amendments. I know we have a decent Minister of State. I do not know what is going on here with the Government's attempt to narrow the situation but it must be resisted by Seanad Éireann with all means possible.

Senator Niall Ó Donnghaile: Tacaím leis an mBille seo agus beidh mé ag tacú leis na leasuithe chomh maith. I reiterate the remarks of colleagues who spoke previously in welcoming Committee Stage of this Bill. Hopefully, it will pass. Sinn Féin supports all of the amendments.

Senator David Norris: Good.

Senator Niall Ó Donnghaile: Like Senator Norris, in a very short period of time, I will speak to the generality around the Bill as opposed to coming in on every amendment as it comes before us. I will be very brief. The key word used by Senator Norris with regard to this piece of work by Senator Kelleher was "humane". That was the word that came to the fore when I listened to the previous debates on Second Stage, the lobbies and the people who will be and have been directly affected by this issue.

This issue is impacting on many families. Senator Norris rightly said that in the greater scheme of things, it is a relatively small number. It is not a huge influx. It is not scary bears coming off the boats to take up jobs, houses and school places and all this nonsense we hear at times when we bring forward understanding and humane legislation like Senator Kelleher's legislation. It is an important and humane piece of legislation. It is understanding of the reality of the life and period in which we live, given that the nuclear family unit is no longer the established and sole notion of what a family is or should be, if it ever was, certainly not in Ireland.

We profess to be the land of a thousand welcomes and an emigrant nation that understands the suffering that leads people to leave their homes and take up life elsewhere. Without rehashing all those clichés, and I use the term "cliché" respectfully because they are clichés for a reason, it is about time we put our money where our mouth is and ensure that we can compassionately make a better life for our refugee and asylum-seeking community but also understand that in order to do that and help that life develop and flourish, we can impact practically, tangibly

and positively in bringing their families and loved ones here to be with them and help build not only their lives but the life of this State.

Senator Aodhán Ó Ríordáin: I know the Leas-Chathaoirleach will afford me the same courtesy of-----

An Leas-Chathaoirleach: I know the Senator will not abuse it.

Senator Aodhán Ó Ríordáin: I would never abuse the privilege of this House. It may have come to some people's notice that it is a year today since the election of Donald Trump. His anti-immigrant, anti-refugee and anti-asylum seeker rhetoric has gone around the world since then. Given that we listened closely to the Brexit debate and have witnessed what has happened across Europe where the Austrian Parliament is, unfortunately, welcoming people of a very right-wing persuasion and where the people almost elected a far-right President, and where one third of the electorate in France voted for a representative of the National Front, we can see that far-right, anti-immigrant rhetoric and sentiment are rife across Europe and in the US. Given our history, this country has a responsibility to stand for something better and more profound and decent. This is exactly what this Bill is.

Acting Chairman (Senator Gerry Horkan): I thank Senator Ó Ríordáin. Before I call on the next speaker, I would like to welcome to the House former Deputy M.J. Nolan and a delegation that he has with him. He is very welcome to our new Chamber and I hope he enjoys his day.

I call on Senator Clifford-Lee. I remind all Members that this is Committee Stage, so we are dealing with the Bill section by section.

Senator Lorraine Clifford-Lee: I would also like to extend a very warm welcome to Deputy Nolan and his delegation.

Like my colleagues, I would like to congratulate Senator Kelleher on this Bill. She has our support and she has our support for the amendment. It is excellent that Senator Kelleher has put so much work into this Bill and it is very much appreciated. The Bill is supported by my group. It addresses the ever-evolving global situation regarding immigration and migration and refugee cohorts around the world. We need to tackle and deal with the situation in a humane fashion as mentioned by colleagues. There were many problems with the 2015 Act. I know Senator Kelleher's Bill is hoping to address these issues. The Senator has our support.

Our colleague made reference to family values and that mantra that is often trotted out. However, sometimes we actually need to step back and ask ourselves what exactly family values refer to. It is keeping a family unit together. Whatever that unit is, families are evolving. If we look back at our own history in Ireland how many of us have parents and grandparents that were reared by aunts, uncles and neighbours? Orphan children were taken into homes and given a roof over their head and that is their family unit and children always flourish within their own family unit. We are talking about people who have gone through horrific war and famine situations. They have lost their place in the world and what we must ensure is that they do not lose their place within their family unit as well. The Senator has our support and I wish her the very best of luck.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire Stáit. Tá áthas orm go bhfuil sé anseo mar tá a fhios agam gur Aire Stáit é a bhfuil an-suim aige sa cheist seo agus

san ábhar seo. I welcome the Minister because from what I have heard him say, I believe he is genuinely concerned about these issues and I do think he wants to do the right thing when it comes to asylum issues. I want to wholeheartedly welcome this Bill and commend Senator Kelleher for the work she is doing. It is important as well to recognise the work of the NGOs in this area. The ones I would have worked closely with have been the Irish Refugee Council, NASC and others.

When the International Protection Bill was coming through the House, we highlighted this as a major issue. I raised the issue and it is great to see the change of heart from Senator Ó Ríordáin, who was Minister of State at the time bringing that Bill through, because we did argue that this was going to be an issue coming down the line and it was not going to be acceptable.

I am not going to go into great depth. It is very important that Fianna Fáil is now supporting the Bill. That is really welcome. I will again put on the record that direct provision is an appalling system. I do not think it is acceptable. It is institutional abuse in itself. I can appreciate that certain tweaking around the edges is being done on direct provision. However, we as a country need to look at a totally different model of dealing with people who are seeking asylum in this country and the way that they are accommodated. In case people think that this is a kind of a theoretical amendment, it is not. I have been in the direct provision centres in Galway again recently. This is a very real issue for the people in those centres. They have loved ones with whom they cannot be reunited at present. They are very concerned about their well-being.

Acting Chairman (Senator Gerry Horkan): There is no amendment to section 1.

Senator Trevor Ó Clochartaigh: That is correct. The Acting Chairman can be guaranteed that I will not be speaking too often-----

Acting Chairman (Senator Gerry Horkan): That is okay.

Senator Trevor Ó Clochartaigh: While we have the Minister of State here, it is important to raise this with him. It is such a very live issue for them, their relatives and their extended relatives or grandparents. In some case where people have come through a situation of conflict there may be uncles and aunts who are looking after nieces and nephews and they are completely dependent on them. It is really important that they could be reunified with those people who care for them and support them, and who are their guardians as well in those scenarios. I also refer to those more infirm people from families who are dependent on younger members to look after them. I am not going to go on *ad nauseam*. I know the Minister of State is very concerned about all of this area. I hope the Government and the Department can look very compassionately on these issues, accept the Bill that is being put forward today in good faith and do the right thing.

I mentioned this morning on the Order of Business that Marty Walsh, a Galway man and a Connemara man, has been re-elected as the Mayor of Boston. One of the major things that he has done while Mayor in Boston for the past four years is stand up for immigrants, legal or illegal, and defend their rights. If we are talking about beacons of light in the international arena he certainly is one. We need to come up to the mark as regards this legislation and I fully support it. I commend Senator Kelleher on the work she is doing in this regard. Go raibh maith agat.

Acting Chairman (Senator Gerry Horkan): I thank Senator Ó Clochartaigh. The Senator mentioned an amendment but there is no amendment. I want to try to stick to the sections. I thank the Senator.

Senator Trevor Ó Clochartaigh: Not at all. I thank the Chair for the wise correction.

Acting Chairman (Senator Gerry Horkan): I acknowledge the Senator's brevity. I call on the Minister of State.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I am very pleased to be here to address the House on behalf of the Minister for Justice and Equality, Deputy Charles Flanagan, who unfortunately cannot be here today due to prior engagements. I thank the Senators for their comments earlier on.

As regards the comments that Senator Kelleher made, we are very aware of the situation globally and we are working as hard as we can to address that and to improve matters where we can. Senators will be aware that there is a distinction between refugees and people who are seeking protection or who are asylum seekers.

Senators will also be aware that the Government opposed this Bill when it was discussed on Second Stage in this House in July for a number of valid reasons. This position has not changed and I would like to briefly set out again the factors that we have taken into account. As the Government is not supporting the Bill, I will not take up the time of the House in responding to individual amendments proposed unless Members want me to do that.

Acting Chairman (Senator Gerry Horkan): We will just deal with section 1 for now.

Deputy David Stanton: The Houses of the Oireachtas passed the International Protection Act 2015 which included changes to the family reunification provisions. I am aware that some Senators have said that they did not support all elements of the Bill at that time. However, it was passed. The 2015 Act brings Ireland closer into line with the provisions under the EU Family Reunification Directive while retaining more generous features including a longer application time limit and by not imposing economic conditions on sponsors. The Bill seeks to restore the broader definition of family members under the old Refugee Act 1996, as amended, while removing the element of ministerial discretion that was contained therein. The amendment proposed by the Senators to the 2015 Act would establish the discretionary permission under section 18(4) of the repealed 1996 Act into a legal right for family reunification for extended family members. Family reunification requires admitted family members to be resettled in the same location as the sponsoring refugee.

Local authorities, which are already feeling the strain of providing permanent housing for refugees in the midst of a national housing crisis, will be asked to provide additional houses for the family members covered by the Bill. As the Government informed the House in July, the average number of family members applied for under the family reunification provisions of the Refugee Act was 20 and the largest application was for over 70 family members. The admission of so many people would have significant and unquantifiable impacts on the provision of housing, health care, education, welfare payments and other State supports. The financial impacts of this proposal are not contemplated in the Bill. As a result, the Government must be upfront about its intention to decline a money message for this Bill when it is considered in the Lower House.

The proposal to reverse the reforms made in the 2015 Act and to reintroduce an open-ended scheme for a broader definition of "family members" would substantially curtail the ability of the State to respond to ongoing and further crises by way of resettlement and other forms of humanitarian admission. Our priority should be to ensure we support a maximum number of

families, rather than allowing a smaller number of families to admit larger numbers of extended family members to the disadvantage of others. The Bill fails to take into account that the discretionary permission under the 1996 Act has not been abandoned. The Minister continues to apply this provision under the Irish Naturalisation and Immigration Service non-EEA policy document on family reunification. Where appropriate, the Minister will waive the economic conditions for sponsors on humanitarian grounds. This practice will continue.

Although the policy document and certain other immigration permissions already provide legal avenues for addressing many of the specific cases raised by Senators on Second Stage, the Minister, Deputy Flanagan, and I are considering the establishment of a humanitarian programme to address the family reunification needs of some immediate family members from established conflict zones who are not covered by the provisions of the 2015 Act. Further announcements in this regard are expected in the near future. I expect that this approach will address many of the motivating concerns of the Senators who proposed this Bill.

I am also engaging with the global refugee sponsorship initiative. My officials and I met some of those involved with the initiative for quite some time in Dublin last week. Housing and accommodation are major issues.

Senator Ó Clochartaigh spoke about direct provision. I am open to any suggestions he might have regarding an alternative that would work. If he has an alternative to direct provision, he should bring it on because I want to see in writing the details of the costings, etc.

Senator David Norris: I have put a Bill before the House.

Deputy David Stanton: As Senators alluded to earlier, we are working as hard as we can to improve direct provision. I have yet to see an alternative which will work and which will ensure that a person who comes to Dublin today and looks for asylum will be guaranteed a bed, food, heat, safety and comfort tonight. As Senators know, the system is under ferocious pressure. We are running low on numbers. If Senators can assist in increasing bed numbers throughout the country for people in these circumstances, we want to know how they can help. We have tried and we have asked. I have asked in the Lower House and I have asked in this House. We have met representatives of non-governmental organisations. We are working as closely as we can with all such organisations. If there are other ways of doing things that will work and will be practical, Senators should let us know what they are and we will pursue them.

We have to look after the people who really need to be looked after. The established conflict zones are important. I do not want us to go back to the early 1990s, when people who came here and applied for asylum ended up on the streets. We do not want that. The direct provision centres are filling up very fast. I am extremely concerned about what will happen in the winter if people arrive here and we have no physical places for them to go. If Senators have an answer in that regard, I ask them to let me know what it is. This Bill could end up putting even more strain on the outer limit of extended family members. As I have said, we are looking at a humanitarian programme for people from established conflict zones. I think Senators will agree that this is very important. I thank Senators for their engagement on these sensitive and important matters. Like the Minister, I am always willing to come here to discuss these issues and to take on board practical suggestions that will work and that we can make work. As the Minister of State with responsibility for this area, I value these discussions.

Acting Chairman (Senator Gerry Horkan): Senator Norris contributed already, but I

will let him in again.

Senator David Norris: The Acting Chairman is very kind. I have just received a communication from Active Retirement Ireland, which says it strongly supports this Bill because it recognises the role of grandparents in families. The Minister of State's statement is very helpful because it gives us additional information. However, when he says "the average number of family members applied for under the family reunification provisions of the Refugee Act was 20 and the largest application was for over 70 family members", rather like the character in "One Foot in the Grave", I have to say "I don't believe it". If it is true, it is an aberration. I have put the figures on the record of the House. Over 750 applications were made and approximately 400, or not much more than 50%, were granted. If there was one application for 20 family members and one application for 90, that is over 25% of the total. It is ludicrous for the Minister of State to suggest we are overwhelmed by applications from people who want to be joined by 70 family members. I just do not believe it. There may be one such instance. I do not know. It is absurd to base legislation on one extraordinary situation given that the total number of applications was just over 750.

Acting Chairman (Senator Gerry Horkan): I am sure the Minister of State was giving us the best information he had received from the Department.

Senator David Norris: Yes, but it is absurd. It is not the kind of information on which a rational argument can be based, especially in light of the figures I have put on the record.

Acting Chairman (Senator Gerry Horkan): Okay.

Senator David Norris: It beggars belief that large numbers of people are applying to be joined by 70 family members. In any event, we can always refuse such requests. We can say "No, you are not having 70 family members with you; it is ridiculous". Of course it is ridiculous.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator David Norris: The people making these decisions would say that. It is not as if we are completely without defences. We are not the eejits of Europe. I remind the Minister of State, in the context of his bellyaching about an application for 70 people to come here, that Germany has admitted 1 million people. I think the gross number we have admitted is a couple of hundred. God bless us and all the wirrasthruing and barricading about memories of the Famine, massive immigration and the poor people in America who have entered illegally and all the rest of it. We should cop on and take some moral responsibility. I have to respond to the introduction of a financial argument by saying that this is a moral situation.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator David Norris: It is not a financial situation. There should be morality in this situation. I hope the Chair will allow me to say, as an aside, that I grieve for the fact that there seems to be so little regard for morality in public life these days.

Acting Chairman (Senator Gerry Horkan): I am indulging the Senator.

Senator David Norris: I thank the Acting Chairman very much. There is no sense of morality in the banks. We need to take a stand here by showing that there is room for public morality in public life.

Acting Chairman (Senator Gerry Horkan): I remind Senators that we are on Committee Stage. We are dealing with section 1. I think I was more than generous to Senator Norris there.

Senator David Norris: I was responding to the Minister of State.

Acting Chairman (Senator Gerry Horkan): To be fair to the Minister of State, I do not think he said there were loads of applications for more than 70 people to come to Ireland. I think he said there was one such application. That is the way I read it. I will allow Senator Kelleher and the Minister of State to come back in if they want.

Senator Colette Kelleher: I would like to keep going.

Question put and agreed to.

SECTION 2

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 1 to 3, inclusive, have been ruled out of order as they constitute a potential charge on the Exchequer.

Amendments Nos. 1 to 3, inclusive, not moved.

Section 2 agreed to.

NEW SECTIONS

Acting Chairman (Senator Gerry Horkan): Amendment No. 4 has been ruled out of order.

Amendment No. 4 not moved.

Senator Lorraine Clifford-Lee: I move amendment No. 5:

In page 4, between lines 5 and 6, to insert the following:

“Amendment of Act of 2015

3. The Act of 2015 is amended by the insertion of the following new section after section 57:

“57A. (1) Where an application under section 56(1) made by a sponsor for permission to be given to a member of the family of the sponsor to enter and reside in the State has been refused, or where a permission to enter and reside in the State granted to a member of the family of the sponsor has been revoked pursuant to section 56(7), the sponsor may seek a review of that decision.

(2) Where an application under section 57(1) made by a sponsor for permission to be given to a member of the family of a sponsor to reside in the State has been refused or where a permission to reside in the State granted to a member of the family of a sponsor has been revoked pursuant to section 57(6), the sponsor may seek a review of that decision.

(3) An application for a review pursuant to subsection (1) and (2) shall be submitted to the Minister within 15 working days of the receipt of the decision and shall set out in writing the grounds for review.

(4) The Minister may, where he or she is satisfied that it is warranted in the particular circumstances, extend the period referred to in subsection (3) within which a review must be submitted.

(5) A review under this section shall be carried out by an officer of the Minister and shall be of a grade senior to the grade of the person who made the decision.

(6) The officer carrying out the review may—

(a) confirm the decision the subject of the review on the same or other grounds having regard to the information contained in the application for the review, or

(b) set aside the decision and substitute his or her determination for the decision.”.”.

I am glad this amendment has not been ruled out of order. I am disappointed that so many other amendments have been. This amendment relates to the right of appeal. There was a problem with the 2015 Act. The judicial review process is open to people, but it is very costly.

It also clogs up our judicial process which is chronically under-funded and under-resourced. Therefore, I would appreciate support for the amendment.

Senator David Norris: I support the amendment.

Deputy David Stanton: The Government opposes this amendment. Under current administrative arrangements a sponsor can bring new information to the Minister’s attention, which would be considered under an expedited process as part of a new application for family reunification by the sponsor. I wish to be clear that under current administrative arrangements a sponsor can bring new information to the Minister’s attention which will be considered under an expedited process as part of a new application for family reunification by the sponsor. So it is there.

Amendment put:

The Seanad divided: Tá, 29; Níl, 17.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Black, Frances.	Burke, Paddy.
Clifford-Lee, Lorraine.	Butler, Ray.
Conway-Walsh, Rose.	Buttimer, Jerry.
Craughwell, Gerard P.	Byrne, Maria.
Daly, Mark.	Coffey, Paudie.
Daly, Paul.	Coghlan, Paul.
Davitt, Aidan.	Feighan, Frank.
Devine, Máire.	Hopkins, Maura.
Gallagher, Robbie.	Lombard, Tim.
Gavan, Paul.	McFadden, Gabrielle.
Higgins, Alice-Mary.	Mulherin, Michelle.
Horkan, Gerry.	Noone, Catherine.

Humphreys, Kevin.	O'Donnell, Kieran.
Kelleher, Colette.	O'Mahony, John.
Leyden, Terry.	Reilly, James.
Mac Lochlainn, Pádraig.	Richmond, Neale.
Murnane O'Connor, Jennifer.	
Nash, Gerald.	
Norris, David.	
O'Sullivan, Grace.	
O'Sullivan, Ned.	
Ó Céidigh, Pádraig.	
Ó Clochartaigh, Trevor.	
Ó Donnghaile, Niall.	
Ó Ríordáin, Aodhán.	
Ruane, Lynn.	
Swanick, Keith.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Catherine Ardagh and Lorraine Clifford-Lee; Níl, Senators Gabrielle McFadden and John O'Mahony..

Amendment declared carried.

Acting Chairman (Senator Gerry Horkan): Amendment No. 6 has been ruled out of order as it involves a potential charge on the Exchequer.

Amendment No. 6 not moved.

SECTION 3

Senator Colette Kelleher: I move amendment No. 7:

In page 4, to delete lines 9 to 10 and substitute the following:

“(2) This Act shall come into operation no later than 3 months after the date of its passing.”.

This amendment proposes to change the commencement date from a date to be chosen by the Minister to a date no later than 3 months after the Bill is passed.

Although there is a difference of opinion in the Chamber on whether the Bill will pass, I am travelling in earnestness, hope and determination and the spirit of this amendment is to ensure that the Bill, when passed, does not languish and sit awaiting implementation. That is the reason I propose the amendment.

Senator David Norris: I support the amendment. If Senator Kelleher allows it, I will second it so that it will be formally seconded. I support the amendment because the vote of the House is one thing but the implementation of the Bill is another. One way of effectively, although not legally, defeating the Bill would be to postpone, delay and procrastinate and to put it up on a shelf and forget about it. This is a well-considered amendment and I strongly support it. It means that when the Bill is passed, as it will be, it will come into operation. I hope the other House will have the good sense of this House and pass it also.

Deputy David Stanton: The Cathaoirleach will not be surprised to learn that the Government opposes this amendment based on the Government's opposition to the Bill as a whole.

Senator David Norris: That effectively makes the point that the Government would have long-fingered it.

Acting Chairman (Senator Gerry Horkan): Sorry, Minister Norris. I mean Senator Norris.

Senator David Norris: Let the record show that the Minister of State winked.

Senator Alice-Mary Higgins: I support the amendment and reserve the right to put forward a similar amendment on Report Stage to ensure the expeditious implementation of the Bill in the event this amendment is not successful. I remind the Government of its key role in chairing the UN special meeting on refugees and migrants and ask it to be in spirit with that and not to effectively introduce constraints on refugees by evasion, time delay and measures such as we heard in the Minister of State's speech, which concerned the money message. I am asking Ireland to step up and honestly fulfil the role it has played internationally and the rhetoric that it has given internationally.

Senator David Norris: I congratulate Senator Higgins on introducing a new word to the English language - expeditious.

Senator Alice-Mary Higgins: It might not be used very much here-----

Acting Chairman (Senator Gerry Horkan): I call Senator Ó Clochartaigh. Senator Norris might allow the Senator to speak without interruption.

Senator Trevor Ó Clochartaigh: It is my understanding that an amendment, if it falls on Committee Stage, cannot be reintroduced on Report Stage. However, if the Senator was to withdraw the amendment, it could be tabled again on Report Stage as she spoke on it on Committee Stage. That is my understanding.

Acting Chairman (Senator Gerry Horkan): That is correct.

Senator Colette Kelleher: I, therefore, withdraw the amendment and reserve the right to retable it on Report Stage.

Amendment, by leave, withdrawn.

Section 3 agreed to.

Title agreed to.

Bill reported with amendment.

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

Senator John O'Mahony: Next Tuesday.

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

Report Stage ordered for Tuesday, 14 November 2017.

Sitting suspended at 1.45 p.m. and resumed at 3.15 p.m.

Public Health (Alcohol) Bill 2015: Committee Stage (Resumed)

NEW SECTION

Debate resumed on amendment No. 10:

In page 8, between lines 18 and 19, to insert the following:

“Applicant to provide written notice to Executive

4. (1) An applicant for—

(a) a certificate for the grant or renewal of a licence under the Licensing Acts 1833 to 2011, or

(b) the grant or renewal of a certificate of registration under the Registration of Clubs Acts 1904 to 2007,

shall give one month's notice in writing (or such shorter period of notice as the Executive may in the special circumstances of the case agree to accept) of the application to

the Executive, and the Executive may appear, be heard and adduce evidence in respect of the application at the hearing.

(2) In any case where a certificate is not required for the renewal of a licence under the Licensing Acts 1833 to 2011, the applicant for such renewal shall give one month's notice in writing (or such shorter period of notice as the Executive may in the special circumstances of the case agree to accept) of the application for renewal to the Executive and if the Executive objects to such application, the Executive may appear, be heard and adduce evidence in respect of the application for a certificate provided for by section 4(7) or 4(8) (as the case may be) of the Courts (No. 2) Act 1986.”.

- (Minister for Health)

An Cathaoirleach: We are resuming the debate on amendment No. 10 to section 4. Amendments Nos. 50 to 52, inclusive, are related to amendment No. 10 and the House has agreed to discuss them together. When the debate adjourned on the previous day, the Minister was in possession and I will call on him to resume his speech. Before I do, I would like Members to bear in mind that I do not wish, as Cathaoirleach, to have any Second Stage speeches. People

can contribute obviously, but we have had Second Stage and we are well into Committee Stage. I will remind Members not to embark on Second Stage speeches on the general issue but to stick to the amendments before us.

Minister for Health (Deputy Simon Harris): I am delighted to be back here in what seems to be a much bigger Seanad Chamber for the resumption of this very important Bill. It is landmark legislation and the first time ever as a country that we will introduce public health legislation on alcohol. I certainly do not intend to treat Committee Stage like Second Stage but, by way of a few introductory remarks, it is important to say that with this Bill we are, for the first time, taking the important step of addressing alcohol as a public health matter. The clear intention of the Bill is to contribute to the reduction of the harmful use of alcohol in our country.

Senator David Norris: Hear, hear.

Deputy Simon Harris: We have all been, or have known someone who has been, affected negatively by the misuse of alcohol. Examining our own relationship with alcohol and addressing the damage it can cause will never be popular, nor will it necessarily be comfortable. Alcohol is an intrinsic part of our culture, and perhaps even of our identity, and to address the harms it can cause when it is misused requires courage and honesty. I am confident the nature of the debate we will have here today will be very helpful in progressing this key legislation. We hear Irish people drink moderately, but in 2017 the Healthy Ireland survey found that almost four out of ten of us binge drink regularly. The Central Statistics Office recently published figures which showed Ireland as top in the EU for binge drinking in 2014. Binge drinking involves drinking six or more standard drinks at one time. The more we drink, the higher our risk of developing life-changing illnesses such as alcoholic liver diseases or alcohol-related cancers. We can no longer ignore the evidence or the risks.

One of the objectives of this Bill is to address the relationship between children and alcohol. It is worth noting the recent comments by our special rapporteur on child protection, Dr. Geoffrey Shannon, in his report earlier this year on the exercise of Garda powers under the Child Care Act, who stated “the failure by society to address alcohol as a fundamental problem, places insurmountable burdens on the child protection system”. This Bill on its own is not the answer to this pressing issue but it is an important contribution along with others identified in the national substance misuse strategy on prevention, treatment and rehabilitation, which the Taoiseach and I launched a couple of weeks ago. The Bill aims to reduce harmful drinking by adults and therefore of children’s experience of those harms but also to delay the age at which children themselves start to drink.

There is a strong link between alcohol, self-harm and suicide among our teenagers. In the “Irish Health Behaviour in School-aged Children Study”, which was published in 2014, one fifth of Irish children reported that they had an alcoholic drink in the last 30 days and one in ten children reported having been drunk in the last 30 days. In the most recent European school survey project on alcohol and other drugs, seven out of ten Irish 15-to-16 year olds had already drunk alcohol and more than three out of ten had been drunk in the past. The same survey found that a quarter of Irish girls and nearly a fifth of Irish boys reported having been injured or involved in an accident due to alcohol. These are frightening numbers. While I have no doubt that the statistics on the relationship between children and alcohol may change from year to year, is it not time to say that no such relationship should exist and that our children should not be consuming any alcohol? I believe that it is. It is our responsibility as law makers to take what steps we can to reach that goal and to change the culture.

Research studies show consistently that exposure to alcohol advertising is associated with an increased likelihood that children will start to drink or will drink greater quantities if they already do. The Bill sets out measures to create an environment where our children are not exposed to alcohol products or advertising on a daily basis and where alcohol consumption is not considered to be an automatic rite of passage for every teenager. Our objective is to ensure that taking a drink is something that can be enjoyed by an informed adult who knows the risk of misuse. Are we being a nanny state? I have heard a great deal about this in recent weeks, but I do not believe so. It is an intentional distraction from the purpose of the Bill. Protecting the health and welfare of our children is a duty of the State. We need to acknowledge and address the harms associated with the misuse of alcohol. Deputy Micheál Martin was accused of introducing a nanny state when he implemented courageous measures on tobacco as a result of which people have lived who would otherwise have been dead. If this were a discussion on legislating to control the exposure of children to other substances with an equal potential for harm, I doubt the nanny-state accusation would be made.

What about adults? Some would argue that we should leave it to the individual to decide on their own drinking. Certainly, I agree that we must all take personal responsibility for our actions. However, when the decisions of the individual impact negatively and substantially on all of us as a society, including on our health services and on our social services, we cannot abdicate our responsibility to protect our citizens and those public services. The cost of time spent in hospital for alcohol-related conditions in 2012 was €1.5 billion, or the equivalent of €1 for every €10 spent on public health. Many Members bring me to the House on important Commencement matters seeking more investment in the public health service. I ask them to think about what we could do with €1.5 billion of additional investment in waiting-list initiatives. In 2013, alcohol-related discharges accounted for more than 160,000 bed days in public hospitals; that is almost 3.6% of all bed days each year being used up in relation to this.

This Bill contains a suite of measures but they are not designed to change a culture overnight, which is impossible. Their aim is to raise awareness among all of us about the risks associated with the misuse of alcohol and to implement practical changes to protect our children and all of our citizens. During consideration of the Bill last October, the potential cost burden on smaller mixed trading outlets of the proposals around separating alcohol from other products was discussed at great length in the Seanad. I listened carefully to the debate and have read back over the transcripts of it. I heard the concerns and I have tried to act on them. When we come to consider the relevant section of the Bill, the House will see that I am bringing forward an amendment to provide an alternative for smaller retailers, which is a genuine effort to meet the concerns that were raised. However, I do not wish to divide the Seanad on this issue today. If what I have heard from all Members is absolutely the case, I believe we can all get to a point on which we can agree. Let me be clear, however, that my bottom line on this is that I want to see alcohol made less visible in our shops.

Senator David Norris: Hear, hear.

Deputy Simon Harris: It is not the same as buying a loaf of bread or a litre of milk and it cannot be treated as such. There is significant misinformation and misunderstanding, however. I commit to the Seanad today that I will engage with small shops and their representatives to provide clarity on the flexible options available to meet the requirements of this legislation. However, I do not want today's discussion to focus solely on that one aspect of the Bill. There are many important aspects of the Bill, of which visibility is but one. The Government has a bottom line on visibility but I want to have the engagement on it.

We need to pass all sections of the Bill on Committee Stage today, if possible but at least by tomorrow, and engage further on this point on Report Stage. This legislation has been stalled for too long and we need to make progress today. I am, as I know we all are, committed to tackling the alcohol problem in Ireland and to reducing the widespread harm and pain it causes both to those who engage in harmful drinking and to all others affected. We have the opportunity today to take the first important steps to create a healthier society for our children, our vulnerable people and all of our citizens. In that spirit, I now look forward to engaging and co-operating with the House to bring the Public Health (Alcohol) Bill 2015 through Seanad Éireann, to teasing out legitimate issues of concern and, ultimately, to enacting a really important piece of landmark legislation.

Senator Frances Black: I welcome the Minister and his officials to the Chamber.

An Cathaoirleach: I remind Senator Black that, as she is probably aware, amendments Nos. 50 to 52, inclusive, are related to amendment No. 10. She is actually a signatory of amendment No. 52. The amendments may be discussed together.

Senator Frances Black: I am 100% aware.

Senator David Norris: Due to my eyesight, I cannot see the screen. Are we on amendment No. 10?

An Cathaoirleach: Yes. We are on section 4 and amendment No. 10.

Senator Frances Black: I am very happy to see the Public Health (Alcohol) Bill back before the House. It is over a year since it was last debated. I offer my support for Government amendments Nos. 10, 50 and 51 and will speak in favour of my own amendment No. 52. Since we last debated the Bill, more than 1,000 people have died from alcohol-related harm and none of us wants to see further delays to this vital legislation. I will keep my contributions short where possible to allow us to get through the amendments. I urge my colleagues across the House to proceed in this spirit.

I thank the Senators who have co-signed amendment No. 52, which is a relatively minor amendment to modify and clarify the Bill's preamble. As it stands, the Bill's opening paragraph states that a key aim of the legislation is to provide for restrictions on the advertising and sponsorship of alcohol products. We wish to add the words "generally and in relation to children" to bring some small but important clarity to the fact that a key reason to control the advertising of alcohol is child protection, to address our harmful relationship with alcohol from an early age. This is in line with the spirit of the Bill as evidenced by several provisions on advertising which relate specifically to children, including a 200 m limit near schools or playgrounds or children's sports events. The minor change we propose places a focus on child protection from the very start and it is something we can all get behind.

I thank the Children's Rights Alliance, the ISPCC, Barnardos and other children's rights organisations for their strong and unwavering support for the Bill to date. I urge my colleagues to support my amendment. I will be pushing for a vote when it is moved.

Senator David Norris: I support the amendment and, if the proposer would like, will second it. It is important to take the question of children into account. In his opening remarks, the Minister adverted to the fact that there is a culture in Ireland where it is a rite of passage that young people are introduced to alcohol. It is perfectly normal and wonderful. Getting plastered

is a big laugh and all the rest of it. That is a complete nonsense.

There has been an enormous level of lobbying. I assure the Minister of my strong and firm support for him in everything he is doing in the Bill. That there is some dissent in the Fine Gael ranks is a real pity. People have given in to the pressure of these lobbying groups. I have received things too. I got one from a gentleman who runs a petrol station in County Donegal and he is complaining about having to conceal something. He should be selling petrol. It was a great mistake to allow for the sale of alcohol through petrol stations. A very decent man from Clontarf wrote to me. I have had contact with him before. He has 38 employees and he thinks it is going to be a real imposition to segregate the alcohol. What rubbish. If he can afford 38 employees, he can certainly afford the minimal disruption that will be caused by segregating the alcohol. On this amendment it is important to include the specific reference to children. I support the amendment and I want to indicate my very strong support to the Minister for everything he is trying to do in this Bill. I hope the main political parties will have the guts at last to stand up to the drinks lobby, which is very effective, powerful and economically strong.

Senator Máire Devine: As co-signatory to this amendment, I fully endorse it. The focus and substantive content of this legislation, especially in respect of advertising sponsorship and warnings, is sufficient to justify the inclusion of child protection in the description of the Bill. As legislators we are tasked with child protection and to act in the public interest. That is not a nanny state. All the reports, including Hidden Harm, show that we have known for years of the horrific effects of alcohol abuse on childhood and continuing into adulthood. I urge everyone to support this and to speak as briefly as possible in their contributions.

An Cathaoirleach: The Senator is setting a good example.

Senator Colm Burke: I too fully support this amendment. A person who works in the family law courts will find that drink has been a major contributory factor to much domestic violence. The people who really suffer are the children. It is important that at the start of this Bill, we state it is relevant to children and that we support this amendment.

Senator Jerry Buttimer: I welcome the Minister and the Bill back to the House and commend Senator Black on her performance on television last night. As the former Chairman of the Oireachtas Joint Committee on Health and Children, I welcome the insertion of children in the Bill. I remind Senator Norris that this is a Public Health (Alcohol) Bill. It is not a question of collaboration with anybody but it is to ensure that we as a nation understand its importance.

This morning I attended a briefing on lung cancer, which is the biggest killer in our society. We have an obligation to ensure that the Public Health (Alcohol) Bill becomes law. It involves children because they are impressionable. I attended the Cork joint city and county policing forum two weeks ago where the Cork drugs alcohol task force co-ordinator, David Lane, gave a very interesting presentation on the association in children's minds between alcohol and commodities in a shop, such as sweets, milk or bread, as well as in the family home, where alcohol is seen with the cheese or yoghurt or whatever. I welcome the Minister's remarks. None of us wants a nanny state. As Members of the Houses of the Oireachtas we are privileged to be charged with concern for public health. We may have differing viewpoints. I welcome the engagement the Minister proposes to have with various stakeholders because I have always found stakeholders in pre-legislative scrutiny, whether on this or other issues in respect of the retail industry, to be very responsible and capable. We cannot do nothing, as some people want us to. We cannot stand idly by. Our health is our choice and children, who are impressionable today,

have an association with alcohol in various ways. Everyone must support this amendment.

I thank the Minister for the spirit in which he came into the House this afternoon and for his opening remarks. This is an important Bill. It behoves us, notwithstanding the many well-intended and well-meaning viewpoints, to pass this Bill and enact it for the betterment of our society.

Senator Victor Boyhan: I welcome the Minister for Health and thank him for his opening remarks. He set the tone for a constructive debate. It is a question of public health and nobody here, whether in the Visitors Gallery, the Dáil or the Seanad needs to be reminded of the pain and suffering the irresponsible use of alcohol causes, most of all to minors and children but also to families, husbands, wives and loved ones. We all agree on that.

The Taoiseach has charged the Minister with responsibility for this issue. I read some of the earlier debates on this Bill and was conscious of how he was driving this. This is Government policy. That is what we would expect of any government, that it would drive a policy. Some aspects of this Bill were not in the programme for Government but I broadly support it because it is worth supporting. I echo what the Minister said about there being many more strands to be dealt with in respect of educating people, dealing with alcohol and a range of other issues. This is a start. The spirit of the Bill is good but I have concerns about some of its measures which I will outline as we go through this process. I thank the Minister's commitment to engaging on this. I went to Greystones, to Quinsboro Road in Bray, to Arklow and Wicklow, four locations in the Minister's constituency, because I know them-----

Deputy Simon Harris: The Senator is not going to run there, is he?

Senator Victor Boyhan: No. The Minister has it all to himself. I asked retailers about the issues concerned here. One point that was made everywhere was the lack of consultation. They have concerns. They are not all right but that is important. I am impressed that the Minister is telling us today that he will extend that period of consultation in the lead-up to Report Stage. I think 99% of this is good and needs support. We may need to tweak it but I wish the Minister well.

Deputy Simon Harris: In thanking Senator Norris for his support for the Bill, I assure him that the Fine Gael Party fully supports this Bill. It was in the Fine Gael manifesto and the programme for Government. As Senator Boyhan noted, it was introduced by the present Taoiseach when he was Minister for Health and the Senator can read his comments on publishing this landmark Bill on the Department of Health's website. Members of the Fine Gael Party, like everybody in this House, have a duty to bring forward the views of its constituents. I am not one of those who believe that bringing forward their views and concerns is in any way inappropriate. Everyone has a right to have their voice heard. That does not mean that I will always agree. Many of the concerns that small shop owners in particular have, which we will deal with in section 20, can be clarified by engagement. There has been some misinformation and misunderstanding. My party, every party and everybody in this House wishes to see, in Senator Norris's phrase, "minimal disruption" to the shopkeeper. It is not a question of maximum disruption for the shopkeeper but it is a question of making the alcohol product less visible. That is the core of what we must do when engaging.

The Government is pleased to be in a position to support Senator Black's amendment to add children who are the subject of this Bill. Many of the measures deal with overexposure of

children to alcohol at an early age and I can agree to adding children to the Title.

Amendment agreed to.

Sections 4 to 6, inclusive, agreed to.

SECTION 7

An Cathaoirleach: Amendments Nos. 11 and 12 are physical alternatives and were already discussed with amendment No. 2. If amendment No. 11 is agreed, amendment No. 12 cannot be moved.

Government amendment No. 11:

In page 9, line 17, after “18(1),” to insert “18(3),”.

Senator David Norris: I may be a bit slow on the uptake. Why can amendment No. 12 not be taken if amendment No. 11 is accepted? They both refer to an insertion after “18(1),” and amendment No. 12 proposes also inserting “19(4),”. I do not see any great conflict. I seek clarification.

An Cathaoirleach: I am informed by our very learned and esteemed Clerk that Senator Norris is probably correct.

Senator David Norris: Therefore, we can have both.

An Cathaoirleach: Then it is a matter, perhaps, for the Government. Regarding the conflict that is indicated in my note, the Senator is correct in pointing out that there is some sort of anomaly in that.

Senator David Norris: So we can take amendment No. 12 as well.

An Cathaoirleach: Yes, I think so.

Senator David Norris: I thank the Cathaoirleach for that clarification.

An Cathaoirleach: I will rule on that.

Amendment agreed to.

An Cathaoirleach: Even though my note says that amendment No. 12 cannot be moved, the position has changed and we have said it can be moved and discussed.

Senator Frances Black: I move amendment No. 12:

In page 9, line 17, after “18(1),” to insert “19(4),”.

I will not press the amendment to a vote. I will reconsider submitting it for Report Stage.

Amendment, by leave, withdrawn.

Government amendment No. 13:

In page 9, line 31, after “18(1),” to insert “18(3),”.

Amendment agreed to.

Section 7, as amended, agreed to.

Sections 8 and 9 agreed to.

SECTION 10

An Cathaoirleach: Amendments Nos. 14 and 49 are related and may be discussed together by agreement.

Senator Frances Black: I move amendment No. 14:

In page 11, between lines 25 and 26, to insert the following:

“(d) data from health services relating to alcohol related presentations at health facilities,”.

This amendment relates to the importance of up-to-date, accurate data on alcohol harm. As Senator Devine, who has co-signed the amendment, will also to speak on this point, I will be brief. The primary aim of the legislation is to reduce the harm caused by alcohol to individuals, families, communities and society as a whole. Minimum unit pricing is an important part of that. The Bill already gives the Minister for Health the power to review this pricing level three years after the Bill is commenced and advises on the factors that should be considered when doing this, such as patterns of consumption.

This amendment would add “alcohol-related presentations at health facilities” - whether due to an alcohol-related illness or injury - to that list of considerations. This can provide us with important, up-to-date information on the scale of alcohol harm in our society, as well as the impact on the health services themselves. Knowing the number of presentations to Irish health facilities with alcohol-related issues is important information that can paint a clear picture of the daily reality, as well as the effectiveness of the Bill. Ultimately, we need to know the scale of the problem to tackle it and such data would be a big asset to health professionals. I hope the Minister will agree.

I also offer my support for Government amendment No. 49, which is better phrased. Alcohol harm does not just apply to any one group of people. Our concern is with harmful drinking for everyone in Irish society, and this wording better reflects that.

Senator Keith Swanick: This is my first opportunity to speak on the Public Health (Alcohol) Bill. My party welcomes the provisions of the Bill. No one could deny that there is an issue with harmful drinking in Ireland, with 88 deaths every month directly attributable to alcohol. A 2011 HSE study estimated that alcohol-related costs, including those relating to emergency, GP and psychiatric care, amounted to €3.7 billion per annum. I can imagine how much the Minister would like to have those funds at his disposal. CSO figures released in October indicate that Ireland has the highest rate of binge drinking in Europe among those aged from 18 to 24. This is a ticking time bomb which I hope the Bill will go some way towards addressing.

There has been an effort on the part of various lobby groups to stop individuals or parties from making amendments to the Bill. I have received more than 1,000 items of correspondence on the Bill from entities on all sides. The common thread through some of the correspondence is that any amendments made to the Bill would somehow dilute or weaken it, but this is not

the case. Those who made those accusations were, in effect, attempting to stifle debate, which is obviously part of democracy. I fully endorse all of the Minister's earlier constructive comments. I look forward to the Bill's progress through the Seanad today.

I support amendment No. 14, which proposes to seek data pertaining to the number of alcohol-related presentations at health facilities. For some time, general practitioners and hospital staff have been warning of the immediate need to address the health defects they have been diagnosing and treating in young people, including, for example, cirrhosis. Such problems were traditionally identified in much older people who had consumed alcohol for most of their lives. I have worked in accident and emergency departments and have seen my fair share of alcohol-related admissions to hospitals through the years. End-of-year statistics often do not convey the true extent of the problem. I commend Senator Black's amendment, which Fianna Fáil fully supports.

Senator Máire Devine: I appreciate the contributions so far on the amendment, the primary aim of which is to collect data on the harm caused as identified in our health facilities. Working in accident and emergency departments from Thursday through to Sunday feels like being in the middle of a war zone with alcohol-affected individuals coming in and demanding considerable resources and time. This needs to be monitored and we need to put a cost on it. It could be €43.7 billion that is spent. There is a significant cost if we include child and family supports due to alcoholism, all the front-line staff, the fire brigade and the gardaí; it is not just the GPs and primary care. Given all the destruction, the families and the individuals affected need to be supported at significant cost.

We need data to measure outcomes. We need data indicating where exactly all the services are and the weight that is given to protecting and improving outcomes for people with alcohol dependency and their families. I hope the amendment can be supported.

Senator David Norris: I strongly support minimum alcohol pricing. I know it has been resisted, but it is extremely important. I live in a small privileged enclave in the poorest area of the city of Dublin. I see people going to the supermarket and buying slabs of beer for ridiculously low prices. It is completely outrageous. As I said earlier, the idea of grocery shops and supermarkets selling alcohol is nonsense, but I suppose that is another day's work. I strongly support minimum pricing. The alcohol industry throughout the world has a record of opposing this. Some years ago when the Scottish Parliament introduced minimum pricing in Scotland, the Scotch Whisky Association took the Scottish Administration to court. The ruling from the senior Scottish courts was that minimum pricing of alcohol was a perfectly legitimate tool of government for social reform. That is an important precedent for us to bear in mind.

The specific amendment on gathering information from health services and so forth is very important. This is a report from the coalface. This is where the people who are actually afflicted by alcohol come to the health services and make presentations. We need to know the nature of those presentations, the frequency and the number of people who are involved in this. Every scrap of information made available to the Minister is valuable and useful so I strongly support this amendment.

Senator Tim Lombard: I welcome the Minister's opening statement, which was very positive. I will discuss the main issues that have been discussed with regard to section 20 but it is very important that we can look at and reflect on how we are going to enforce those issues when section 20 comes up.

I have an issue with minimum unit pricing in section 10. This is not because of the ability to be effective in the marketplace. The big issue is when it can be enforced in the marketplace. Unfortunately, this Bill was drafted pre-Brexit. The Northern Ireland Assembly is not operational. If we had minimum unit pricing, it has been argued that we would need the co-operation of the Assembly and an all-Ireland approach for it to work. There is the great threat that we might not be in that space for a long time. I have no idea how Brexit is going to turn out or when the Northern Ireland Assembly will be reinstated. Given this flux, this part of the Bill might not be implemented if passed. That is a problem. Traditionally, we had a groceries order, which was taken out by the former Minister, Deputy Micheál Martin, and Fianna Fáil back in the day. It is important that we realise that in the interim, we should look at something along the lines of a groceries order until the institutions in Northern Ireland are up and running and Brexit has been sorted out. Many Houses of the Oireachtas could sit and be disbanded before those two issues are sorted. We need to look at putting something like the groceries order in place. This would then put a floor or minimum price on alcohol. At the moment, someone can go into any shop in Ireland and buy a naggin of vodka for €6.50. Twenty years ago, someone could go into an off-licence and buy a bottle of vodka for €20. The person working there would get possibly €4 or €5 per hour. The minimum wage is now €9 or heading towards it and for that, a person can get such a volume of spirits, it is frightening. The big issue is price and we must tackle this issue. If we tackle the issue of price, we can really tackle the core issue of how we can stop the unfortunate spectacle of alcohol being sold at cost price. That is what is happening. Even if it is cost price-----

Senator David Norris: It is less than cost price in some cases.

Senator Tim Lombard: The Senator is right. Unfortunately, it is probably well below cost price. I have a concern about minimum unit pricing that does not concern its effectiveness but its timing. If the timing of this will be some time in the future, we need to look at a measure like the groceries order which will, hopefully, put a floor on the level of alcohol.

Senator Diarmuid Wilson: Like others, I welcome the Minister to the House. As always, his approach is very appropriate. It is not one of dictatorship but is a communal approach. We live in a republic and that is why I am allowed to stand up and say what I would like to say openly and freely about what I firmly believe the Minister is attempting to do here. Like Senator Boyhan, I very much welcome 99% of what is contained in this Bill. I have some concerns about section 20 and we can come to these concerns at that stage. To follow on from what Senator Lombard said, which is an issue I raised quite a number of times, while I very much welcome the minimum pricing of alcohol, it is accompanied by difficulties, including economic difficulties, particularly for the part of the country from which Senator O'Reilly and I come - Cavan, Monaghan and the Border region. There is no point in putting a minimum price on alcohol in the Twenty-Six Counties unless the same is done in the Six Counties. We think that alcohol is below price at the moment in some of our supermarkets. There are still people who are able to cross the Border and get it far more cheaply and they are doing that. The danger with implementing this as a 26 county measure and not a 32 county measure is that it will intensify the numbers of people from the Border region in particular but also further afield, as has happened over the years, travelling over the Border. While they are up there buying alcohol, they will also buy their electric products and some of their groceries so we must take into consideration the full effect of this Bill. I very much welcome the health implications of the Bill and the thinking behind that but unless we approach this on a 32 county basis, it will have a detrimental effect on the economy in the Border region. I very much agree with what Sena-

tor Lombard said in this regard. I do not know how we would do it but we must come up with some way of ensuring that while we raise the price of alcohol here, it will not drive people to the Six Counties to purchase.

Senator James Reilly: I very much welcome this Bill and the Minister's determination and that of the Taoiseach to see that it is carried through. I also welcome his opening remarks and his commitment to give clarification to those who have some degree of reservation about this. There are many striking resemblances between this public health policy initiative and that relating to our ongoing campaign, struggle and policy development regarding protecting people from smoking, particularly our children. Again, it is children who need protection and that is what this Bill is primarily aimed at. It is also aimed at addressing what are the well-known evidence-based facts, which show very clearly that the price of alcohol is very much a marker and people are very sensitive to it in terms of buying and consuming alcohol. More than any other group, children and young people are sensitive to the price of alcohol. The minimum unit pricing is an integral part of this and one of the most important parts of it. We know about the Scottish ruling and we know that we will face challenges from the industry, as we did with other industries when we took initiatives, but we must do this for our children.

We have a duty of care. This is not about a nanny state. It is about a duty of care to our children. It is also about a duty of care to the people who we have been asked to govern and legislate for with regard to protecting and educating them about the harm of alcohol. I know it has been said before but just as with tobacco, I will not start any conversation about alcohol without talking about the damage it does - the 88 deaths per month, the fact that alcohol is responsible for half of the suicides in the country every year and the €1.5 billion in health costs, not to mention the cost of domestic violence. We can put that in euro but how could we ever put a value on it in terms of the stress, hardship and horror it visits on families and young children? That can never be fully measured. We know about the cost to industry in terms of absenteeism but we now have strong evidence about "presenteeism" - people turning up for work who are not fit for work, people turning up for work and making mistakes and not engaging.

We know its role in road traffic accidents, assault, breaches of the peace and disorder. We also know its role in rape and unwanted pregnancies. It has huge ramifications in our society when it is abused, and people abuse it who become addicted to it. The earlier one starts drinking, the more likely one is to develop a problem with alcohol. Alcohol used sensibly is something in our culture that we all welcome and enjoy - most of us do anyway - but when it is used excessively and causes issues in one's life, whether it be in relationships, the law, one's work or one's health, then one has a problem with alcohol. This historical excuses given, namely, that "I never drink alone, therefore, I am not an alcoholic", or "I never drink at home, therefore, I am not an alcoholic", do not hold water any more. Only this week I have had two different situations involving serious problems related to alcohol in my surgery, and this is only Wednesday.

I very much welcome the Minister's initiative. I hope this Bill can pass Committee Stage today and that any further nuances and refinements can be handled on Report Stage. I believe most of the Senators here are fully in agreement with it. I do not know anybody who wants to see their child starting to drink earlier than is legally allowed in the country. I do not believe anybody wants to see people developing alcohol-related problems and yet we know that happens. We know that, as a country and a nation, we have a culture that has bred an unhealthy relationship with alcohol.

I want to comment specifically on minimum unit pricing. I speak as a former Minister for Health and subsequently a former Minister for Children. My view on the children's aspect of this Bill is that this is essential. I do not agree with my colleagues who might say that this should be handled in a different way from a grocery order. I would say to the Irish people and to the people in this Chamber that there is a time to follow and there is a time to lead. Let us lead on this and let our friends in the North of Ireland when they get their Executive re-established, as we all hope they will, follow us then, but let us not use a possibility of something happening or not happening as an excuse for us not doing what we know we should do. When it comes to minimum unit pricing, we must absolutely proceed. We will deal with all the what ifs and butts down the road but in the meantime let us show leadership, as the Minister has done. Let us take responsibility as legislators and let us give our children a chance to avoid what we already know are such damaging consequences of the excessive use of alcohol and addiction to alcohol.

I will contribute to later amendments but I reiterate my view that this Bill is one of the most important public health initiatives we have ever taken. The world is looking and we should be forceful, have the courage of our conviction and pass this Bill.

Senator Joe O'Reilly: I join in the welcome extended to the Minister, Deputy Harris. I congratulate him on his proactive approach in this area. I gather he indicated a willingness to engage further with the relevant stakeholders to ensure this is a truly mutually agreed outcome, to which there is an overall buy-in.

One cannot ignore the words of our colleague, who is not only a doctor but a former Minister for Health and Minister for Children, which were very pertinent. I will state a few general interests and then get to the point of my real reason for addressing this issue now. I subscribe to the Bill's objectives. It is important legislation.

An Cathaoirleach: I warned Members at the start about wandering from what is before us.

Senator Joe O'Reilly: I am coming specifically to the issue.

An Cathaoirleach: Two specific amendments are being discussed together. I will rule very quickly as many Members are wandering from the amendment before us, which was proposed and seconded.

Senator Máire Devine: Hear, hear.

An Cathaoirleach: There will be plenty more chances for Members to speak.

Senator Joe O'Reilly: Many people are rightfully interested in this issue and there should be no ambiguity about any Member's position on this. My position is that I am as concerned as every other Member of the House about the abuse of alcohol and that it must be tackled head on. It is a serious health issue, as was outlined earlier. It has implications in a whole range of areas. I know this very well from having been a former educator, among other roles I have had. It is a very real issue.

I want to address the question specifically raised very eloquently by Senators Lombard and Wilson. I come to this from an experience I share with Senator Wilson, representing the people of a Border area. I point out to the Minister - I am not exaggerating or engaging in populism, this is a fact - that jobs could be at stake in the Border area. It is very difficult to replace jobs. If we do not co-ordinate minimum pricing in the Republic and in the North, we will run a risk

of the dislocation of jobs in the Border counties. This is a significant concern. I was in a supermarket this morning-----

Senator Máire Devine: I do not mean to be rude but, on a point of order, we are now speaking to the amendment before us, not about minimum pricing. I do not want this legislation delayed and for the Senator to go on and on about-----

Senator Joe O'Reilly: I am speaking to section 10. I did not interrupt the Senator.

Senator Máire Devine: I did not mean to be rude.

Senator Joe O'Reilly: On a point of order, I am speaking to section 10. That is the section we are dealing with and I am doing my best in my contribution to be particularly relevant to it.

An Cathaoirleach: It was inappropriate of Senator Devine to interrupt Senator O'Reilly. I am ruling against Senator Devine's point of order because Senator O'Reilly has been speaking on the whole area of alcohol. I am warning Members not to wander from what is before us.

Senator Joe O'Reilly: I am heeding the Cathaoirleach's recommendation. I have no difficulty with the smooth passage of the Bill and I will do nothing to thwart that, but it is important the Minister is conscious of our position and knows our various perspectives and the people we represent. I am genuinely concerned about jobs in the Border region, in the retail sector and local supermarkets. I visited a large supermarket in Cootehill town this morning and met and spoke to a senior board member of RGDATA there. He indicated the prices he can sell at and showed me slabs of Budweiser and other drinks that he can sell at €20. That is quite scary and quite a problem. I take the point that this is a problem for young people especially and for us all. Therefore, we need minimum pricing. That man also indicated - other people in the retail sector would also indicate this, and Senator Wilson also said this - that those in that sector are currently threatened by Northern Ireland trade, but were we to have a significant price differential here, we would have a flood of business. That supermarket in Cootehill town is an important employer. It employs 60 people and that man said he would have to lay off three staff immediately if there was a price differential. That would be replicated in all the villages and towns of the county and more specifically in the corner shops. It is a serious matter for that area.

We need to have the Assembly up and running and to have co-ordination on this with the North. I take the former Minister for Health's point that we must show leadership. There is a leadership factor in the passage of this legislation, but leadership does not necessarily mean dislocating jobs in an area where they are not replaceable. It is not easy to bring those jobs to that area when we cannot replace them or attract industry to the area. With great respect to my colleague, we are not lacking in leadership, and I know he would accept that. There is no lack of leadership involved here; it is a question of leadership while retaining jobs. Were we to solve one problem and create another, that would not be a satisfactory outcome. It is not beyond the genius of the Minister and the Department and interaction at governmental level to achieve uniformity on this and national uniformity on pricing. It should be done. I intuitively have a sense that our Northern brethren, from all I know about them and their culture and heritage, would be more likely to have an immediate buy-in to alcohol curtailment. One would assume that. We should be able to arrive at a consensus on this but, clearly, it is an issue in my area and it is a jobs issue. It is not just a fanciful abstract thing; it is about real jobs for real people who will not get employment again.

An Cathaoirleach: There are ten more speakers on this issue. Some people will be asking

why they have not gotten to speak but I am taking the names as I see them. Some people are being very leadránach.

Senator Colm Burke: I will be very brief. I reassure my colleagues that on the issue of pricing, this Bill is about setting up structures. The Minister and Government are very much aware of the issues that have been raised about the Six Counties and the Border counties. We have to get the legislation in place before we take any action. This is about putting the framework in place and making sure we can follow through on that framework.

I thank the Senators for tabling the amendment and for the amount of work they have done on bringing forward amendments. I believe the issue is dealt with in subsection 10(5) on the expert research available. The amendment would cause a duplication. It has to be given serious consideration but it is adequately dealt with in the-----

Senator David Norris: It concerns information from the coalface. It is quite difference from expert research.

Senator Colm Burke: The expert research relies on figures produced by the HSE and other health services. That is what expert research is based on.

Senator Paudie Coffey: I welcome the Minister and wish him well in bringing this Bill through the Houses of the Oireachtas. It is important that Senators are allowed the time and space to express any concerns they might have about landmark public health legislation. I commend the Government on bringing it forward. As legislators, we are entitled to raise concerns and seek clarifications and I make no apology to anybody for that. I think the Minister accepts that, as a legislator and Minister responsible for policy.

I want to put on the record my views on alcohol, alcohol abuse and alcohol addiction. It has caused untold problems in the history of Ireland. Binge drinking, the culture of excessive drinking, addiction and alcoholism have caused untold damage to people, families and health services. I have concerns about all of that. When we are bringing forward legislation, we need to bring people with us. I have no doubt the majority of people will support this legislation. The crux of the legislation is the minimum pricing of alcohol. Alcohol is available in excessive volume at too low a price. When one goes to a multinational supermarket at the weekend, one sees trolley loads of slabs of beer being brought out. It is being brought out because it is accessible, cheap and is being aggressively promoted by the alcohol industry and the multinationals. I will address my concerns about section 20 and the impacts it can have on local communities and shops later. The fundamental crux of the problem is access to low-cost beer in huge volumes. That is what is causing the problem. It is finding its way into every home and premises in the country. It is accessible for adults and, unfortunately, children as well. Until we grasp this nettle and aggressively tackle those who are aggressively marketing low cost beer and alcohol, the problem will remain.

We have a particular dilemma in Ireland, which was outlined by Senators O'Reilly and Wilson. We have to listen to their concerns. They are here to voice concerns on behalf of the people they represent. It behoves all of us to listen to them and then see how we can work within the legislation to address those concerns. We should work with our colleagues in Northern Ireland to see if we can bring them to a place parallel to us in addressing this problem.

I want to support the legislation. The Minister knows that. The impression has been given - we heard it in some of the earlier contributions - that there is division in Fine Gael. That could

not be further from the truth. We are proud representatives of the Government that is bringing forward this legislation. We will also make our views known, raise our concerns, seek clarification and make no apologies to anyone for that. We are all independently minded people. We are responsible adults and we must respect the intelligence of Members of this House and the public. We can work together to bring forward this legislation in a way that is practical and balanced and which works to address all of our concerns about how alcohol is being abused.

Senator Michael McDowell: I echo what Senator Coffey said. This is serious business. Nobody has a monopoly on zeal. Nobody in this House has a special pulpit to talk about the effects of alcohol on our society. We should consider this section and the amendment carefully. We are on Committee Stage. We are not in a position where we are simply making Second Stage speeches on the principle of the Bill or reiterating where we stand on these issues. We are entitled to ask questions and get answers to those questions because we are on Committee Stage.

I echo what Senator Wilson and others have said about the price differential in Border areas. That is a practical thing we have to consider. There is no point in coddling ourselves. We have to consider it. I note the Bill provides for different commencement dates which may cover some of the concerns being expressed here. As somebody who agrees with the concept of the minimum pricing of alcohol products and bearing in mind that subsection 10(1) fixes a 10 cent per gramme minimum price of alcohol, I would like to ask the Minister how it translates into a can of Dutch Gold or Heineken? One can look at the formula in the Bill. It is a bit like looking at the Finance Bill when one wonders what the actual outcome is. How will it actually change the minimum price of these slabs of beer which we are all concerned about? I know from my student days that the biggest constraint on my drinking was the fact I did not have much money. Whatever money I had ran out fairly early on in the evening and that was it. I know also from being a family man that cheap beer is now so cheap it could not get any cheaper. Could somebody give us an indication of the actual difference it will make to an ordinary can of Dutch Gold or Heineken? I am not singling out those two brands. I mean the kind of beer that is sold in slabs. That is what I would like to know.

Is it okay if I talk about the section now or should I confine myself to the amendment?

An Cathaoirleach: We are discussing the amendment.

Senator Michael McDowell: I will come back on the section. There was one thing I want to signal to the Minister. Subsection 10(7) says, “Where an alcohol product is supplied or offered for sale together with another product (other than an alcohol product) ... this section shall apply as if the alcohol product concerned is supplied or offered for sale on its own for that price.” Many off-licences that I have dealt with often add in an extra bottle if one buys by the dozen. The phrase “other than an alcohol product” makes me wonder whether that kind of practice is caught by that provision.

Senator Alice-Mary Higgins: I will be brief. Others have spoken eloquently on this issue. I emphasise that minimum unit pricing is an essential core aspect of the Bill. It is deeply evidenced and is not just a matter of opinion. We know it makes a difference to how alcohol is consumed and to how much alcohol is consumed.

Senator Michael McDowell: Nobody is saying any different.

Senator Alice-Mary Higgins: I said I was going to speak on that issue but I will not. It is

an essential part of the Bill and I hope it will go the full distance so we will not see it challenged on later Stages. Scotland showed leadership. Minimum unit pricing was not in place in other parts of the United Kingdom. Scotland showed leadership and made that commitment. We should be modelled on Scotland in showing leadership, even though we may have territories, as Scotland does, that border our jurisdiction. It is my hope that Northern Ireland will follow the example and take it on board, given some of the commitment in the Good Friday Agreement on human rights equivalence. We cannot wait for that or make it a condition of us taking action. It is vitally important that we continue to apply pressure towards the good, rather than contributing towards any race to the bottom. That applies to any area of regulations and good standards. We need to ensure that we uphold our duty as legislators to push for the highest standards.

I would like to conclude by speaking specifically about the amendment before the House. Our hospital services and health facilities carry the cost of the measures we introduce. They carry the huge cost of alcohol-related harm. Our health facilities are carrying the cost of alcohol damage, regardless of whether that alcohol is purchased in Northern Ireland or elsewhere. That is why we have to legislate in respect of health facilities. I encourage Senators to support this amendment. Senator Colm Burke referred to the important evidence that exists. All of the international health evidence is pointing largely in the direction of regulation. We have a specific contribution to make in the context of alcohol-related presentations at our health facilities. I am thinking of amendment No. 14 when I say that. I urge the Minister to consider information about the pressure our services are under when this legislation is being reviewed in the future.

Senator Michelle Mulherin: I fully support the introduction of the Bill as a reflection of one of our public health policy objectives. As a Government, we need to move forward as unanimously as we can to address issues like binge drinking and alcohol addiction in this country. We have to be courageous as we try to change the way things operate at the moment. When we attempt to change the *status quo*, there is fallout. We cannot throw logic or reason out when we are taking measures and steps. We all want to reduce the level of alcohol abuse in this country. It has to be reasonable, proportionate and based on evidence. We have to keep going back to that.

Like Senator Higgins, I think the evidence with regard to minimum unit pricing is compelling. It is fair to say that the advent of binge drinking was linked to the arrival of cheap or below-cost alcohol. It seems that the abolition of the groceries order some time ago allowed multiple retailers that could afford to do so to sell alcohol at a price below its actual cost as a loss leader to get people in. We know that this practice involved the retailers reclaiming from the State the VAT on the alcohol they induced people to come in and buy. It was compelling to learn that most of those who buy cheap alcohol engage in binge drinking. International evidence shows that there is a correlation between alcohol becoming more expensive and a reduction in drinking. This is a very important element of this legislation. It arises from the most compelling evidence we have seen. Many of the other proposals in this Bill seem to involve taking steps in the hope that they will achieve something rather than in light of evidence that they will do so.

I suppose we have to be honest about minimum unit pricing as it has been set out. This is very critical. There is a great deal of confusion among members of the general public. Everybody thinks we should do something about alcohol, but most people do not understand this Bill. We do not know when this is going to come in. I understand the argument of colleagues from Border counties who have pointed out that the introduction of minimum unit pricing in this jurisdiction in the absence of a similar measure in Northern Ireland will lead to changes

in people's shopping practices. At a time of concern about Brexit, this will cause even more problems in Border counties and elsewhere.

Why are we not seeking to reintroduce a ban on below-cost selling? The multiple retailers are engaging in this activity. Small and medium-sized retailers that could never afford to do this have the most issues with it. The evidence is there. It behoves us to achieve what we want to achieve, namely, to try to tackle binge drinking. This is the most straightforward argument. There is no dissent here in respect of it. I cannot get my head around why we cannot take this step.

As already stated, we have to be courageous. This needs to be borne in mind as we proceed with our debate. We have introduced various admirable anti-smoking measures, including the smoking ban. There is no doubt that this has changed mindsets among those of us who do not smoke and those who do. The end result we desire in the case of cigarettes is that nobody would ever smoke. I do not think anybody would make the same argument in the case of alcohol. Maybe some people would. We are not suggesting that nobody will drink.

We have to navigate a road that provides assistance and support, pulls people away from addiction, reveals weaknesses in the system and tackles binge drinking. We have to deal with the businesses that sell alcohol and the industry that manufactures it. All of these efforts are part of the solution and not part of the problem. Everyone must be spoken to. I was watching this debate on the monitor before I came to the Chamber. Concern has been expressed about engagement with all stakeholders. The Government must participate in such engagement when it is formulating its policies. I know we will discuss section 20 later. I welcome the Minister's commitment to engage with people who will be affected by the Bill. The people to whom I refer are as genuine as those who are trying to solve this problem. They want to be part of a solution. I hope that does not sound somewhat cryptic.

This is a complex issue. Nobody can say that any measure we introduce right now will solve this problem. If we all agreed to ban alcohol immediately, it would not solve the problem because people would find a way to drink. We have to apply a high degree of common sense here. We should look at arguments from all sides and listen to health professionals and market researchers. We should apply some common sense to see how we can coexist and achieve the very worthwhile objectives of this legislation.

Senator Gerard P. Craughwell: I congratulate the Minister on the introduction of this Bill. In the good old days, when there were no off-licences or pubs nearby, we found ways of manufacturing drink. We distilled poitín in our gardens. People who want drink will get drink. They always do. The impression that has been given here is that Dutch Gold is the great mortal sin we need to control.

Senator David Norris: I thought one smoked it.

Senator Gerard P. Craughwell: As I no longer smoke, although I still desire to do so every day, I went into a shop yesterday to buy a few sweets.

Senator Kieran O'Donnell: Were they for personal consumption?

Senator Gerard P. Craughwell: A young teenager who was standing beside me asked for two naggins of gin. That is not as cheap as Dutch Gold. She must have noticed that the assistant behind the counter was paying particular attention to her features - I mean from the point of

view of her youth - because she immediately reached into her pocket and pulled out some sort of identification card to satisfy the shop assistant that she was old enough to purchase drink. She got the drink and she left.

Everybody here has spoken about alcoholism and what it does. I have seen alcoholism in my professional career in two military set-ups. I have seen how it destroys people and families. Most of us would be aware that alcohol has destroyed families. While it can be said that there is something of the nanny state regarding the introduction of legislation that tries to limit, restrict or control the purchase of alcohol, I do not subscribe to that notion in this case. I think this Bill is needed.

Cross-Border alcohol purchases have been mentioned. On my way home from a trip to Northern Ireland recently, I pulled into a Sainsbury's car park to purchase some groceries. There were cars there with Kerry, Cork and Wexford registrations. That is importation, not cross-Border shopping. People are driving hundreds of miles to buy trolley-loads of booze such as those I saw being wheeled out to cars. If we introduce legislation in respect of alcohol on this side of the Border we must be acutely aware that those who want it will find it on the other side.

There should be no alcohol-related loss leaders. A good job has been done in combatting cigarette smoking in recent years although it is beginning to reverse itself. My concern regarding the Bill is that when it is finalised and enacted, many of the adults who I and all others in this room have witnessed outside supermarkets handing over booze they have purchased for some young teenager will continue to do so. I see it every day of the week. I see adults who some kid has given a couple of euro and asked to get him or her a couple of bottles of some type of hooch going into their local Centra or Spar to do so. More is required than just the Bill. The Minister will also have to bring forward an advertising campaign and an entire education programme. He will have to enlighten people to what it actually means. I am speaking as a person whose father took him out on his 15th birthday and asked him what he would have to drink. I asked for a bottle of Coke. Daddy used to buy me a bottle of red lemonade instead of a bottle of Coke-----

Senator David Norris: Did he not buy the Senator some sweets?

Senator Gerard P. Craughwell: -----but that day he bought me a pint of Guinness and told me I was going to learn to drink like a man and need never be afraid to have a drink. I was violently ill that night and am delighted to say that I have never drank Guinness since and probably never will. I am sorry if I have damaged the Guinness brand in some way.

It is about education. Some people now think it is rather funny for their teenagers to have what are called "prinks" or pre-going out drinks, which is when they get half sloshed in the house before going out. An education programme is needed in that regard. I congratulate the Minister on the Bill. We may have some words on section 20. However, education is needed as well as the Bill. Any of us who have lain in an accident and emergency department, as I have when I was ill, will have seen guys being carried in, getting sick all over the place and causing disruption everywhere. That is a real problem in terms of alcohol. I see Senator James Reilly looking at me. He probably knows better than I what damage such people cause in accident and emergency departments all over the country. In that context, the Bill will not solve the problem by itself. There is a lot more work to be done.

Senator Kieran O'Donnell: I want to speak to section 10 of the Bill-----

An Leas-Chathaoirleach: That is the section we are on.

Senator Kieran O'Donnell: Section 10, yes. I was going with protocol. Before I do so, I welcome the Minister to the House. I commend him on how he has dealt with this issue and the openness of his approach. The Bill was never going to be easy to bring in because there is a certain historic relationship with alcohol in Ireland. People are entitled to drink in a moderate fashion. If a person wants to buy a bottle of wine or a beer, he or she should be able to do so. However, there is binge drinking among many of the youth. We cannot deny the existence of severe alcoholism and we want to reduce it in terms of health.

There is no doubt but that students are going out and buying alcohol from large multiples. There seems to be the crazy situation, if it is to be believed, whereby many of the multiples are getting VAT refunds on alcohol and are selling it for below cost. That is a ludicrous situation and cannot be allowed to continue. It is extremely important that the section of the Bill dealing with minimum pricing is implemented as quickly as possible.

I agree with Senator Craughwell on the need for an education and advertising programme. The message must be sent that this is about public health and people. Since the scrapping of the ban on below-cost selling, many people now drink at home. At least if people drink in pubs there is moderation in some cases, although that depends on the landlord. However, binge drinking prior to going out is now prevalent among students and alcohol no longer has a social element. As Senator Reilly said, that aspect must be addressed.

Section 20 has become the contentious element of the Bill but it is only a portion thereof.

An Leas-Chathaoirleach: The Senator will have an opportunity to address that section.

Senator Kieran O'Donnell: I may not get the opportunity. I welcome that the Minister-----

An Leas-Chathaoirleach: I am anxious to progress amendment No. 14 and section 10.

Senator Kieran O'Donnell: -----will engage with the various retail groups. I hope the Bill is implemented as quickly as possible. We must take heed of the obvious issues in regard to the North. However, the prerogative should be for the Bill to be enacted and implemented as quickly as possible in a practical way such that it achieves the import the issue needs.

Senator Aidan Davitt: The groceries order was abolished with the aim of feeding the masses with cheap bread and milk. However, as all Members are aware, alcohol has become the favoured lure. Some very good points have been made by speakers. As Senator McDowell said, this is very important legislation. He touched on minimum unit pricing, as did Senators Wilson and Mulherin. Senators Wilson and O'Reilly spoke on the complications of cost differentials across the Border. Those are two serious problems that will not be easily dealt with.

The most important aspect of the Bill and the relevant way to deal with issues in terms of alcohol, as has been said by a couple of Senators, is to address the below-cost selling of alcohol. This is the elephant in the room. Only the large retailers are able to avail of low-cost selling and to use it as one of their weapons to entice people into their supermarkets. A ban on below-cost selling is the way forward as that is doing the most harm in terms of alcohol. It is going to be very difficult to police minimum pricing or the differential in pricing across the Border. We are already facing many problems in terms of Brexit. Addressing the below-cost selling of alcohol is the way forward on this issue.

Senator John Dolan: There are costs and choices. This section deals with minimum pric-

ing. I very much appreciate the Minister's opening remarks and got great confidence from them. He mentioned an opportunity cost of €1.5 billion in 2012 in respect of the fallout in hospitals. That is only the minimum opportunity cost and there are many others. The current disability budget in health is just over €1.5 billion.

An Leas-Chathaoirleach: We are dealing with amendment No. 14.

Senator John Dolan: I will conclude now. If the Minister of State, Deputy Finian McGrath, had another €1 billion he would be so busy he would not have time to go anywhere. There is a real cost associated with alcohol, whether that is borne by services for those with disabilities, the elderly, children or otherwise.

Senator Paddy Burke: I do not know of any Senator who is against the Bill. We all welcome it and I congratulate the Minister for bringing it forward.

In respect of section 10(6)(a), what is the penalty if an offence is committed? That is not included in the Bill. Will it be a small fine or a prison sentence? Section 10(6)(b) refers to advertises, promotes or causes to be advertised. In a situation where a supermarket advertises below-cost selling on Facebook, is that covered by this Bill? What is the position in relation to fake product sales? For example, if, to encourage people into a store a supermarket advertises in its windows that it is selling a particular product at below cost even though it does not actually stock that produce in store, is there an offence committed there and, if so what, is the offence that is committed? In most Bills that are enacted offences are outlined.

I believe that below cost selling is a real issue. There is a lot of alcohol being purchased in Northern Ireland for sale in the South. Binge drinking is associated with below cost selling.

Senator Jerry Buttimer: During the pre-legislative scrutiny on this Bill Professor Joe Barry said that minimum unit pricing is a proven effective measure with gains in the short term. That is the reality. This part of the Bill is probably the most important. I welcome that there is cross-party support for it in the Seanad. I note there was a minority viewpoint in that regard in the committee report but there is widespread support for this measure. The Department needs to square-off the VAT issue and the use by supermarkets of alcohol as a loss leader.

The cross-Border issue was raised at the committee and it remains a pertinent issue. Senators Reilly and Wilson also raised the issue of the potential smuggling of illicit alcohol. We are following the Scottish model. I was heartened by the remarks of the former Northern Ireland Minister for Health, Mr. Jim Wells, who would not be so friendly in regard to other matters, that he believes there should be co-ordination between North and South on this matter.

The role of pricing in this Bill is critically important. The greater the availability of cheap alcohol the more people will buy and drink. As the price of alcohol increases, there is less consumption of it. We learned this from the Health Research Board during its attendance at the pre-legislative scrutiny meeting on this Bill.

I agree with Senator Craughwell that the volume of alcohol being consumed by young people in terms of pre-drinking at home before they take a taxi or bus to a nightclub or pub is frightening. My former office was located in the heartland of the universities and institutions of technology in Cork. The number of people who go out drinking on a Thursday night in particular is staggering. During my time in college students who had money bought a pint and a bag of chips on the way home or we save our money to go to the nightclub, where we got curry

and chips.

Senator Diarmuid Wilson: I am sure the Senator had more than that.

Senator Jerry Buttimer: I am showing my age now.

(Interruptions).

Senator Jerry Buttimer: These days, young people are being encouraged to drink more. I would like to see a return to the pub being the only place where a person can drink alcohol because it was controlled and relatively safe. The barmen in the pubs at the time I was in college would not have tolerated any indiscretion. Minimum unit pricing is about setting a floor price below which alcohol cannot be sold. That is a pertinent point.

We must embark on the education aspect. If the Minister does nothing else, he should do that. I note Dr. Holohan, chief medical officer, is sitting behind the Minister. I would like to take this opportunity to compliment him on the work he is doing as chief medical officer and, in particular, in regard to Healthy Ireland. I have huge admiration for Dr. Holohan. We are driving the Healthy Ireland model to ensure we have a healthy state. I encourage everybody to read the Healthy Ireland document and to issue newsletters about it across their constituencies.

The education piece is critical. Dr. John Holmes and Mr. Colin Angus from the University of Sheffield also contributed to the pre-legislative scrutiny on this Bill and gave a present on the issue of minimum unit pricing. These men are not Johnny come lately, they are leading international researchers. They have no vested interests in this area. There has been much reference to the many academics and health professionals that have been consulted on this Bill. We are dealing with a public health Bill. A €1 increase in the minimum price will reduce the consumption of alcohol by 8.8%. What does that mean? It means that the money Senator Dolan wants for disability services and home care packages or the mental health services mentioned by Senator Divine will be more readily available. It will also mean a reduction in the number of hours wasted in our hospitals and health centres treating people for alcohol-related issues and a reduction in the number of days lost at work owing to alcohol-related issues. Minimum unit pricing is effective. This is about people who buy alcohol regularly and not the person who buys it occasionally.

I am glad that there is widespread support for this Bill.

Senator Robbie Gallagher: I, too, welcome the Minister to the House. I commend him on his efforts in terms of what he is trying to achieve by way of the introduction of this Bill. Based on all of the contributions to date, nobody here has an issue with what he is trying to achieve, which is to reduce the consumption of alcohol where possible.

In a previous existence I worked in an area where I saw first-hand the ills of over-consumption and addiction to alcohol. It leaves a lasting impression upon one. I would hazard a guess that there is not a family in this country that has not been touched by over-consumption and addiction to alcohol and the horrors that come with that.

An Leas-Chathaoirleach: The Senator should stick to the issue of minimum unit pricing.

Senator Robbie Gallagher: In regard to the consumption of alcohol, consumption among young people causes me great concern. Previous speakers mentioned pre-drinking. What scares me is that drinks, mostly spirits, are brought to a location and consumed and no measures

used. Young people do not know what the word “measure” means because they have not been educated in that regard. Some people say that all alcohol products for sale should have attached to them a measure to ensure people know exactly how much they are consuming.

The word “education” has been mentioned many times today. Education is key. We have all failed in terms of educating our young people, and older people, on the dangers of alcohol. Below cost selling is a key issue and it is hoped this Bill will address it. Coming from a Border county, I can leave my house, turn left, and be in a different jurisdiction within four miles. We must be cognisant of that fact. Border counties in terms of the very volatile jobs that exist there will be affected by Brexit and I must be cognisant of that. Whatever we do in the South must be similarly brought in at the same time North of the Border.

There is one other point I would like to raise with the Minister.

An Leas-Chathaoirleach: The Senator should confine his remarks to the section.

Senator Robbie Gallagher: I will sum up on this point. The key issue here is that we are all, I hope, after the one goal, which is to lower the consumption of alcohol among the population. If a person wants to get a drink, the reality is that he or she will borrow, beg or steal to get it. Here we are looking for a bit of common sense which will get us to where we all want to go and I hope that we will end up with legislation that reflects that by the time the Bill goes through the different Stages.

Senator Joan Freeman: I would like to speak briefly on the Public Health (Alcohol) Bill 2015 and to congratulate Senator Black for her sincere dedication in driving forward a policy which is long overdue in addressing the advertising message our manufacturers employ when distributing alcohol. I am coming at this from a mental health perspective, as most of us are, when we refer to this as a health Bill. Any legislation with the primary purpose of regulating the supply of alcohol has my complete support. It is vital that we as a society no longer treat alcohol as another grocery item. With free and open access to alcohol comes responsibility with consumption. The policy behind the Bill is important in that it seeks to curtail a certain type of drinking culture in Ireland which has been unexamined and sanctioned for too long. This is the type of culture we all know and one which encourages two for the price of one drinks and shrugs off the long-term consequences of binge drinking. Drinking to excess in this country is sometimes seen as a badge of pride when, in fact, it reflects a harmful dependency, particularly in young people, which is damaging for their development. There is a huge need to address our drinking culture in Ireland and the Bill goes a significant way towards doing that.

Alcohol harms our health and worsens our mood. It is a depressant which severely exacerbates underlying mental health issues. Numerous reports have been highlighted in the past, most recently Dr. Geoffrey Shannon’s child protection report under section 12 of the Child Care Act 1991. He reviewed more than 500,000 fields of PULSE data and noted widespread mental health issues underpinned by alcohol and substance abuse.

An Leas-Chathaoirleach: I do not like to remind the Senator but we are on section 10 specifically and amendments to it.

Senator Joan Freeman: I am sorry, a Leas-Chathaoirligh, I am coming from a committee meeting. I want to show my support to Senator Black, however.

An Leas-Chathaoirleach: That is much appreciated and I ask the Senator to forgive my

interrupting her-----

Senator Joan Freeman: That is okay.

An Leas-Chathaoirleach: -----but I am trying to be strict here. Many Members wish to speak.

Senator Joan Freeman: I have a little more to say.

An Leas-Chathaoirleach: Okay.

Senator Joan Freeman: For some reason, as a nation we have not tackled this problem and that of cigarettes with the same haste. I am conscious that there are many amendments to get through today. Therefore, I do not propose to go through them further.

An Leas-Chathaoirleach: We are dealing with these amendment.

Senator Joan Freeman: Again I reiterate my complete and utter support to Senator Black.

An Leas-Chathaoirleach: At this stage, I will allow the Minister to respond to what he has heard so far.

Deputy Simon Harris: I have heard a lot today. I thought legislation was complex until I started hearing about Senator Buttimer and Senator Craughwell's trips to nightclubs.

Senator Jerry Buttimer: Perhaps we should focus on section 10, a Chathaoirligh.

Deputy Simon Harris: It does put things in perspective. I want to be brief as well because we are not on Second Stage and I am conscious that we have to get through a lot in quite a time efficient manner.

An Leas-Chathaoirleach: Indeed.

Deputy Simon Harris: On amendment No. 14, I agree fully with what it is trying to do. I do not think anyone here could disagree with it. It is clearly trying to ensure that the Minister of the day has regard to data from health services relating to alcohol-related presentations at health facilities. That makes sense. I have examined the matter in a supportive manner but I believe section 10(5), as Senator Burke stated, provides the Minister for Health with that opportunity. I assure the House that the data is available to my Department and this subsection will mandate the Minister of the day to take that into consideration. The data is available through the hospital in-patient enquiry, HIPE, system. I am happy to further engage between now and Report Stage, if the Senator wishes, but I am satisfied that I have the information.

We have had a significant round of contributions on minimum unit pricing. Contrary to what I sometimes read or hear, or people whisper, on Senators' views on the Bill, I am after hearing extraordinarily strong support for the fundamental principle of minimum unit pricing from Senators on all sides of this House, and the significance of that should not be lost on us. The Leader, Senator Buttimer, mentioned Professor Barry's strong comments during pre-legislative scrutiny on the Bill, and I thank him for his work. I also note the World Health Organization's view in its report of 2009 and thank Senator Mulherin for her comments on the need for an evidence base to what we are doing. The World Health Organization stated that there is indisputable evidence that the price of alcohol matters and that alcohol related-harm goes down if the price of alcohol goes up. Therefore, we are following an evidence base in what

we are trying to do.

I wish to make it absolutely clear that minimum unit pricing is a key part to the Bill and an important tenet of the change we need to bring about. The influence of price on alcohol consumption in Ireland, particularly on young people, and many Senators have spoken about young people, was also highlighted by the Health Research Board. It carried out a survey, Alcohol: Public Knowledge, Attitudes and Behaviours, in 2012. Interestingly, it found that 24% of respondents said they would buy more alcohol if the price of alcohol was to decrease further. The figure increased to 50% for respondents in the 18 to 24 years age bracket. Therefore, we know that price is an issue in terms of how much alcohol we consume and we know that price can be a particular deterrent in terms of consumption and over-consumption for those who are young but legally old enough to drink.

Minimum unit pricing is about targeting cheaper alcohol relative to its strength, which is how this is different to past models. It is about targeting alcohol products based on the amount and strength of alcohol in it. The price is directly proportionate to the amount of pure alcohol in the drink which is why it is such an important policy framework. It means that the price of individual products will depend on their strength. It sets a floor price beneath which alcohol cannot be legally sold and it targets products that are currently very cheap relative to their strength. Strong and cheap drinks, as we all know, are alcohol products favoured by the heaviest drinkers among us. An interesting statistic to put on the record of the House is that at current prices it is possible for a woman to reach her weekly recommended low risk limit of 11 standard drinks for €4.95. That is quite astonishing. It is possible for a man to reach his weekly recommended low risk limit of 17 standard drinks for €7.65.

Spurious arguments put forward by some in the drinks industry about me trying to put up the price of a pint are complete and utter baloney. This is about ensuring that drinks which are extraordinarily cheap yet extraordinarily high in alcohol content have a floor price. Senator McDowell rightly asked me to translate that into what it actually means in a practical sense for people. Therefore, let me put a few figures on the record of the House. The majority of alcohol products sold in an off-licence premises will not be impacted at all by the proposed application of minimum unit pricing of 10 cent per gram of alcohol. A 500 ml can of Guinness will have a minimum unit price of €1.66; a 440 ml can of Tesco lager will have a minimum unit price of €1.32; a 750 ml bottle of Jacob's Creek classic Chardonnay will have a minimum unit price of €7.52; a 700 ml bottle of Gordon's dry gin will have a minimum unit price of €20.71; a 700 ml bottle of Smirnoff Ice will have a minimum unit price of €20.71; and a 700 ml bottle of Jameson whiskey will have a minimum unit price of €22.09. These are just examples but, in other words, the only product whose price will be affected is Tesco lager. The Senator asked specifically about Dutch Gold. A 500 ml can of Dutch Gold will have a minimum unit price of €1.58. As of May this year, it was retailing at €1.13. These are practical measures.

We need to debunk the accusation that we are trying to increase the price of a pint and that the Minister will put up the price of the gin and tonic of the man or woman on the street. Let us debunk that myth as well because we have a lot of myths but not many facts in some of the arguments put forward by industry. In pubs the proposed minimum unit pricing of 10 cent per gram of alcohol will mean that a price of Heineken will have a minimum unit price of €2.25 cent. I have never seen it retail for that. A pint of Budweiser will have a minimum unit price of €1.80; a pint of Bulmer's will have a minimum unit price of €2.02; a measure of Jameson whiskey will have a minimum unit price of €1.12; and a measure of Huzzar vodka will have a minimum unit price of €1.05. This is about targeting the cheapest drinks which have high

alcohol content and, in the session we just had, we all noted it is about ensuring that we are having a particular impact on our younger citizens and the next generation of citizens and decision makers in this country.

I take the point about Northern Ireland and acknowledge Senators from the Border area, including Senators O'Reilly, Wilson, Gallagher and any I have missed, who raised this issue. I understand that we always have to be conscious on the island of Ireland of the impact of what we do in one area on the other. We are asking Senators now to put the legislative framework in place. There is a Government decision on trying to do this alongside Northern Ireland. We need a government to talk to in Northern Ireland but that is for another day. Northern Ireland was moving in this direction but the Government will commence this at an appropriate time. The purpose of the Bill is to put the legislative framework in place to enable the Government do that.

I have heard about below-cost selling and I thank colleagues for wanting to see an impact on price because of the evidence base and considering other options. The Department did copious research on the most effective way and that is how minimum unit pricing came out. It published a report in 2013, prepared by CJP Consultants, which found that minimum unit pricing was much more effective than the ban on below-cost selling. That is why it is a fundamental tenet of the Bill.

I take Senator Lombard's point on what to do if there is a large lacuna, because people are eager to see movement on this. Minimum unit pricing needs to be in this Bill. I think there is cross-party support for it. As Minister for Health, I will always consider other opportunities. There are some opportunities in respect of regulating some of the promotional issues that can help, particularly for promotions which are often aimed at young people. Senator McDowell asked me particularly about price-based promotions. I am informed that sections 21(1)(a)(i) and 21(1)(a)(ii) of the Bill give the Minister for Health of the day the ability to prohibit that price-based promotion, such as six for the price of five. That is an important tool that we need to use.

Senator Colm Burke asked me three questions about the offences. I have been told that in section 10(6) a person who "sells or causes to be sold an alcohol product at a price that is below the minimum price of the alcohol product" or "advertises, promotes or causes to be advertised or promoted the sale of an alcohol product at a price that is below the minimum price" on summary conviction receives a class A fine or up to six months imprisonment or both. A conviction on indictment has more serious consequences with a fine of up to €250,000 or up to three years in prison, or both. Facebook, regardless of where that is promoted, is a factor that can be taken into account. It is included. On the third question about a fake product, that is, a product advertised that is not for sale, is not included in this Bill. Whether it is included in other legislation is beyond my knowledge.

I do not believe in shutting down debate. It is right that people question and get this landmark Bill right. I refer Senators to the edition of *The Lancet* of 15 April 2017, which contains a rapid evidence review of the effectiveness and cost-effectiveness of alcohol control policies. It is an English perspective. It goes through a variety of policy measures including cost, taxation, marketing, advertising, regulating the marketing and their impact. I will arrange for it to be circulated to Senators between now and Report Stage.

I thank Senator Black and others for their support for the Government amendment in this

section, amendment No. 49, which is a better wording of what we are trying to achieve.

Senator Michael McDowell: I am grateful to the Minister for explaining how the pricing section will impact. At 10 cent per unit it is a minimal impact from what we can see. Would the Minister agree that there may be something to be said for having different classes of drink attract different minimum prices? A bottle of gin might be €20 and a can of Dutch Gold, €1.35.

Deputy Simon Harris: It is €1.58.

Senator Michael McDowell: There should not be a necessary connection between increasing the price of beer, which has one particular target market, and that of gin. For instance, if a unit price is increased to 15 cent the price of a bottle of gin would go up to €30, in order to make a can of Dutch Gold almost €2 a can. Is there something to be said, and maybe we can consider this on Report Stage, for allowing different classes of drink to attract different unit prices? If the aim of the game is to stop people carrying slabs of beer out of supermarkets, the effect of the 10 cent rule is minimal. That should not necessarily imply that, if this power is used to increase the price of beer to €2 a can, as an iron rule the price of a bottle of spirits goes from €20 to €30. There is a rigidity in the section and the mechanism that could be avoided if it allowed the Minister to apply this differently.

I know that in another context different classes of drink are dealt with differently. In this section it seems to be an iron rule that the price per unit of alcohol applies right across the drink sector. Members of this House might feel more comfortable if there was a possibility of increasing the price of beer to approximately €2 a can while not increasing the price of a bottle of wine by a fiver or a tenner or not increasing the price of spirits by €10 from €20 to €30. Mathematically it is all fine but the Minister has handcuffed the unit price to alcohol in whatever shape it is sold. I know that many youngsters have naggins of vodka and gin in their handbags and back pockets. I am not naïve but if the Minister is serious about targeting abusive consumption of alcohol in some areas and if there is going to be a minimum unit price for alcohol, subject to its being permissible under European law and I think it probably would be-----

Deputy Simon Harris: Yes.

Senator Michael McDowell: He should allow himself the right to apply different rates to different classes of drink.

An Leas-Chathaoirleach: I think Senator Reilly has already made his point.

Senator James Reilly: I will be very brief.

An Leas-Chathaoirleach: The Minister has accepted the amendment.

Senator James Reilly: I accept that but I am sure that being a fair minded person if the Leas-Chathaoirleach allows one person speak twice to the amendment he will allow another.

Senator Michael McDowell: This is a Committee Stage debate. Members can speak as often as they like, subject to not being repetitious.

An Leas-Chathaoirleach: I did not want the Senator to be going on because I thought he over-laboured it. With respect, Senator Reilly.

Senator James Reilly: I will allow Senator McDowell digest that comment before I speak.

Senator McDowell is missing the key point here. I know he speaks from a certain point of view but the bottom line is that alcohol is the substance that is the mind-altering, body-damaging agent which we are attacking here, not any form or container of alcohol. We have been through all of this. The damage is done by alcohol in whatever form it comes and this is a way of making it difficult for people to buy slabs of beer below cost or the cheap bottle of, for instance, Polish or Russian vodka and I do not mean to pick out any nation. The core of it is to protect people and in particular, children, from that. With due respect, I support the argument that the Minister should not change this Bill when it comes to minimum unit pricing.

An Leas-Chathaoirleach: We will hear the Minister answer very briefly now.

Senator James Reilly: I said I would be brief and I will finish with this because it will save me speaking on the next section. Alcohol is an agent that damages one's mitochondria, which are the engines of every single cell in the body. That is why it is so damaging throughout the physical system. We have heard Senator Freeman speak on the damage it can do to mental health as well. This Bill concerns alcohol the substance, not the form it takes.

Deputy Simon Harris: Thank you.

Senator Gerard P. Craughwell: I fully accept what Senator Reilly has said but I want to support my colleague, Senator McDowell. If it were the case that we were talking about alcohol as a generic product as against specific types of alcohol, there would not be a problem. I think we can agree, however, that young people buy a naggin of vodka or whiskey because it will give them a hit much quicker than a can of Dutch Gold, Heineken or something else. I am inclined to agree with my colleague, Senator McDowell, that there should be a differentiation to discourage the taking of what I would call hard-hitting alcohol substances like spirits. I do not want in any way to derail the discussion or the Bill, but why are they going in and buying two naggins of vodka as against a slab of beer? It is because they can slip the two naggins of vodka into their pocket, as Senator McDowell has said, and they can walk down the street and drink it down the street. I see it every evening in south County Dublin in different supermarkets with kids coming out with these naggins of whiskey, vodka and gin. They are drinking the stuff neat, which is even more worrying. I am inclined to think that there should be a way of using the price, which is an economic factor in that if the price is raised, consumption is reduced, as a way of differentiating the quantity of alcohol by measure-----

An Leas-Chathaoirleach: The Senator has made his point.

Senator Gerard P. Craughwell: I apologise for taking up the House's time.

An Leas-Chathaoirleach: Would the Minister like to respond to those two points?

Deputy Simon Harris: I respectfully disagree with the policy alteration that Senator McDowell and Senator Craughwell are putting forward, albeit for genuine reasons. The idea, as Senator Reilly very eloquently said, is that there is a direct link between the price and the gram of alcohol in the product. I would be fearful of decoupling that very important link in terms of minimum unit pricing. It might be useful if I were to circulate the document that I was reading from in terms of the actual impact on the different drinks and-----

Senator Michael McDowell: I accept that point.

Deputy Simon Harris: -----I would be happy to try to convince the Senator or discuss it

further between now and Report Stage. It is a very fundamental link between the amount of alcohol in the product in terms of grams and the pricing of it. Looking at the practical examples, it obviously hits the products that some of our shops and many of our multiples are selling well below what I think any of us would accept as a minimum unit price.

An Leas-Chathaoirleach: Is the amendment agreed?

Senator Máire Devine: I would like to make a clarification.

An Leas-Chathaoirleach: The Senator wishes to make a clarification.

Senator Máire Devine: Is the Minister in support of health facilities being included in amendment No. 14?

Deputy Simon Harris: I am entirely in support of what the amendment is trying to do.

Senator Máire Devine: Yes.

Deputy Simon Harris: However, on advice and reflection, I genuinely believe that section 10(5) enables me already to have that information. In a practical sense in my Department, that information is available through the HIPE system directly from our health services already. I am happy to share what is available with Senators between now and Report Stage. I fully agree with what the amendment is trying to achieve, but I think, respectfully, that it is superfluous. Perhaps the Senator might consider withdrawing it and perhaps I can convince her between now and Report Stage. It is entirely her own call.

An Leas-Chathaoirleach: Does Senator Black wish to press the amendment?

Senator Frances Black: I will withdraw the amendment and resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Section 10 agreed to.

SECTION 11

An Leas-Chathaoirleach: Amendments Nos. 15 to 21, inclusive, and 24 are related and may be discussed together by agreement.

Senator Gerald Nash: I move amendment No. 15:

In page 13, between lines 11 and 12, to insert the following:

“(iii) a warning that is intended to inform the public of the direct link between alcohol and fatal cancers,”.

I support what my colleague, Senator Reilly, said about the general approach around minimum unit pricing and I support the Minister’s position. That has been the consistent position for at least five or six years. An enormous body of work has gone into researching this legislation and reflecting on it in great detail over recent years. I pay tribute to the former Minister, Senator Reilly, for his commitment to this legislation going back quite a number of years. It would be remiss of me as well not to acknowledge the role of my former colleague, Alex White, played in the drafting of this legislation in 2012, 2013 and 2014.

On the amendment, most people would accept that there is irrefutable evidence that there is a direct causal link between certain fatal cancers and alcohol misuse. An analysis of ten-year data, published in 2013, indicates some very concerning figures indeed, for example, that 900 new cancer cases are diagnosed each year that are attributable to alcohol consumption. That same piece of research states that 500 cancer deaths a year are caused by alcohol. That is about ten deaths per week, which I think most would agreed is an unacceptably high level. We need labelling to draw public attention to the causal links between alcohol use and certain fatal cancers. I think the need for that labelling is self-evident. If it is agreed to, this can contribute to the saving of lives and the protection of families and communities, and it is something I appeal to Members to support.

Labelling alcohol products is not new. There are labelling regimes in France and Russia, there is a voluntary code in the UK, and there is a regime in play in Germany. This is not something new and, to the best of my knowledge, it is not something the European Commission, for example, has commented on in the context of our approach in this country towards achieving this particular and critical public health objective. However, I was astounded, when I delved into to this in a little more detail, to read of the lack of knowledge that people in this country and in analogous jurisdictions have about the link between fatal cancers and alcohol use. A huge body of work has been carried out in recent years on the harm as a result of the use of tobacco products, in particular. While I do not have the figures available, I imagine that understanding the harm caused by tobacco products in terms of developing certain cancers and so on is evident. While I am sure we all accept that anecdotally, I am also sure the figures are available to convince us that that is the case. Labelling of tobacco products has had a huge impact in terms of people's attitudes to tobacco use, and I think the same should apply to alcohol.

I implore the Minister to consider this amendment seriously. It is an approach that I think will find favour with the public. Research carried out in 2012 by the Health Research Board indicated that 95% of people, the vast majority, favoured seeing more information being displayed on cans and bottles about the harm caused by alcohol products. It is something this House should consider very seriously.

Senator Máire Devine: In the interests of brevity, we will support amendments Nos. 17, 19 and 24, tabled by Senator Nash, and I will not move amendments Nos. 16 and 18.

This measure is vital, especially for women in terms of the direct correlation between the incidence of breast cancer and increased alcohol consumption. Senator Craughwell and several other Senators spoke a lot about education. Education has been one of the ways to get this message across to allow informed decision-making by individuals when it comes to drinking or not drinking at all and to allow them, where they are informed, to help family members. We need, however, to put this information on the product itself. It is done with every other product. Let us make the drinks industry be responsible as well and make it pay for that health information. It should not always have to be our own public health service that does it.

We spoke about what advertising campaigns need to do to get this information across. When it comes to deaths that are caused by over-consumption of alcohol, the drinks industry also needs to take its responsibilities seriously. We do not want anything along the lines of the superficial Drinkaware campaign, which is steered, supported and, perhaps, manipulated by Diageo. I ask the Minister to take this measure into consideration and to agree to it. Let us get some money from the drinks industry to carry out this advertising and education campaign.

Senator Keith Swanick: I would like to speak to amendments Nos. 15 to 21, inclusive. I commend Senators Nash and Black on tabling these amendments. The link between alcohol and cancer is undeniable. Those who seek to question it are arguing against science and fact. End of story. It appals me to hear and see lobbyists from the alcohol industry claim that there is no such link. Those who repeat these claims are propagating the kind of mistruths peddled by the tobacco industry in the 1960s, 1970s, 1980s and 1990s before we in Ireland, along with those in other countries, started to take tobacco control seriously. Senators will know how I feel about tobacco investments, particularly in the context of the National Treasury Management Agency, NTMA, the Courts Service and so forth. The Seanad has passed motions on this matter.

Alcohol is known to cause seven types of cancer. Not enough people are aware, unfortunately, that it is not just those with drinking problems who are affected by this. Even small amounts of alcohol can increase one's risk of cancer. There needs to be a better public awareness campaign, through whatever forum, to complement the work of the Irish Cancer Society and other organisations with the best interests of the health of the Irish people in mind. I fully support these amendments and credit is due to Senator Nash.

I also welcome the Chief Medical Officer. I meant to do so earlier.

Senator Colm Burke: I welcome the amendment on labelling tabled by Senator Nash as well as the detail he has provided. I suggest that we adopt the amendment in principle but refine it somewhat. One of the problems with labelling is to make sure that one can communicate the message with the shortest make-up of information so it is important that we refine this down. Too much information on a label can cause the message to be lost. It is important that we examine this matter and I ask the Minister consider it in that light. We need to work together to arrive at a solution that would incorporate Senator Nash's proposals.

Senator Frances Black: I strongly welcome amendments Nos. 15 to 19, inclusive, and amendment No. 24, tabled by Senator Nash. I am very happy to support them. They have the same purpose as my amendments, Nos. 16 and 18, which is to inform the public of the direct link between alcohol and cancer. I think the wording is a bit stronger so when it comes to voting, I will be looking to withdraw my amendments and urging everyone to get behind those from Senator Nash. Politics is good when we work together across party lines. This is something we can all get behind.

During the past year, it has been really shocking and disheartening to see the intense lobbying and misinformation that has been spread regarding this Bill. This is especially true when it comes to cancer. Like the tobacco lobby in the 1960s and 1970s, the link between alcohol and cancer, an empirical medical fact, has been regularly denied. I could barely believe it when I watched one of the most senior and vocal lobbyists against this Bill on our national broadcaster just a few weeks ago flat out denying the link between alcohol and cancer. This is shameful behaviour and we have to call it out.

The link between alcohol and cancer is clear. I thank Mr. Donal Buggy and the Irish Cancer Society for their research and hard work on this. They have shown that, every year, 900 new cases of cancer and 500 cancer deaths are attributable to alcohol. At a global level, the International Agency for Research on Cancer has classified alcohol as a group 1 carcinogen alongside tobacco. Lobbyists, however, try to deny this in the name of profit. Alcohol consumption can cause cancer of the mouth, pharynx, larynx, oesophagus, liver, bowel and breast. The impact on

women is particularly important and is too often forgotten. Every one standard drink a woman drinks a day brings a 7% increase in breast cancer. A woman drinking between three and six standard drinks a day increases the risk by 41%. This means that in 2013, for example, 12% of breast cancers were caused by alcohol. That amounts to 353 cases a year. That year, 69 women died in Ireland from breast cancer caused by alcohol. The statistics show that 40% of cancers are preventable, and prevention is the key to the national cancer strategy. A modest cancer warning would help prevent such needless deaths.

Sadly, the level of public awareness remains shockingly low. Research in the UK has found that almost 90% of people in England do not associate drinking alcohol with an increased risk of cancer. The Healthy Ireland survey from 2016 showed that only 27% of women, and 16% of young women, are aware of the increased risk of breast cancer from drinking. We need to ensure that people have the facts and can make informed choices. I often hear critics of this Bill talk about the need for education and I agree with them on that. We certainly need better information both at the point of purchase and the point of consumption. Research from the World Health Organization, WHO, has shown that health warnings like the one we are proposing can achieve this. It is no great demand and I urge colleagues to support Senator Nash's amendments.

Some have also claimed that this may contravene EU trade rules but again this is untrue. Many EU countries, including France and Germany, already have various health warnings. The purpose of amendment No. 20 is to ensure the inclusion of evidence-based health warnings on a minimum of one third of the printed material. Mandatory health warnings on product labels are a cost-effective way of countering positive and unproblematic depictions of alcohol use. As is the case with cancer, we are aware of the strong link between alcohol consumption and more than 200 health conditions. Despite this, the perception of risk is still low. I am glad that the Bill will introduce health warnings to change this position in this regard but these warnings must be substantial in size and in clarity. They will not be effective if they are small and unnoticeable. As such, we are proposing that this warning should comprise at least one third of the product label.

Amendment No. 21 deals with data collection on alcohol-related presentations at health facilities. We discussed this point earlier so I will not speak about it at length here.

Senator Jerry Buttimer: I wish to speak to the section, which relates to labelling, rather than commenting on the amendments. I would be happy to come back in when we discuss the section.

Acting Chairman (Senator Diarmuid Wilson): We can discuss the section when the amendments have been disposed of.

Senator Jerry Buttimer: I will come back in then. I thank the Acting Chairman.

Senator Victor Boyhan: We have a lot of work to get through so I will keep things simple. I fully agree with Senator Nash and I think that he has set out his views on this matter very eloquently, as indeed did Senator Black. It is clear from the dialogue that we have had with the Irish Cancer Society that there are enormous links involved.

I have listened to a number of Senators talk about lobbying and engaging. Lobbying is a regulated profession and people have a right to lobby, be they from the Irish Cancer Society, health professionals or whoever. Lots of people do this. We are elected to decipher and to

ask questions so let us not keep going on about lobbying for the next two days. This is quite ridiculous.

Senator Nash set out the issues regarding alcohol and cancer very clearly. This Irish Cancer Society has also set these out. That should be enough for us, so I will be fully supporting the amendments.

Senator James Reilly: I welcome this section on labelling and consider it critically important. Information is power; knowledge is power. The public has not been getting information. I am particularly pleased about the attention drawn here to the calorific content of alcohol and the amount of obesity it causes. As I have mentioned before, alcohol causes gastritis, which makes one want food; it causes hypoglycemia or low blood sugar, which makes one want to eat; it is full of calories; and it interferes with the individual's self-control. All of these are major factors when it comes to obesity. The section would be improved by Senator Nash's suggestion, though I hope that he would allow the Minister time to refine the wording between now and Report Stage so that we can get the best final wording possible. There will be a huge impact on people if they come to realise that this product does in fact cause cancer of the mouth, the pharynx, the gullet, the liver, the colorectal area, and so forth. Many do not realise that this is a very serious issue. If they understood that, they would be more careful about the amount of alcohol they consume.

Senator Maura Hopkins: I welcome the amendments on the link between alcohol and fatal cancers. However, alcohol is also a huge risk factor for high blood pressure, diabetes, obesity, atrial fibrillation, stroke and liver damage. While it has a major implication as regards the direct impact on cancer, it is equally important to recognise that it is also a major risk factor in respect of those conditions.

Deputy Simon Harris: I thank Senator Nash for tabling these important amendments, along with Senators Black, Devine and others who tabled similar amendments trying to achieve the same things. The Senators are highlighting the link between alcohol and cancer. There is, of course, a proven causal link between alcohol and several types of cancer, with the risk of cancer increasing steadily in line with the increased volume of alcohol consumed. Between 2001 and 2010, one in ten breast cancer cases were attributable to alcohol. It is a very real risk, and it is estimated that alcohol related cancers will more than double for females and increase by 81% for males up to 2020. It is a very serious issue and it is right that Senator Nash and others are endeavouring to address it through these amendments.

Adults obviously can and must make informed choices for themselves. I think we all agree with that. They must also take personal responsibility in respect of the choices they make. The Bill will ensure that we are provided with information on the effects on our health of consuming alcohol. The public is keen to see the additional labelling requirements on alcohol containers as envisaged by the Bill. All the research has shown that. In 2012, the Health Research Board report, "Alcohol: Public Knowledge, Attitudes and Behaviours", found there is strong support for more labelling on cans and bottles containing alcohol. The report found that the vast majority, in fact 98%, of people surveyed support the inclusion of labelling information on the strength of alcohol and 95% support the inclusion of labelling information on alcohol-related harms. Under section 11(10) of the Bill, I propose to introduce a regulation setting out the health warnings to be displayed on labels and relating documentation. As Senators may be aware, my Department commissioned research to inform these regulations. I assure Senators this evening that the link between alcohol and cancer will be one of the messages considered in

the development of these regulations on labelling and of the similar regulations to be made in respect of the warnings to be contained in advertising.

The point made by Senator Hopkins is important, and it is one I would make also. While there is absolutely a causal link between alcohol and cancer, there is also a causal link between alcohol and many other diseases. In light of the strong feeling the Seanad has on a cross-party basis, I am happy to suggest that it accept Senator Nash's amendments. I would just ask that we might further reflect, as a collective, between now and Report Stage on the issue of whether this is best done through regulations or legislation. In terms of the direction in which we wish to go, I would be happy to accept the amendments.

I ask that the Senator might consider withdrawing amendment No. 20 because I genuinely believe that matter should be dealt with by regulations rather than primary legislation. Getting into that degree of specificity in terms of the size can certainly be done through regulations but I am not sure it is best placed in primary legislation. The form of warnings and information to be included on labels and related documents can and will be prescribed by regulations to be made by me under section 11(10) of the Bill. The Bill already provides for the Minister of the day to determine the form of the warnings and information, including to prescribe the size and font type of these warnings. I am just worried that we might put too much granular detail into the legislation. I am very happy from a policy perspective to accept the amendments from Senator Nash. However, I would suggest that he might consider withdrawing amendment No. 20 and we can have further discourse between now and Report Stage.

Senator Gerald Nash: I thank the Minister for his contribution. Clearly, he understands and accepts that the entirety of Seanad Members accept the objectives we laid out in the context of this amendment. It is important that there is a legislative basis for this commitment. I was anxious to ensure that the proposed amendment was sufficiently broad to allow the Minister to accept it, and to give him and his officials in the Department of Health the opportunity to identify the best way to approach it. I propose that we engage further between now and Report Stage to identify what the Minister thinks is the best way forward. I am not in the business of just making a point; I want to make a difference. If the Minister has some suggestions, I and others who support this general approach, and who have very generously withdrawn their own amendments, might engage over the next short period to finesse how we will address this very important issue. I understand that is a commitment the Minister is making here on the record of the House. Knowing him as I do, I know that he will follow up on it. This is a very welcome development and I think we can all row in behind the Minister.

Amendment agreed to.

Amendment No. 16 not moved.

Senator Gerald Nash: I move amendment No. 17:

In page 13, between lines 30 and 31, to insert the following:

“(c) a warning that is intended to inform the public of the direct link between alcohol and fatal cancers,”.

Amendment agreed to.

Amendment No. 18 not moved.

Senator Gerald Nash: I move amendment No. 19:

In page 14, between lines 1 and 2, to insert the following:

“(c) a warning that is intended to inform the public of the direct link between alcohol and fatal cancers,”.

Amendment agreed to.

Senator Frances Black: I move amendment No. 20:

In page 14, line 26, to delete “concerned;” and substitute the following:

“concerned, where at least one third of the printed material will be given over to evidence-based health warnings;”.

I will withdraw the amendment and reserve the right to resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Senator Frances Black: I move amendment No. 21:

In page 15, between lines 8 and 9, to insert the following:

“(d) data from health services relating to alcohol related presentations at health facilities,”.

I will withdraw the amendment and reserve the right to resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Question proposed: “That section 11, as amended, stand part of the Bill.”

Acting Chairman (Senator Diarmuid Wilson): I invite Senator Buttimer to speak on the section.

Senator Jerry Buttimer: I feel a little out of place in doing this, but I feel I must. Notwithstanding that the committee that I chaired recommended that duty free and retail travel trade outlets be subject to the same labelling requirements and that the committee was very strong in its views in that regard, I am seeking clarification on the actual impact of section 11 of the Bill on duty free travel retail outlets. It was under head 5 of the general scheme of the Bill before the committee. At the time and since, I have spoken with people from Cork Airport and Dublin Airport Authority, who have serious concerns. While I fully support everything that has been discussed under section 11, we need to seek clarification on the issue of duty free travel and retail. They are of the view that they will be put at a disadvantage. They are talking about duty free exclusives for the duty free shop in the airport, which are not in the domestic market. They are of high retail value but of low volume.

I do not fly a flag but feel I have to make refer to this issue. I am told 87% of international brands that are stocked do not sell at a very high volume in the stores. The duty free people pointed out that it would not be possible for the supplier to continue with these Irish exclusives if there is comprehensive labelling. I stress again that I support the labelling. However, they said they would pull the supply of some of these brands and products. I have met with some of the artisan brewers and distillers from Ireland, indigenous industries that are also affected.

They said it would put them in a greatly uncompetitive position. The airports of Cork, Dublin, and Shannon are competing, as are Knock and Waterford perhaps although not with other domestic markets but with airlines and other airports. I am not sure how accurate this figure is, but they said that alcohol accounts for 20% of sales in the duty free travel retail sector.

I agree with Senator Boyhan that it is important for us to engage with different lobby groups that are for, against or whatever. It is only by engaging that we can learn and perfect the argument and the Bill. Could there be a look at the labelling requirement in terms of the duty free shops? If it cannot be done, that is fine. It is important, in the spirit of engagement, that we might look at this because it could be an unintended consequence of the Bill. Just in case anyone thinks I do not support the section that deals with labelling, I stress that I strongly do so. By the way, I do not have any vested interests in this regard.

Acting Chairman (Senator Diarmuid Wilson): I would not have imagined so.

Senator Paddy Burke: I ask the Minister to give us an outline in advance of Report Stage of the extent of the success of the no-smoking campaigns. I used to smoke, but I have given up cigarettes. I would not know where to go to get cigarettes at the moment. I am told that the number of smokers is nearly as big as it was some years ago. The HSE spends approximately €50 million on no-smoking campaigns each year. Cigarette advertising has been banned. Cigarettes have been banned everywhere. When one goes into a supermarket, they are behind shelves. I ask the Minister to outline to us how much the HSE spends on no-smoking campaigns and how successful these campaigns have been. More and more people in this country are going on holidays and bringing back duty-free cigarettes from other countries. Cigarettes have never been more expensive in this country. We have done so much on the cigarette issue. We have increased the cost of cigarettes, banned them and put them behind shelves so that people cannot find them anywhere. There is no advertising. The State is spending a considerable amount of money on no-smoking campaigns, but many people are still smoking. I ask the Minister to give us some details in this regard.

I would like to make a point about education. As I was listening to the radio the other day, I heard an advertisement suggesting that people who want to find out about the risk that alcohol poses to them should visit the HSE website. I would like to know whether it is a very active website. Do many people visit the HSE website to find out about the damage caused by alcohol? I have seen the biggest change ever in the GAA, which is probably the biggest organisation in the country. When I was playing football in the 1970s and 1980s, after every match both teams met in the local pub to drink.

Senator Jerry Buttimer: Was the Senator a bad footballer?

Senator Paddy Burke: The Senator knows well that what I am saying is true. Nowadays, very few teams meet in local pubs after matches. The vast majority of GAA players do not drink at all. I have proposed here previously that we should use young GAA, rugby and soccer players who do not drink to promote this issue, for example, by explaining why they do not drink. They should get scholarships, or maybe they should be paid. Rather than broadcasting radio advertisements for the section of the HSE website that sets out the dangers of alcohol, it would be much better to take a proactive approach involving representatives of the considerable number of young people in this country who do not drink. Many young people have given up drink. They should be used as role models for those who do not drink. They could be incentivised through funding, including third level education grants. I would like to see the Minister

take on this campaign. I know he could take it on. Maybe he will take it on.

Senator Michael McDowell: I am a bit mystified by section 11(1)(b), which proposes to make it an offence for a person to “import, for sale in the State” an alcohol product if its container does not bear a warning in the prescribed form. How is that going to work out? I do not think it has been thought through. If it is an offence to bring into this State a product that does not bear this warning, people outside the State will have to attach Irish warnings to bottles and cans, etc., before they come into this State. With respect, that is a bit crazy. We cannot ask a vineyard in France to label everything in the Irish version. We have not yet got to the Irish language, which is another day’s work. We cannot make it an offence for somebody to import a product in these circumstances. Surely we should require the label that will be prescribed by the Minister to be attached to the bottle or can after it has come into the State. It cannot be right that a French brewery, vineyard or spirit manufacturer will have to stick an Irish label, as decided by a Minister in Ireland, onto a product before it arrives into Dublin Port. We cannot possibly say that it will have to be done in France. I imagine that such a requirement would be a huge problem under European law. Therefore, I suggest that there is a flaw in the drafting of this section.

Senator Joe O’Reilly: I join colleagues in supporting the principle, concept and objectives of labelling as set out under section 11. Senator Colm Burke’s point that labelling should be simple, and messages should be short and easily understood, is a good one. I commend to the Minister that the need for simple messages should be taken on board in a big way in the later regulatory stages. I suggest that market research or qualitative research could be done to establish the facets of illnesses that most affect people in a popular sense. It is not possible to chronicle all the illnesses in a label. Perhaps those that most capture the public imagination could be mentioned on labels. Market research can be done to throw up that information. Senator Hopkins has eloquently made the point that a whole catalogue of illnesses are related to alcohol. As Senator Reilly delineated earlier, a number of cancers are associated with alcohol. While that is the case, we could not possibly have a label with all of that information. There should be a focus on the illnesses that are most likely to have an impact.

Although I am speaking in support of labelling provisions, I would also like to make a point about advertising. I think this is the section under which I can most reasonably raise this issue in keeping with Standing Orders. I am very impressed by the current radio advertising campaign. It is part of an alcohol education campaign. I have not seen it on television, but I have heard it on radio in my car. It is an example of very effective messaging. It is very effectively done. I commend it. I suggest to the Minister that he should take this message to the people who are responsible for it. When I listen to it on the radio, I think it is very impactful. It is one of the most effective advertising campaigns to have been run in recent times. I support the concept of labelling, with the proviso as nuanced or delineated by Senator Colm Burke that it must initially be very simple and catchy. It should focus on the most common phobias in order to get to people in a general sense. A long technical label that lists all of the possible illnesses would not or could not work.

Acting Chairman (Senator Diarmuid Wilson): As always, Senator O’Reilly is ahead of himself. Advertising is dealt with in the next section. The Senator has covered it well in this context of this section.

Senator Tim Lombard: I am always worried when I have to speak after Senator O’Reilly. It is quite hard to keep up to that standard. The question of the most effective way to use label-

ling needs to be looked at in the context of section 11. I have listened to what Senator Colm Burke said about simple and appropriate labelling. A whiskey tourism trail has been launched in my part of the world. There is a huge Jameson visitor centre in Midleton. I do not think that is the kind of industry we are trying to affect with this labelling system. When we consider the promotion of the Irish whiskey trail, overly offensive labelling could damage the tourism outlook of those towns and of the product itself, which, to say the very least, has a high alcohol content. Any labelling requirements should be sensible and appropriate to the product. As a Government, we are putting money into a tourism strategy for this product and are promoting it. Some of these whiskeys cost hundreds of euros per bottle and have exceptionally high alcohol content. Most of them are bought never to be drunk but to keep. As we have seen in Scotland, it is a lucrative market, so we need to be sensitive about this. If we are not, there could be a knock-on effect on what is a thriving tourism market. In the southern part of the island, the tourism numbers of the Jameson visitor centre in Midleton are second only to Fota Island. It is a huge industry and we need to protect it. If we are to bring them in, labelling requirements should be sensible and suitable to the product.

Senator Catherine Noone: I apologise for not being here earlier. My committee is having a short break so I came up here and am glad I did. I have a few points I wish to make. It seems that a lot of those speaking are Members on the Government side, which is unusual on Committee Stage. Nonetheless I will say what I have to say and probably disappear again, for which I apologise.

We do not think twice about labelling food. We accept it. We must be careful not to reduce the efficacy of the Bill by suggesting liquid that goes into our mouth and affects us in a similar way to food does not have the same requirements. I would be in favour of similar nutritional information requirements for alcohol. The need for warnings can be compared to that in the tobacco industry. We do not need to go as far as having pictures of livers with cirrhosis on whiskey bottles but we need sensible warnings which are not hidden given they are supposed to be warnings.

To an extent I agree with Senator Lombard on the whiskey point, which I mentioned to the Minister's officials earlier. Far be it for me to think of exceptions to the Bill because I advocate for the Bill and want it enacted as close to its current state as possible, but Senator Lombard referred to what are often rare whiskeys. In particular, these rare whiskeys are being sold in duty free shops. This is a big market all over Europe and around the world and they are competing with duty free shops for that market. Unless one is a multimillionaire, one is not going to be necking or binge drinking on whiskey that costs €150. There is a distinction to be made for that market, which is important, but the other important factor is that any drink made in Ireland will have warning labels on it. Therefore, it is more of an issue for foreign producers than our own producers of high end whiskey.

It is important to remember that any drink which is to be sold in any kind of volume in Ireland will go through distributors. In the same way as food that is being sold from other countries to Ireland, it will go through distributors. Those distributors will have to ensure it complies with EU laws and, in this case, Irish laws. It will not be a huge burden on companies selling Irish-produced drink if it is sold in any kind of volume, as it will be an easy thing for them to do. High end whiskeys, which are very expensive and collector items, have to be distinguished. That is fair enough. However, anything that has a reasonable cost, whether produced in Ireland or elsewhere in volume, should contain warnings. As far as I am concerned, if warnings are to be placed on alcohol, they should be on those that are affordable and that people can drink in

volume.

Senator David Norris: I do not entirely agree with Senator Lombard. I do not think that we need to be sensitive; we need to be clear, definitive and effective. “Effective” is the important word. People need to register the dangers. I am glad that the amendment on cancer went in while I was occupied elsewhere. It is extremely important. As I said to my colleagues, I am surprised there is no mention of cancer in the labelling requirement. It should be specifically referred to in the labelling. The World Health Organization’s International Agency for Research on Cancer classifies alcohol as a group 1 carcinogen. In other words, the most significant level of carcinogenic activity is attributable to alcohol. That means it is carcinogenic to humans. It is a direct cause of cancer of the mouth, pharynx, larynx, oesophagus, liver, pancreas, bowel and breast. Every year 900 new cases are diagnosed that are related directly to alcohol, which is astonishing. I had no idea of the relationship between alcohol consumption and breast cancer until recently. I think it causes one in eight cancers of the breast, which is a very serious disease. I used to think until fairly recently that it was reasonably easily cured. It is not. I have known three people within the past year who have died of cancer of the breast. It is, therefore, something we need to take seriously. As I say, to me it is not a question about being sensitive about whiskey trails but about getting an effective message right on to the bottle.

Senator Catherine Noone: Hear, hear.

Senator Victor Boyhan: I want to reference Senator Lombard and Senator Noone’s comments on high end whiskeys. This morning I travelled back from London on Cityjet. I have the magazine because, when I opened it up, there was a four page marketing spread on Irish whiskey. It states that alcohol is a focal point of holidays in Ireland in a way which is different from any other country in the world. That was in the Cityjet *Velocity* magazine I got today. Every second page is an alcohol advertisement in this magazine. Senator Noone rightly pointed out that there was a lot of engagement from that side of the House. It is a huge industry. The Government speaks about a national plan to create an Irish whiskey trail. This would be a marked route across the entire country that would take tourists to Ireland’s most significant whiskey related sites. There is something in it. There is the economics in it but there is also the dichotomy with health and all that. I was interested in both Senators’ contributions. Therefore, I would like the Minister’s clarification. Perhaps he will share with us his response to those two interventions.

Deputy Simon Harris: I thank the Senators for their important contributions. In particular, I thank Senator McDowell for highlighting an issue on which I will seek further legal clarity. I wish to assure him about what we are trying to provide for in section 11(1) of the Bill. It is intended that it will be an offence to import a product for sale without the labelling information. Where a product is imported, the label changed and the product then sold, we do not wish to make that an offence nor would it be an offence if it were imported for one’s own personal consumption. The idea is that people who would import a product into the country and then sell it would not have an advantage over those selling Irish indigenous products. I will seek further legal clarity on the current wording in the Bill before Report Stage. However, that is the policy aim we are trying to achieve.

Senator Buttimer had to pop out but, for the record, there has been a lot of back and forth on the issue of airports. The Senator decently and honestly admits his own all-party committee had a clear view of the issue of labels and we have very much inputted that into the Bill. However, some concerns were expressed that airports would be significantly impacted by the require-

ments of the Bill. I wish to put on the record of the House, as I think it is important, that there have already been a number of concessions and changes and people have taken cognisance of the slightly different position airports are in. However, they are not entirely different. If alcohol is a danger in one place, it is still a danger in others, but airports will have exemptions from the minimum unit pricing requirement in the Bill.

The provision relating to the separation and visibility of alcohol products in mixed retail outlets, as it applies to other outlets, will not apply to airports. There is a modified version of the requirement and one that reflects the display of alcohol in airport shops currently is all that will be required under the provisions of the Bill. The requirements are that cabinets containing alcohol products should not contain non-alcohol products unless packaged together and that a non-alcohol product container should not adjoin a container with alcohol products. In response to Senator Boyhan, that is generally the norm at our airports. As a result, there is a variation regarding the separation and visibility at our airports reflecting the way they carry out their business.

Regarding advertisements for alcohol products at airports, the Bill provides that such advertisements can be displayed in or around the relevant container and the labelling provision is applicable to alcohol sold at airports. It is important that this is the case. It means that a customer in an airport shop will be provided with the same health information and other information about the product he or she is buying as his or her fellow customers in non-airport shops. Regardless of whether a person is going through the airport or the supermarket, he or she is entitled to the same factual information from a health perspective in terms of alcohol.

Senator Lombard said people are drinking high-end whiskies. This is obviously about the consumption of alcohol. I will reflect and engage further on that between now and Report Stage to familiarise myself further with the issue highlighted by the Senator.

Senator Paddy Burke asked a lot of questions, some of which involve getting information from the HSE about how much it spends on advertising campaigns relating to smoking. I can tell the Senator that it definitely spends far less on campaigns encouraging people to quit smoking than it does on dealing with cancers that arise from smoking. I would hazard a guess that it also spends far less on advertising campaigns to encourage people to drink responsibly than it does on campaigns dealing with the cost to the health service of cancer. However, I will get the Senator a statistics document on that. It is very fair to say that there has been very significant success regarding the no-smoking campaigns. I have a document with me - the Healthy Ireland Survey 2017 - which was published in recent weeks and which shows that approximately 22% of our population are smokers. There was a time when that number was in the region of 40%. A total of 18% of people smoke daily while 4% say they smoke occasionally. Men are still more likely to smoke than women. Interestingly, 35% of smokers who saw their GP in the past 12 months discussed ways of quitting smoking while 25% of those who saw a hospital doctor had this discussion, as did 22% of those who had the conversation with a nurse. More people living in Ireland have quit smoking than currently smoke so it has been a very successful campaign. I will get information on traffic to the website. It is important to say that, obviously, smoking is highly addictive so while the numbers are consistently coming down, we cannot be complacent in any way.

The Senator makes a very valid point about the idea of role models in our communities, particularly male role models for young men. I would be very interested in exploring the use of the GAA structure along with that of other sports clubs. I am sure our Healthy Ireland unit

would have a view on that because it makes sense from a range of points of view, including mental health, obesity, physical health, good practice relating to drinking and not smoking. I thank the Senator for that constructive suggestion.

I take the point Senator Boyhan makes about whiskey trails. Once they comply with the advertising and marketing standards, it is okay. We are not banning marketing or advertising. It is a matter of complying with marketing and advertising standards, which is an important differentiation.

Senator Michael McDowell: I do not know whether every station carries it but if we look at the advertisement for Coors beer, which shows people tobogganing down the Rockies and all sorts of funny things happening, how does the Minister envisage what is proposed working? Will a voice be heard at the end of the advertisement saying-----

Deputy Simon Harris: Is the Senator dealing with advertising?

Senator Michael McDowell: Sorry, I strayed into the next section.

Deputy Simon Harris: I was just not sure.

Acting Chairman (Senator Diarmuid Wilson): Two legally-minded fellows on the same wavelength.

Senator John O'Mahony: I very much welcome the progress of the Bill so far and the tone in which it is being debated on all sides. Labelling was discussed. There seem to be some anomalies and I ask for them to be examined. A vineyard in Italy is expected to put the labels we have put into legislation on its wine. Similarly, in the context of airports, if people are leaving the country, that should be looked at as well. I am not saying it may not be possible to tweak it. Everyone wants to reduce the amount of alcohol but whatever can be tweaked in order to reduce the problems we have with alcohol should be tweaked. I have met people who felt that they needed a separate entrance into their small outlets or that they had to build walls like the one suggested for the border between Mexico and the US. This is not what is at issue either. It is not just about educating people about alcohol. There is a meeting of minds on this issue in many respects. It is just that we need to discover that meeting of minds. Today has been a good start.

Senator David Norris: Senator McDowell raised an interesting point about importing wines from France, Italy or elsewhere. However, it would not kill the wine producers to slap on a label. It is a perfectly simple procedure. If they are exporting to a country like Ireland, why should they not put labels on bottles? I do not see any reason why that should not be a requirement. It would not kill them.

Senator Michael McDowell: The European Union would not agree with the Senator.

Senator David Norris: Do not get me started on the European Union. We will be here all night if the Senator gets me started on that.

Question put and agreed to.

SECTION 12

Acting Chairman (Senator Diarmuid Wilson): Amendments Nos. 22, 23, 25 and 30 to

35, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 22:

In page 16, to delete line 15 and substitute the following:

“(b) a fixture or fitting on or attached to a premises the subject of an on-licence,”.

Deputy Simon Harris: I propose to take Government amendments Nos. 22, 25, 30 to 35, inclusive, with Opposition amendment No. 23 as they all relate to the content of advertisements. A number of these amendments are quite technical in nature.

Amendment No. 22 replaces the word “in” with the phrase “attached to” in section 12(1)(b) to ensure that the language used in the Bill is consistent. In addition, it specifies that this exemption from the content of advertisements provision will apply to on-licence premises only. The exemption will facilitate the retention of existing fixtures and fittings, for example, beer taps, mirrors and heritage advertisements, in pubs. For example, one could find a certain pub with a sign about how Guinness puts hair on your chest. That is effectively a heritage sign. We are not going to around withdrawing them so that is largely my layman’s way of explaining the amendment.

Amendment No 25 is a technical amendment to section 12(11). The first revision under this amendment will replace the word “sponsored” with the word “produced” regarding advertisements or public service announcements associated with the Road Safety Authority or the Department of Transport, Tourism and Sport. My Department or the HSE might often sponsor an advertisement. While we have many skills in the Department, we are not in the business of production of advertisements so the amendment clarifies the role of the Department as distinct from the role of the production company. The second revision will add the word “produced” in the context of advertisements or public service announcements associated with the HSE or the Department of Health. This is an entirely technical amendment to ensure that appropriate terminology is used in the Bill.

Amendment No 23 in the name of Senator Swanick proposes to provide a further exemption from the advertisement content requirements for visitors centres. The Senator is referring here to visitors centres that focus on the history of manufacturing of alcohol products. Perhaps this is linked to our previous discussion as it relates to whiskey museums. Section 12 provides that advertisements for alcohol products must include health warnings on the dangers of alcohol but it already excludes premises where alcohol products are manufactured or available to buy wholesale. On that basis, it is likely that many of these museums will already be exempt. Some of the examples mentioned by the Senator would very much fall into that category. Manufacturing is, therefore, already exempt and a museum, in that sense, is covered. In the public interest, we have an obligation to inform all consumers of the health risks associated with alcohol consumption. We cannot say that we believe there is a causal link between some illnesses and alcohol but that we should not inform tourists of this when they come to our country and then give them different bottles with different labels in order to circumvent the problem. There must be consistency in terms of public health policy. I see no reason why persons attending a visitors’ centre or some other tourist attraction should not be made aware of the risks of alcohol consumption. Nor do I envisage that an awareness of the health implications of alcohol consumption would necessarily detract from the visitor centre experience. I have seen a number of these and people can enjoy their visitor centre experience with the same level of awareness we

as Irish citizens will have after the Bill on the dangers of alcohol.

Amendments Nos. 30 to 35, inclusive, relate to advertisements in publications. Amendment No. 30 is a technical amendment to ensure consistency of language in the Bill. The amendment makes clear the provisions relating to the importation of publications apply only to those imported for sale in the State. This goes back to the idea that if people bring in something for their own personal use from abroad, such as a magazine, once they do not sell it on it is not covered with regard to the other advertisement restrictions. Amendments No. 31 to 34, inclusive, are technical amendments arising from a different lead-in time for advertising provisions. There is one lead-in time for ensuring the warning is on the advertisement, and there is a longer lead-in time for making the advertisement factual only. This is purely to make sure our language is consistent.

Amendment No. 35 proposes to allow for a further extension from the provisions in section 17 for a specialist publication that relates exclusively to alcohol products. People could produce a flyer to sell alcohol products for something local or bring in a trade magazine. The word “solely” means that a magazine which relates to wine, food or travel would not be exempted. It solely exempts specialist publications.

Senator Keith Swanick: With regard to amendment No. 23, we believe a visitor centre for the purpose of tourism should be exempt from the advertising restrictions referred to only in this section. This would exempt locations such as the Guinness visitor centre from the advertising restrictions. I accept the Minister’s bona fides on this.

Senator Máire Devine: I have a quick query, which may not be for here. Senator Swanick mentioned Guinness, which is in the area where I grew up. We also have Teelings and Pearse Lyons, and two more are planned. There is saturation and we are becoming known as the drunk Dublin 8 area. This is something for local authorities, but I wonder whether the Minister would give guidance on it. The saturation in the area is quite overwhelming.

Senator Michael McDowell: Arising out of Senator Swanick’s point, he may be thinking of the Guinness Storehouse, which is one of Dublin’s great tourist attractions. Closer to where I work, and I work in a distillery building, there is the Jameson distillery. No manufacturing is carried on there and I want to make that point clear. In so far as Guinness may have an extended campus, which includes its Storehouse, the exemption would not apply to the Jameson visitor centre in Dublin. Members would not believe the crowds of people who go to the Jameson visitor centre in the summer. It is one of the main tourist destinations in Dublin from what I can see.

Are we discussing the entire section or just the amendment at this stage?

Acting Chairman (Senator Diarmuid Wilson): Just the amendments at the moment and we will come to the section in a minute.

Senator Victor Boyhan: The Minister has made a very good case for the rationale of his amendments and I am happy to support them.

Deputy Simon Harris: I thank Senator Swanick for his understanding on this and I hope we have captured what he and others wish to be reassured on. I take very much the point made by Senator Devine. As she alluded to, it probably is a planning matter for county development plans or local area plans in terms of what people want to have developed in their communities. I very much take the point she made.

Senator McDowell's contribution goes back to my original point. Visiting tourists have a right to the same information as people not visiting. In that sense we are taking a consistent approach that whether one is Irish or not, or a domestic tourist or not, people visiting these premises have a right to the factual information.

Senator Michael McDowell: It will not apply to Guinness but it will apply to Jameson.

Deputy Simon Harris: That is true. We have taken a different approach if there is manufacturing.

Senator Tim Lombard: To follow up on Senator McDowell's point and the Minister's response, Jameson is manufactured in Middleton, so the tourism centre there would be exempt, but the one in Dublin, which is its biggest tourist centre, would not be exempt even though it is the same product. This anomaly might need to be teased out.

Senator Michael McDowell: Beamish is also from Cork.

Senator Aidan Davitt: Quite a good point has been made on this. Perhaps tourist centres are what should be considered, as production on site might not be the way to clarify the issue. I believe the Guinness factory is the second biggest tourist attraction in Ireland. As Senator McDowell pointed out, we have the Jameson centre in Dublin. We also have Teelings in the same area referred to by Senator Devine. I very much doubt it produces anything there. It is a fine facility. We also have the Irish whiskey centre opposite Trinity College. A lot of these are tapping in on the tourist trail. This is possibly something the Minister could look at. If they are being used solely to attract tourists the exemptions should apply.

Senator Colm Burke: I want to tease out whether, if a facility was previously involved in manufacturing and is now a visitor centre, an exemption would be incorporated in this case. I am not clear whether this would deal with the issue. It is something that might be teased out.

Senator David Norris: I am not sure why there should be these exemptions at all, to be quite honest. It sounds like a load of rubbish to me. I have been to one or two of these places and most of them feed people whiskey when they get them in, and whether they manufacture it or not they give people a couple of good dollops of whiskey. People will be ingesting the stuff that is damaging so why should there not be warnings in all of these places? I do not see any reason for exemptions. The Minister does apparently, so let him have them, but I do not think there is any reason for exemptions at all.

Senator Máire Devine: Senator Norris is probably right. On the back of what Senator Davitt said, it might be better to tweak it as a tourist centre or something along those lines. Guinness used to be massive and all-encompassing, completely taking over James's Street and Thomas Street, but now it has downsized. At some stage it may well take the decision to go elsewhere, so what happens to a massive production such as this? If one bottle is produced a year is this considered manufacturing? Are there ways and means of getting around it? We might need to look at different wording and perhaps "tourist centre" is the phrase to go with.

Senator David Norris: None of these places is Irish any more anyway. They are all multinationals.

Senator Michael McDowell: One way around it is to sell alcohol wholesale on the premises.

Senator David Norris: Advice on tap as well.

Senator Michael McDowell: If it is available wholesale there will be an exemption anyway under the section.

Acting Chairman (Senator Diarmuid Wilson): It is highly unusual to get a senior counsel giving free legal advice.

Deputy Simon Harris: I find myself closer to Senator Norris's view on this than others. I do not want too much collegiality and consensus breaking out here. I do not see the difficulty. I do not buy into the idea that the tourist experience would be destroyed by a premises that is advertising having to put in some factual warnings about alcohol. Quite a good bit of domestic tourism goes on. People might want to take their families out for the day. We have all talked about children and young people. If people want to explore this further on Report Stage they can do so. The idea here was not to interfere with a place manufacturing. I do not see what the issue is if a place is advertising. I do not buy into the idea it will destroy the tourism experience in any manner or means. I genuinely do not, but if people wish to explore it further on Report Stage that is their prerogative.

Amendment agreed to.

Amendments Nos. 23 and 24 not moved.

Government amendment No. 25:

In page 18, to delete lines 9 to 14 and substitute the following:

“(b) an advertisement or public service announcement in relation to road safety produced by the Road Safety Authority or the Department of Transport, Tourism and Sport, or

(c) an advertisement or public service announcement providing public health information in relation to alcohol consumption sponsored or produced by the Executive or the Department of Health.”.

Amendment agreed to.

Question proposed: “That section 12, as amended, stand part of the Bill.”

Acting Chairman (Senator Diarmuid Wilson): Did Senator McDowell indicate that he wished to speak on this section?

Senator Michael McDowell: Yes. Two points struck me, one of which is related to the provision “a vehicle owned by a person who manufactures, or sells by wholesale, alcohol products”. This will include travelling radio vans. I will give free advice to the whiskey people at a later stage.

There are elaborate television advertisements. Will this apply to television? If so, and there is an advertisement for Coors showing people in the Rockies, how will this section apply? Will there be at the end a monotonous voice telling us that Coors or alcohol can cause damage to the oesophagus, liver or colon? Will there be some symbol on television advertisements that is recognised generally as a warning? I find it very annoying that at the end of every advertisement for anything to do with the financial sector there is a long announcement about who

controls and regulates it, terms and conditions apply, and all the rest of it. Most people switch off at that bit. How will this affect television advertising and radio advertising? Will there be a special section in each advertisement including a warning and will it be standard for all drink? Will there be the same little lecture about drinking Mateus Rosé or Casillero del Diablo at the end, five or ten seconds of moralising or preaching? I would like to know how it is intended this will work.

Senator David Norris: This is largely unworkable. Forget about the Irish stations, because the Minister can do something about them. but there are many commercial television stations broadcasting into this country. I do not give a damn about television. I have an old-fashioned television set and I get five stations which is plenty for me. There are a couple of hundred stations out there and they will not give a damn what the Irish Government proposes in its legislation. They will be broadcasting advertisements into the State goodo. It will be largely ineffective. Does the Minister have any ideas on this area and whether we are creating a double standard, with one standard for television companies broadcasting from abroad into the country? Perhaps we could set up jamming. That would be wonderful - jam CNN and Fox News, today, yesterday and forever. That would be great.

Senator Alice-Mary Higgins: I want to speak to amendment No. 24 which Senator Nash was not here to move.

Acting Chairman (Senator Diarmuid Wilson): The amendment was not moved. The Senator can speak on the section.

Senator Alice-Mary Higgins: I am informing the House that I may propose a similar amendment on Report Stage which may deal with cancers and some of the issue raised by another Senator about issues such as strokes.

Advertising is being dealt with in other jurisdictions. I lived in America for five years and saw warnings attached to certain gambling and financial products. There are many jurisdictions that have found many ways to attach not what I would regard as sermonising but important information to advertisements. There are many approaches to doing that. Those are issues that the Advertising Standards Authority will be able to deal with and I do not think they should concern us or slow us in placing the requirement in the legislation.

Deputy Simon Harris: Senator Norris has never been known as a sheep and it is a question of whether we want to lead or follow. I have enough challenges being Minister for Health in Ireland without being Minister for Health for the entire European Union or beyond, heaven forbid. This is a question of leadership. This country showed great leadership on tobacco. I have already credited Deputy Micheál Martin's leadership in that regard. The same argument could have been made then. Somebody has to be first and say they are going to do this. Ireland as a leader in public health, which we want to be and have shown we can be, should lead. That will mean that the anomaly will exist. A person can turn on the BBC and the advertisers will not be bound by these restrictions but hopefully-----

Senator David Norris: The BBC does not carry advertising.

Deputy Simon Harris: That is correct. The Senator is definitely safe.

Senator David Norris: CNN and Fox.

Senator Jerry Buttimer: Fox is gone.

Senator David Norris: Is it? Good.

Deputy Simon Harris: Perhaps public representatives in other countries will hear from their citizens just as we heard from our citizens about the need to act in respect of alcohol.

I take Senator McDowell's point but there is a three-year lead in for this.

Senator Michael McDowell: That is kicking the can down the road.

Deputy Simon Harris: It is not kicking the can down the road at all.

Senator Michael McDowell: The beer can.

Deputy Simon Harris: Certainly not the beer can. It is recognising that there are many very well-paid people working in advertising and creative concepts. I was told recently that one of our largest drinks companies does not have the ingenuity to change one of its advertisements at Christmas time. I never heard the like of it. We need to consider the digital marketing departments of these companies. People can modify ads. As Senator Higgins said more eloquently than I, this is not an absurd concept. We do it in respect of much. Senator McDowell raised the point about the very fast thing at the end of the financial ads and how effective it is. The Broadcasting Authority of Ireland, BAI, will be responsible for this. People will have three years after commencement, which is plenty of time for advertisers to understand it and use their creativity within the new requirements. From a primary legislative point of view, we are putting the restrictions in place. How they are implemented is a matter for advertisers to satisfy. There could be a variety of ways in which they could do it and we do not to prescribe for that in primary legislation. We do, however, need to set the overall principal objective. I have no doubt that it is not beyond their ingenuity.

Question put and agreed to.

Progress reported, committee to sit again.

Business of Seanad

Acting Chairman (Senator Diarmuid Wilson): Before we move to the next section I call on the Leader to speak.

Senator Jerry Buttimer: Notwithstanding the order of the House today, Committee Stage of the Public Health (Alcohol) Bill 2015 will not adjourn at 8 p.m. this evening.

Acting Chairman (Senator Diarmuid Wilson): Is that agreed? Agreed.

Public Health (Alcohol) Bill 2015: Committee Stage (Resumed)

SECTION 13

Government amendment No. 25a:

In page 18, lines 16 to 20, to delete all words from and including “(1) This” in line 16 down to and including line 20.

Acting Chairman (Senator Diarmuid Wilson): Amendments Nos. 25a to 28, inclusive, are related. Amendments Nos. 27 and 27a are physical alternatives to amendment No. 26. Amendments 25a to 28, inclusive, may be discussed together. Is that agreed? Agreed.

Minister for Health (Deputy Simon Harris): Amendment No. 27 relates to the prohibition on advertising in certain places in section 13 and the proposed technical amendment to section 13(2)(a) adds parks or open spaces owned or maintained by the Commissioners of Public Works in Ireland to the list of prohibited areas. The intention is to ensure that all public parks owned or maintained by a local authority or the Office of Public Works, OPW, are covered by the legislation. This is not a policy change. It is merely a technical amendment to ensure absolute clarity.

Amendment No. 26 tabled by Senators Black and her group and Senator Devine proposes to extend the restriction on advertising to all public places. This would result in an effective prohibition on all outdoor advertising. As the Senators are aware, this is the first time in this country that we have introduced public health legislation in respect of alcohol. As a first step in restricting the advertisement of alcohol products outdoors, I consider it appropriate to aim those restrictions at areas most frequented by children and young people and I do not propose to accept that amendment.

Opposition amendment No. 28, which has also been tabled by Senator Black and her group and Senator Devine and her party, proposes to prohibit sports sponsorship by 31 December 2023. As the Senators are aware, this topic was debated at length prior to the publication of this Bill going back several years. A consensus could not be reached regarding a prohibition on sports sponsorship. Therefore, the measures in the Bill aim to restrict the alcohol advertising permitted at sports events and also the sponsorship of events in which the majority of participants or competitors are children, events aimed particularly at children and events involving driving or racing motor vehicles. The Bill provides for a review of all of the advertising provisions after three years. This means these issues can be kept under review pending the outcome of that revision after three years. For these reasons, I do not propose to accept the amendments.

I have put forward amendments Nos. 25a and 27a, which are amendments to ensure non-licensed retail outlets are not prevented from selling alcohol-related merchandise. The broad definition of advertising in section 2 of the Bill means that alcohol-related merchandise, for example a key ring or backpack with the logo of an alcohol company on it, would fall under that definition. Section 13 of the Bill prohibits advertising in certain places and within 200 m of certain other places. Section 20(2) of the Bill provides that licensed shops can expose for sale alcohol-related merchandise in any area of the premises. This means that such shops may sell alcohol-related merchandise even if the premises is located in a zone in which the advertising is prohibited. If there is an off-licence located near a school, it can sell a backpack with a logo on it. There could be a gift shop right next door that cannot sell the same product. This was seen as a peculiar anomaly. When one takes section 13 and 20 together, there could be an anomaly under which a licensed shop could sell alcohol-related merchandise in a location where an unlicensed shop could not. This was never really intended. In order to avoid the anomaly, I propose to amend section 13.

Section 13(1), as currently formulated, sets out the places in which prohibition on alcohol

advertising does not apply. On the advice of parliamentary counsel, I am proposing a redrafted version which defines advertising, for the purpose of this section only, as effectively outdoor advertising and the free distribution of alcohol-related merchandise and exempts advertisements attached to licensed premises, a manufacturer or wholesaler. In this way, the sale of such alcohol-related merchandise is not prohibited and the anomaly is resolved.

Senator Frances Black: I welcome the Minister's amendments and offer my support for them. I will briefly speak in support of amendment No. 26, which seeks to limit outdoor advertising. I thank Senator Norris, Sinn Féin and my colleagues in the Civil Engagement group for co-signing this amendment. Although I may not press it to a vote today, I seek the Minister's serious engagement on it and I may resubmit it on Report Stage.

The Bill, as it stands, seeks to limit the advertising of alcohol in public. I welcome the restrictions for parks, public strands, stations and near schools and playgrounds. A key aim is to reduce the exposure of young people to alcohol advertising, which has a huge impact on the age they start drinking. This is not just a public health measure; it is also a child protection measure. We should be clear about that. We need to be more thorough. If we restrict outdoor advertisements within 200 m of a school, children walking home will still see the advertisement if it is placed 201 m away. The 200 m limit is arbitrary. Why not 150 m or 250 m, for example? I have sympathy with the need to draw the line somewhere but we should realise that outdoor advertising is indiscriminate in nature. Anyone travelling past is exposed to it. We prohibited tobacco advertising outdoors for this reason. It is reasonable and proportionate to do the same with alcohol in the interests of child protection. Tanya Ward, the chief executive of the Children's Rights Alliance, has stated it is an important children's rights issue, that the marketing and advertising of alcohol in Ireland is widespread and self-regulated by the drinks industry, which consistently disputes the link between marketing and increased consumption and that young people are especially susceptible to the influencing of marketing.

Amendment No. 28 concerns the banning of sports sponsorship. Though I may not push it to a vote today, I would like to facilitate a debate on this point and hear from the Minister and colleagues across the House. Katherine Brown of the Institute of Alcohol Studies has stated that alcohol sports sponsorship is used as a clear way past children's bedroom doors. A picture of a sporting hero on the bedroom wall of children links alcohol to sporting success. I will not cite any studies at length but I am happy to share them with my colleagues. Comprehensive evidence shows that alcohol marketing influences young people's perceptions of alcohol, its safety and the likelihood they will start drinking or increase their drinking. This sad reality is that sports sponsorship is a huge part of this. The amendment includes a target of 2023 in an effort to find common ground and to facilitate the Rugby World Cup bid but over time, we should look to cease all alcohol-related sports sponsorship.

We should look to the GAA, an organisation I respect, for leadership in this. In 2004, it took the commendable decision to completely remove alcohol sponsorship and did so in the interest of the thousands of young members across the country. Seán Kelly, who was GAA president at the time and who is now a Fine Gael MEP, said the aim was to change the mindset of the culture particularly among young people. This was a brave move and the GAA now better reflects what sports should be about, which is activity, health, participation and giving young people a place to play, grow and develop. It followed the lead of many youth organisations doing voluntary work across the country that will not take a cent from the drinks industry, such as the National Youth Council of Ireland. It saw its funding cut by 40% during the recession but made a principled stand and continued to address alcohol harm.

We still see it, however, in soccer, rugby and many other sports which are steeped in alcohol wherever possible. It creates a culture in which children and young people perceive alcohol consumption to be something closely associated with sporting success and celebration. One school principal told us how he was confronted with this issue when Munster won the H Cup, as it is called in France. He invited the team to visit the school and was delighted that a few team members said they would go. They had a great day but when they arrived with all the sponsorship and drinks advertising he realised that he, as the principal of the school, had brought alcohol advertising to the school and found himself having to apologise to his students for doing so. He was highly annoyed that he had inadvertently brought drink companies through the front door of the school. A ban on alcohol sponsorship of sport would help to protect children from exposure to the relentless promotion of alcohol in Ireland. Phasing out alcohol sponsorship of sport over several years, rather than seeking to implement an immediate ban is a proportionate response and one that would provide our sporting organisations with the time they need to secure replacement sponsors, as the GAA did.

Senator Máire Devine: I will speak to amendments Nos. 26 and 28. As Senator Black has said, the Public Health (Alcohol) Bill is not only concerned with public health but also pertains to child protection. We have just agreed to amend the preamble of the Bill. I hope the Minister will consider advertisements in public places. The Minister has said they will not be in places where children are targeted. How are those areas where children are targeted defined? If one goes to a Dublin match, more than half of the people there are children under the age of 18. Will big matches and events such as that, where children are involved, be included in the definition? It will be difficult stuff to define.

With regard to amendment No. 28, sport is a healthy activity so it seems to be at odds with that to continue to link it to alcohol and alcohol consumption. It is a perfect way for the alcohol industry to show off its brands in a parasitic way by attaching itself to the healthy poster boy or girl playing for his or her team. The recommendations made years ago by the steering group of the national substance abuse strategy was to implement this phasing out by last year. We are hopeful and are asking for it by December 2023, given that nothing has been done on that recommendation of the steering group. We must give sporting bodies the help they deserve for encouraging our young adults to get involved in enjoying themselves mentally and physically as they grow up. To do it alongside a brand that can do an awful lot of harm seems contrary to that.

Senator David Norris: I welcome what the Minister is doing in terms of public areas and parks. It is a very good restriction. He is also very sensible when, as I understand it, the Bill allows places such as pubs to advertise drink. Of course they should be allowed to do so because the only reason one is in a pub is to have a drink. One knows perfectly damn well what one is doing. It seems to me to be only logical to allow for this.

The prohibition on sports sponsorship is very important. I know that the Minister's feels that a gradual approach is best but I think it is important that Senators stick with this kind of amendment and go for the absolute or golden rule. By the very nature of sports the overwhelming majority of people participating are young, apart from golf where plenty of people play until they are 110 years. It is a dreadful game. I think it is absolutely ghastly. I cannot understand how anybody would want to play the thing.

Senator Paddy Burke: The Senator does not play any games.

Senator David Norris: I do.

Senator Paddy Burke: I see.

Senator David Norris: I play tiddly-winks. I used to play a lot of rugby but I am too old and fat to do it now, which supports my point that one plays sports when one is young, apart from golf. The most passionate people about sports, very often, are young. Of course the drinks industry knows that and it knows that sporting events are good occasions on which to nab the attention of the young.

Sport is intended to be healthy. Let us consider the Greeks and Romans and the Latin phrase *mens sana in corpore sano*, which means a healthy mind in a healthy body. If one talks about health surely it is contraindicated to use these kinds of healthy events to sponsor something that damages one's health and injures. Therefore, I strongly support the prohibition on sports sponsorship.

Different sports will find it relatively more easy to get rid of drinks sponsorship. I signed this Bill so I am implicated. It will be quite difficult to detach the horse racing business from booze simply because people, after the excitement of a race, go into the booze tent and sink a couple of jars. That activity is part of the buzz for an awful lot of people. It will be more difficult to detach alcohol sponsorship from horse racing and dog racing. However, it is important that we set as a target the entire removal of drinks sponsorship from sport.

Senator Colm Burke: I agree with my colleagues that we need to work towards removing such sponsorship of sports. In fairness to the sports organisations, there has been a huge sea change in the past ten or 15 years. I mean, in particular, for the players where there are strict rules for those who are actively training to make sure they are not in any way involved in drinking at the same time. I agree with my colleagues. I am unclear about the timeframe but it is something that we need to work on.

I have raised the issue of advertising in open areas with the Minister. I am unclear about section 13(2)(a) which reads: "in a park or open space owned or maintained by a local authority." A public road is owned by a local authority. Will that type of advertising be restricted? If that is the intention then we might clarify the matter. The provision needs to be tweaked.

Senator Keith Swanick: I had not intended to speak on this section.

With regard to the restriction on advertising during a sports event, I need clarification about section 14(1) that reads: "a person shall not advertise, or cause to be advertised, an alcohol product in or on a sports area." In terms of horse racing, there are advertisements within the circumference of a racetrack. Is the campus of the racecourse covered by the provision? The campus is not a public area as it might be privately owned by a trust, company or whatever. I presume the provision is not confined to the racetrack but the whole racecourse. I would like the matter clarified.

Deputy Simon Harris: It is literally the track.

Senator Keith Swanick: Literally the track.

Deputy Simon Harris: It is literally only the track and not the rest.

Senator Keith Swanick: Does that mean advertisements could be placed on the side of

stands?

Deputy Simon Harris: Yes.

Senator Keith Swanick: Is that allowed even though children would be present?

Deputy Simon Harris: I will wait until-----

An Cathaoirleach: The Minister is next to come in so he can tell us in a moment.

Deputy Simon Harris: There is no dressing this up. The restriction on sponsorship is quite limited. The advertising around sporting events is quite limited. It is limited for the reasons that I have outlined. We have never used a public health piece of legislation before. I think this is making a good start in terms of events primarily aimed at children. Obviously there will be children at other events, and absolutely that is the case. In both of these sections, in terms of outdoor advertising and sports sponsorship, the Bill already provides that they be reviewed within three years which, I suggest, is before the 2023 deadline proposed in one of the amendments.

I wish to reassure the House that the 200 m distance is not an arbitrary figure. We looked at Blue Line Media, an American advertising company. It states in its outdoor advertising and design tips and best practice that billboards are viewed from 120 m to 180 m. Therefore, a perimeter of 100 m would be insufficient to protect children, hence 200 m.

Amendment agreed to.

Senator Frances Black: I move amendment No. 26:

In page 18, to delete lines 21 to 37, and in page 19, to delete lines 1 to 12 and substitute the following:

“(2) Advertising, indirect advertising and other sales promotion of an alcohol product is prohibited if it is carried out or aimed at the general public in public places.

(3) In this section—

“public place” means a public place within the meaning of the Criminal Justice (Public Order) Act 1994.”.

I will not press the amendment to a vote; we will resubmit it on Report Stage.

An Cathaoirleach: It is the Senator’s decision on whether she wants a vote.

Senator Frances Black: The amendment will be withdrawn and resubmitted on Report Stage.

Amendment, by leave, withdrawn.

Government amendment No. 27:

In page 18, to delete line 22 and substitute the following:

“(a) in a park or open space owned or maintained by a local authority or the Commissioners of Public Works in Ireland,”.

Amendment agreed to.

Government amendment No. 27a:

In page 19, between lines 2 and 3, to insert the following:

“ “advertise” means to advertise by—

(a) the display of posters, billboards, hoardings, placards or other signage whether intended to be permanent or temporary, but does not include an advertisement on or attached to—

(i) a licensed premises, or

(ii) a premises where alcohol products are manufactured or sold by wholesale,

or

(b) the distribution free of charge, other than in a licensed premises or a premises where alcohol products are manufactured or sold by wholesale, of alcohol related merchandise;”.

Amendment agreed to.

Question proposed: “That section 13, as amended, stand part of the Bill.”

Senator Paddy Burke: I wish to refer to the prohibition on advertising in certain places. Are those advertisements physical structures? Some people advertise by projecting images on to a wall that can be removed the next day. Are all types of advertising prohibited? Does the provision just refer to fixed structures? What about air shows where an advertisement for Heineken, Guinness or whatever is printed on the side of an aeroplane? What about advertisements at big race meetings? When the Pope comes to Phoenix Park one could have an aeroplane circling overhead with Guinness, Ballina whiskey, Connacht whiskey or whatever written on its side or on a banner. I ask the Minister to clarify the matter.

Deputy Simon Harris: I do not mean this to be disrespectful but when it comes to enforcement there will be practical implications. I mean when a plane flies by with a banner there is a question over how environmental health officers can monitor such a situation, efficient and all as they are. I envisage that an image projected on a wall is covered. It might be quite tricky to monitor a plane in the sky. I shall reflect on the finer details between now and Report Stage.

Senator Michael McDowell: I would like the Minister to explain to us why it is considered sensible that advertising should not take place within 200 m of a school or an early years service. I presume the latter refers to some kind of crèche. Am I correct? The section states “or within 200 m of a playground”. This really is taking things far too far. I know, for instance, that the Giraffe company operates a crèche that is located on Charlemont Street because I pass by it every day on my way to work. What has that to do with advertising drink? It is nonsense. Kids will see advertising hoardings in various places. I am just thinking now of my journey into this place or my journey into work in the courts every day and the amount of places which are 200 yd. away from a school, a crèche or a local authority playground. It is crazy.

Senator Alice-Mary Higgins: On a point of order, the Minister already explained the 200

m restriction in his speech and it is was not an arbitrary figure. We have voted on this section.

Senator Michael McDowell: Hold on a second. I am making my point.

An Cathaoirleach: Allow the Senator to make his point and the Minister can respond.

Senator Michael McDowell: There is not just one view of the world. My point is it is patently ridiculous to have a ban on advertising hoarding by David Allen Limited or one of these advertising hoarding companies because it is within 200 yd. of a crèche. The Senator may disagree but I think it is ridiculous.

The simple fact is there are cycles of advertising. Various things go up and down on advertising hoardings if one looks into the products that are sold. It is becoming ridiculous. There is a huge hoarding on the Ranelagh Road that is within 50 yd. of a tiny playground at Mount Pleasant Lawn Tennis Club. Is it to be declared off limits because a child who goes in there to play football might see it? Let us be honest about this. We are real grown-up adults. There could be plenty of places where children walk home every day past a big advertising hoarding that is not within 200 yd. of their school, of a crèche or of a playground and they will see it. However, we are introducing a notion to the effect that an advertising hoarding on Charlemont Street cannot advertise drink because little toddlers are being brought into the Giraffe crèche. This is not sensible law. Sometimes, we get carried away and the zealots get carried away with ideas. This is one example of zealotry going slightly gaga. We do not really need to have people measuring out distances from crèches and playgrounds to work out which advertising hoardings can be used for Heineken and which cannot.

It does not really make a difference to kids. I do not care what evidence is brought.

Senator Máire Devine: The Senator should care.

Senator Michael McDowell: As Senator Black will be entitled to speak when I am finished, she should relax.

Senator Frances Black: The Cathaoirleach has not seen me yet.

Senator Michael McDowell: I do not believe for one minute it is possible to say a child will be more exposed to advertising because the hoarding happens to be near a crèche than if it is on the side of a road that happens to be 210 yd. away from a whole load of things but which the child goes up and down every day with his parents while going to school. This is pushing things too far. It is excessive law. I am sure the Minister is right in stating that 200 yd. is not an arbitrary figure and was not just plucked from-----

Senator Frances Black: The Senator just keeps repeating himself over and over.

Senator Michael McDowell: Excuse me, I just want to say one thing-----

An Cathaoirleach: With all due respect, while you may not agree with what Senator McDowell is saying, he is entitled to make his contribution and interfering with it is wrong. While bullying is too strong a word, allow Senator McDowell to speak and if you not like it, you can come back in and the Minister can respond.

Senator Michael McDowell: Let us be clear about one thing a Chathaoirligh. We have agreed with the Leader of the House that we are going to sit for as long as necessary to get this

through. The Senator is going to have to listen to a debate. Three or four hours is not going to kill the Senator. We have to get this law right and we have to make it reasonable. No matter how passionately the Senator believes in her cause, whether it is passed tonight or tomorrow, it is all the same thing. It is going to be the law of the land and our job is to look at it carefully. The Minister said he wanted a constructive approach and I am being constructive.

My point is I do not believe it is sensible to start a process whereby people who conduct outside advertising must work out whether there is a crèche near an advertising hoarding. I ask the Minister to consider the following. If the advertising hoarding is there and the crèche comes to it, is it suddenly going to go off-limits because somebody opens a crèche in the basement of a house? That is a different situation. Let us be reasonable about this. Likewise, if a new school opens up, does that mean that advertising hoardings must be redesignated, signs outside pubs must be taken down and so on? I do not know. Maybe that does not apply there. This is excessive use of regulation and there is a kind of zealotry about it which is disturbing.

Senator Gerard P. Craughwell: Following on from Senator McDowell was talking about, I really want this Bill to go through. I want it to pass. However, take for example the Volvo yacht race that sails into Galway Harbour, which is smack bang in the middle of the city. Let us say, for example, that one of those yachts is sponsored by Heineken. Heineken is going to be all over the docks in Galway as that boat is docked there.

Take the Bray Air Display in the Minister's own constituency. Aircraft are sometimes sponsored by companies in order to remain flying. This year we saw Red Bull sponsor two aircraft that flew over Bray. Similarly, in Waterford we had the tall ships and some of those
7 o'clock are sponsored. The issue is whether one must issue regulations to local authorities stating the Heineken yacht cannot sail into Galway Bay because it is branded, that the Bray Air Display cannot bring in a Guinness-sponsored aircraft or the tall ship sponsored by Dewar's whisky or something cannot sail into Waterford. I do not wish to be obstructive but we must consider these issues today because such questions will arise tomorrow. I support Senator Black fully. However, I do not want this legislation to be torn down because it is unworkable at the other end. We must consider those questions today and we must have answers for them today because as sure as day follows night, some yacht will sail into a city harbour or some aircraft will fly over branded in the brand of some alcoholic company. They make their money through branding these type of events. Maybe the Minister might just let us know how he would handle that.

An Cathaoirleach: I call on Senator Devine.

Senator Michael McDowell: Can I make one other point? Horse racing in particular and horse tracks have beer tents and all the rest of it. I would like Horse Racing Ireland to state it is happy with this proposal because I notice that the particular provisions deal with sporting areas or perhaps that is the next section.

Senator Victor Boyhan: That is the next section.

Senator Michael McDowell: Horse tracks seem to be within it.

Deputy Simon Harris: I will clarify.

Senator Michael McDowell: Perhaps I am dealing with the next section. I will come back to it.

An Cathaoirleach: I call Senator Devine.

Senator Máire Devine: I find myself half in agreement with Senator McDowell, which is an unusual position to be in. There we go.

(Interruptions).

Senator Máire Devine: He has talked about the arbitrary measurement of 200 yd. or 150 yd. Surely it makes more sense to adopt a complete and utter prohibition on advertisement in public places. That is why we will be coming back to the amendment that has been tabled by Senator Black. Perhaps that is where we differ and perhaps that is a bit too zealous.

I seek an explanation of it but certainly, in some of the Dublin secondary schools that have a bar or pub 100 m up the road, people have been standing outside of the schools with vouchers saying come and get food here for €5, they are better than Subway or wherever else children may go.

It is a flagrant abuse of trust and child protection that they are able to stand outside schools and hand out vouchers inviting them into the bar at lunchtime. Senator McDowell need not worry because I will not be on his side for much longer.

Senator Robbie Gallagher: It is a long time since Senator Devine agreed with Senator McDowell.

Deputy Simon Harris: That is reassuring for them both.

An Cathaoirleach: Senator Black indicated she wished to speak.

Senator Frances Black: I do not want to waste time and will let the point go.

Question put and declared carried.

Amendment No. 28 not moved.

SECTION 14

Question proposed: "That section 14 stand part of the Bill."

Senator Michael McDowell: The Minister may wish to speak to section 14.

Deputy Simon Harris: I do not want to encourage the redevelopment of tents at famous horse racing events, but in Senator Black's amendment the sport area only refers to the track and that raises an issue similar to my point in respect of outdoor advertising. It refers to the actual track as opposed to-----

Senator Michael McDowell: Hoardings along the side of the track would not be encompassed.

Deputy Simon Harris: It is very restrictive. For example, it only refers to an actual swimming pool and is very restrictive in that regard.

Senator Michael McDowell: Are we dealing with Senator Black's amendment?

An Cathaoirleach: That has already been discussed and cannot be reopened. The Senator

can speak to section 14.

Senator Michael McDowell: In that case, I am happy.

Question put and agreed to.

SECTION 15

Question proposed: “That section 15 stand part of the Bill.”

An Cathaoirleach: The section is opposed by Senator Black and others. Does she wish to speak to the section?

Senator Frances Black: Where are we, sorry?

An Cathaoirleach: I have a note that the Senator, along with other Senators, is opposing section 15.

Senator Frances Black: I have already spoken on the section. I am confused.

Question put and agreed to.

SECTION 16

Government amendment No. 29:

In page 20, to delete line 18.

Amendment agreed to.

Section 16, as amended, agreed to.

SECTION 17

Government amendment No. 30:

In page 20, line 30, after “import” to insert “for sale in the State”.

Amendment agreed to.

Government amendment No. 31:

In page 20, line 33, to delete “or”.

Amendment agreed to.

Government amendment No. 32:

In page 20, to delete lines 34 and 35 and substitute the following:

“(c) a publication containing an advertisement that contravenes subsection (2) of section 12, or

(d) a publication containing an advertisement that contravenes subsection (7) of section 12.”.

Amendment agreed to.

Government amendment No. 33:

In page 21, line 2, to delete “or” where it secondly occurs.

Amendment agreed to.

Government amendment No. 34:

In page 21, line 4, to delete “alcohol products.” and substitute “alcohol products, or”.

Amendment agreed to.

Government amendment No. 35:

In page 21, between lines 4 and 5, to insert the following:

“(c) a specialist publication the content of which relates solely to alcohol products.”.

Amendment agreed to.

Section 17, as amended, agreed to.

NEW SECTION

Government amendment No. 36:

In page 21, between lines 9 and 10, to insert the following:

“Broadcast watershed

18. (1) A person shall not broadcast, or cause to be broadcast, an advertisement for an alcohol product on a television programme service between the hours of 3.00 am and 9.00 pm.

(2) A person shall not broadcast, or cause to be broadcast, an advertisement for an alcohol product on a sound broadcasting services on a week-day between the hours of—

(a) midnight and 10.00 am, or

(b) 3.00 pm and midnight.

(3) A person who contravenes *subsection (1)* or *(2)* shall be guilty of an offence.

(4) In this section—

“sound broadcasting service” has the same meaning as it has in the Act of 2009;

“television programme service” has the same meaning as it has in the Act of 2009.”.

An Cathaoirleach: Amendment No. 36 was discussed with amendment No. 2.

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Senator Frances Black: Sorry, Cathaoirleach-----

An Cathaoirleach: The amendment has already been discussed. The Senator can speak to the section.

Senator Frances Black: Did the Cathaoirleach skip amendment No. 28? I think he skipped that amendment in my name. I do not want to push it to a vote but I would like to resubmit it on Report Stage. The Cathaoirleach skipped it.

An Cathaoirleach: Amendment No. 28 was discussed with amendment No. 25a.

Senator Alice-Mary Higgins: It will be resubmitted on Report Stage.

Amendment agreed to.

SECTION 18

Government amendment No. 37:

In page 21, to delete lines 13 to 16 and substitute the following:

“(2) It shall not be an offence to advertise an alcohol product—

(a) immediately before, or during an interval to, the screening of a film that has been certified by the Director of Film Classification as fit for viewing by persons aged 18 years or more, or

(b) in a licensed premises in a cinema.”.

Amendment agreed to.

Section 18, as amended, agreed to.

Senator Jerry Buttimer: I propose a sos for five minutes to allow the Minister to prepare.

An Cathaoirleach: We will give him ten minutes.

Senator Jerry Buttimer: I thank the Cathaoirleach.

Sitting suspended at 7.05 p.m. and resumed at 7.20 p.m.

NEW SECTIONS

Senator Frances Black: I move amendment No. 38:

In page 21, between lines 16 and 17, to insert the following:

“Advertising on the Internet

19. (1) A person shall not advertise, or cause to be advertised, an alcohol product by means of an information society service unless all reasonable steps are taken to ensure that the advertising cannot be viewed by children.

(2) In determining whether a person has taken all reasonable steps to ensure that advertising cannot be viewed by children the court or the jury, as the case may be,

shall have regard to—

(a) whether age verification controls have been used to prevent access by children to the advertisement,

(b) whether demographic targeting has been used to ensure that the advertisement is not displayed to children,

(c) whether the advertisement has been labelled or registered in a way which permits it to be blocked by parental filtering software,

(d) whether the advertisement invites users to share it with others, and

(e) the cost of implementing the measures and the state of technological development.

(3) Subsection (1) shall not apply to advertising by means of an audiovisual media service unless the media service provider is established in the State in accordance with Article 2(3) of the Audiovisual Media Services Directive or under the jurisdiction of the State in accordance with Article 2(4).

(4) A person who contravenes subsection (1) shall be guilty of an offence.”.

I intend to resubmit this amendment on Report Stage.

An Leas-Chathaoirleach: Of course. That is your entitlement.

Amendment, by leave, withdrawn.

Senator Frances Black: I move amendment No. 39:

In page 21, between lines 16 and 17, to insert the following:

“Advertising on television

19. (1) Advertising or promotion of an alcohol product or brand shall not be shown on television before 9pm.

(2) Advertising or promotion of an alcohol product or brand shall not be shown during or around televised sport at any hour of the day.”.

I would like this amendment to be reconsidered on Report Stage.

Amendment, by leave, withdrawn.

Senator Frances Black: I move amendment No. 40:

In page 21, between lines 16 and 17, to insert the following:

“Advertising on radio

19. (1) Advertising or promotion of an alcohol product or brand shall not be broadcast on radio before 9pm.

(2) Advertising or promotion of an alcohol product or brand shall not be broad-

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cast during or around televised sport at any hour of the day.”.

I would like to resubmit this amendment on Report Stage.

An Leas-Chathaoirleach: Of course.

Amendment, by leave, withdrawn.

SECTION 19

An Leas-Chathaoirleach: Amendment No. 41 is out of order.

Amendment No. 41 not moved.

Section 19 agreed to.

NEW SECTION

An Leas-Chathaoirleach: Amendment No. 42 is out of order.

Amendment No. 42 not moved.

SECTION 20

An Leas-Chathaoirleach: As amendments Nos. 43 to 48, inclusive, are related, they may be discussed together.

Senator Keith Swanick: I move amendment No. 43:

In page 21, line 23, to delete “one year” and substitute “two years”.

Deputy Simon Harris: As I said in my opening remarks when we recommenced Committee Stage this evening, I have proposed an amendment to section 20 to try to recognise some of the legitimate concerns that were highlighted by Senators from a number of parties, including Fine Gael and Fianna Fáil, who are keen to ensure we do not place an unfair or disproportionate financial burden on small shops. I think we all want to make alcohol less visible in our shops and to ensure it is stored in a certain way.

The amendment I have tabled, having listened to the concerns of Senators, seeks to add a new option to the existing options that are available when retailers are making these products less visible. I hope people accept that I am making a genuine effort to try to recognise such concerns. Having listened to my party colleagues in Fine Gael and other colleagues in the House, I appreciate that there is still concern about what this legislation will mean for some small shops. This concern is reflected in Senator Swanick’s amendment. It is appropriate that we pass this section of the Bill at this stage, in the understanding that I will engage with shop owners and representative bodies before Report Stage to clarify what this Bill will mean for shops.

To be honest, I think there is a lot of misinformation out there. It is accompanied by a degree of scaremongering, confusion and - perhaps - misunderstanding. It is important to engage. This Bill will have an impact on shops. I think we should engage as a courtesy to them. As I said at the outset, my bottom line is that we need to make alcohol less visible. That is a tenet of this Bill and one I want to achieve. To adopt a phrase used by Senator Norris, who is one of the most ardent supporters of the Bill, we should achieve these aims with “minimal disruption”. I think that is something to which we can all aspire. I will not push the Government amend-

ment. I respectfully suggest that others may consider doing likewise, but that is a matter for the Seanad. I will engage on this issue before coming back with an amendment in this regard on Report Stage. I want to make it clear that there will be a requirement. The issue of visibility is an important one in the Bill. As all Senators recognise, the question of minimal disruption is also of importance.

Senator Keith Swanick: As I have said previously, any legislative measures to curb alcohol abuse and excessive consumption are to be welcomed. This Bill unfairly penalises responsible consumers and puts smaller stores at a competitive disadvantage. Fianna Fáil is proposing these amendments with responsible retailers and small retailers in mind. They will require the part of a premises where alcohol is being sold to be separated from the remainder of the premises by means of a physical barrier, but they will not require the complete removal of alcohol from public view. We believe they represent a fair alternative.

I acknowledge that the Government has tabled additional amendments to section 20. They are minimal at best and would apply to just 130 stores, which is a fraction of the total. Fianna Fáil will facilitate the Government by withdrawing our amendments to section 20, but we reserve the right to reintroduce them on Report Stage. I welcome the Minister's intention to liaise with stakeholders. I accept everything he has said this evening in good faith.

The changes envisaged in amendment No. 43 would require significant store reconstruction work to be implemented in over 2,500 shops across the country. This work would include the installation of barriers, new shelving units and new fire exits and the reconfiguration of store layouts. According to the people in the industry who are best placed to know, this volume of work simply cannot be done within the one-year timeline that is proposed. They believe a two-year timeframe is more realistic. If we want this to be done right, we need to allow time for retailers to do it right. We will withdraw the amendment, but we reserve the right to reintroduce it on Report Stage.

Amendment No. 44 has been tabled because it is envisaged that the introduction of large barriers to ensure alcohol products are not visible from outside alcohol selling areas would cost the industry €70 million. By contrast, the erection of waist-high barriers or gates would meet the separation of alcohol requirements that were originally at the core of the Bill while bringing this country into line with best practice operating in Northern Ireland and across Europe. I would like to remind the Minister of what the Taoiseach said on this matter in 2015, when he was serving as Minister for Health:

When it comes to structural separation in stores, we did not go ahead with the original proposals introduced in 2009 because they were probably too onerous. They required separate entrances, separate tills and large physical barriers. We are not going that far, but we want alcohol to be separated in stores. It will not bankrupt any small to medium shop to put in a partition. I am sure they do that type of work all the time as part of their general trade.

My genuine belief is that this proposal could put many local retailers under financial pressure. We have agreed to withdraw amendment No. 44, while reserving the right to reintroduce it on Report Stage.

We are proposing amendment No. 45 because we believe the proposal to require alcohol products to be sold behind darkened doors on the shop floors of smaller stores is completely dis-

proportionate. It would unfairly penalise responsible consumers while placing smaller stores at a major competitive disadvantage. I remind the Minister that over 2,600 stores have subscribed to the Responsible Retailers of Alcohol in Ireland, which was established in 2009. This body carries out its own auditing each year and makes reports available to the Minister for Justice and Equality to show the level of competence of retailers. There is a compliance rate of over 90% in this regard. No evidence has been supplied to justify such a radical and costly proposal. The amendment we are proposing facilitates the separation of alcohol from other beverages and food products, which was one of the original requirements at the core of this legislation. I ask the Minister to consider this amendment, which will enable us to achieve the same outcomes, or better outcomes, without unnecessary expense. While we are withdrawing this amendment on Committee Stage, we reserve the right to reintroduce it on Report Stage.

I believe the Minister understands the reservations that underpin amendment No. 46. The lack of precision in the definition of a stand-alone off licence is potentially open to abuse, which is not the intention of the Minister or the Government. If remains as it stands, the clause offers the possibility for stand-alone off-licences to become quasi-grocery stores while still meeting the mainly-alcohol-sales requirement without being subject to the provisions of section 20. I need not point out the risks of abuse that could stem from this provision. We are happy to withdraw that amendment and reserve the right to reintroduce it.

On amendment No. 47, as I have said, the volume of work according to those in the industry simply cannot be done within the one-year timeline proposed. We believe that a two-year timeframe is realistic.

Regarding amendment No. 48, the relevant subsection, as published, prohibits any other product whatsoever from adjoining alcohol products in smaller-store formats. In small stores, the practical application of this section does not appear to be feasible. A product would be next to another in a small store. In larger supermarkets, entire aisles are devoted to, for example, toiletry products or confectionary. This is not the case in smaller stores. I agree entirely that it should not be adjacent to confectionary or other products that entice children in particular, but it is worth noting the level of compliance of members of Responsible Retailing of Alcohol in Ireland in this regard. The amendment tabled by Fianna Fáil is consistent with the original separation of alcohol from other beverages and food products requirements at the core of the Bill by confirming that storage units containing alcohol products shall not immediately adjoin units containing non-food products such as detergents. We will also withdraw this amendment and reserve the right to reintroduce it on Report Stage.

We are happy to co-operate with the Minister in passing this section without amendment. I thank him for his work. While he will probably not do this, I respectfully ask the Minister to proceed with Report Stage prior to Christmas - I ask the Leader to facilitate this - in order that we can complete the Bill.

Senator Frances Black: I am very happy to get the opportunity to speak on these amendments, which deal with product separation in shops. We all know how controversial this aspect of the legislation has been. It has also, as the Minister indicated, given rise to a considerable amount of misinformation and confusion. People do not understand how simple this is. There is a lot of fear and scaremongering. I thank the Minister for the briefing that was arranged today clarifying how this will work in practice. I have seen outrageously misleading documents from lobbyists in respect of this provision that were designed to put the fear of God into small shopkeepers.

The reality is that we are talking about the visibility of alcohol beside grocery products, which means a frosted glass door on a fridge or a wooden or frosted glass door on a shelf. Customers will still be able to walk into the shop, slide across the frosted glass door and choose their alcohol. All we are talking about here is visibility; this is not about a nanny state. What is proposed is not hugely burdensome. Shops can still sell the same alcohol as they do now. They will not lose out on their profits. People will still be able to go in and buy alcohol just as freely. All we are asking is that it be stored separately from everyday items. It is about recognising that alcohol is not a normal grocery product like bread or milk. It is a psychoactive drug and it is killing people every day. I constantly attend funerals of those it has killed. I work with families who are impacted by this. I know the Members have all heard it before, but it is really important to stress the importance of this issue. I do not believe it will impact on shopkeepers' profits.

I checked with suppliers and was advised that two cabinet doors would cost €250 and a full frosted glass door fridge is approximately €150. We know that alcohol harm costs the State €2.3 billion every year and we have to put this in a wider context of alcohol harm in Ireland.

These product-separation measures are based on fundamental marketing principles researched by Nielson and others which show the effect of in-store promotion and product placement to drive sales. I have a little granddaughter and I do not like going into my local shop with her when I see that the alcohol is placed right beside the nappies. This does not send a good message to my granddaughter. We need to make the point that it is not acceptable because of alcohol's psychoactive nature. It is not rocket science. What is at issue here is targeted product placement. The alcohol is placed beside the nappies because it is targeted at young mothers, among others. We know that is the reality. Despite lobbyists' claims, research shows that 37% of wine sales are impulse buys at the point of purchase. It is clear that alcohol placement in stores is a key tool for companies to push up sales.

The Bill has been languishing in the Oireachtas for years after endless working groups and reports. When the Bill was finally published in 2015, it went through detailed scrutiny before the Joint Committee on Health and Children with input from all stakeholders. I thank Senator Buttimer for his work in chairing that committee. I am very aware that he did fantastic work. I know he is also very passionate about this issue. We have discussed and debated this legislation for over ten years. Since we debated the Bill in October of last year, more than 1,000 people have died. I ask Senators to forgive me for repeating myself, but 1,000 people have died since October 2016. That is shocking. We are a nation in crisis in the context of the alcohol issue. I thank the Chief Medical Officer and the Minister for their fantastic work and the passion they have shown.

We need to get this Bill passed. The environmental health officers will work with retailers to help them on this. I have been working with the environmental health officers who are fantastic people. I understand that shopkeepers are stressed and anxious - my parents were shopkeepers. There is a great deal of scaremongering and untruths doing the rounds in respect of this matter.

I support the objective of Senator Swanick's amendment No. 46 and I will be interested to hear the discussion on it. The amendment would introduce a new more restrictive definition of an off-licence, essentially prohibiting off-licences from selling any items beyond alcohol, non-alcoholic drinks, ice, cigarettes, tobacco, cigars and matches. I like the idea behind it. There is merit to the argument that off-licences should focus on selling alcohol and should not move into the territory of becoming groceries and selling daily newspapers, with bread and milk alongside. However, we need more detail on what items are allowed and whether we should draw

the line with this list. I would like feedback on that point from the Minister and a commitment that this could be worked on and perhaps resubmitted as an amendment here on Report Stage or in the Dáil.

I understand the motivation behind amendment No. 48, but I do not see the legal impact of adding the word “immediately”.

The Minister has outlined the new amendments aimed at small shopkeepers. Last year, this was a serious issue for many Senators. I understand that local shopkeepers are lobbying Senators and Deputies, and I know how difficult that is in rural areas. Lobbyists went from talking about frosted fridge doors to enormous wholesale building work costing millions. My parents were small shopkeepers and I know the pressures involved. I have been receiving emails. I am thinking of my parents and the lives the Bill can save in local communities. That is what we need to think about. If this legislation can save one life, is it not worth it? We had John and Ann Higgins, who lost a son because of alcohol, with us earlier. This man and his beautiful wife are devastated. If we can save one life, is it not worth it? What we are talking about here is saving people from either going down that mental health route or dying as a result of suicide.

When we debated the Bill last year, several Senators said they were worried about small shopkeepers. The Minister listened and has moved to meet their concerns. I do not want the Bill to be delayed again and I am sure the Minister agrees. I encourage people to get this done. It is time now. I do not want to face into another year of the industry lobbying and picking the legislation apart. I do not want another 1,000 deaths until it comes back to the House next October. If Senators are concerned about small shopkeepers, I urge them to recognise the exemption the latter have been given and to get behind the Bill in full. I hope we can do this tonight. I would sleep very well as, I am sure, would the Minister and the Chief Medical Officer.

Senator Paudie Coffey: On lobbying, the impression is being created that lobbying is happening on only one side. I have been lobbied by those in favour of the Bill as currently drafted and also locally by shopkeepers and others who are genuinely concerned about the impact this legislation may have on them. I am not confused. I am taking an objective, informed view of the Bill and I am expressing views that I believe we, as legislators, need tease out in this House. This is landmark legislation. It is critical legislation in the interests of public health. I support it and I want to see it work. I want to see in place practical, tangible legislation that will bring all of the stakeholders with us to eradicate the abuse of alcohol in this country. That is what we all want to achieve. How we achieve it is the issue.

The Minister may correct me if I am wrong but as I understand it over 80% of alcohol sold in Ireland is sold through the large multiples. Trolley loads of cheap alcoholic drinks are being by these large stores. I have no issue with segregation in these stores because I believe they can afford it. Many of them have already done this already. These stores advertise aggressively. The advertisement and promotion of alcohol is constant in all of the newspapers and will be even more aggressive in the run up to Christmas. This is why sales are so exaggerated and the access is so easy. The remaining 20% is sold in small shops and off-licences. As I understand it, only 8% of it is sold in small shops. By way of example, I have never seen anybody leave the Centra store in my area with slabs or crates of beer. I have seen people purchase a bottle of wine or, at maximum, a six pack of beer but I have not seen trolley loads of beer leaving my local Centra store.

The target of this legislation must be the large-scale sale of cheap beer by the multiples. We

need to be careful and to ensure we take a balanced approach in terms of how we implement this legislation. I am happy to raise the concerns of small to medium shopkeepers because I know they are responsible professional people who live and work in their communities and know the parents and children in their communities. Many of them know the customers to whom they are serving alcohol by their first names. They are responsible people. The situation in the multiples is different given the volumes of people passing through them every day.

Like my colleagues, I want to work with the Minister to make this legislation effective and workable and also to bring stakeholders with us. We can have all the ideologies and ambitions we want for legislation but unless it is effective on the ground and unless we bring stakeholders with us, we will not achieve the impact we want. I believe the people on the front line are the shopkeepers. They are the ones meeting people every day and the vast majority of them have been responsible. This is evident in terms of their adherence to the voluntary code over the past number of years. Strong progress has been made in terms of managing the sale of alcohol in small shops. I am not trying to create trouble for the Government. I am simply raising concerns on behalf of people that I know and live among in communities, which I believe, collectively, we can address. For this reason, I believe the turnstile proposal should be examined. I note that these amendments are not being pressed and I welcome that. I believe we should allow Committee Stage to pass today and I will be supportive of that. This cannot happen without the Minister's co-operation. I acknowledge that he has offered to engage with the retail sector to clarify if, as we are hearing, what is proposed is draconian. It is important clarification is brought to that debate. In my view, the installation of a turnstile in a small and medium shop such that children cannot access alcohol should suffice.

Other measures being introduced via this legislation will directly address the fundamental cause of alcohol abuse, namely, access to cheap volumes of beer. I want to acknowledge the Minister's effort in bringing forward his own amendment and I thank his officials for the document they have produced on the impact on stores of what is proposed. I hope that the retail sector and others will engage with the Minister in a proactive manner - I expect they will - because I have previously picked up on in that sector a sense of disillusionment regarding the engagement to date on these amendments. I welcome that we are now engaging with the retail sector, which is an important stakeholder in this area. This sector can play an important role in terms of the control of the sale of alcohol in this country. The retail sector is made up of responsible professionals, with small shops located in every community in this country. We should not make pariahs of responsible adults who want to buy alcohol, shopkeepers who are trying to manage their businesses or politicians who are expressing views. I have been attacked by people on the basis that I am in favour of alcohol and alcohol abuse. I am not in favour of either. As set out in my contribution earlier, I am well aware of the huge problem we have with alcohol in this country and I support this Bill. However, we need to be balanced in our approach to ensure our legislation works.

I welcome that the Minister has offered engagement with the stakeholders. Let us have that engagement and then come back to the table with something that is workable and brings stakeholders with us. We need to do that if this legislation is to work.

An Leas-Chathaoirleach: The next speaker is Senator John O'Mahony.

Senator Terry Leyden: What about speakers from this side of the House?

An Leas-Chathaoirleach: All Members are entitled to speak. I am calling Senators in the

order in which they indicated.

Senator Terry Leyden: Let us have some balance in this debate.

An Leas-Chathaoirleach: Senator Leyden will get an opportunity to contribute.

Senator Terry Leyden: The Leas-Chathaoirleach should not be calling speakers from only one side of the House.

An Leas-Chathaoirleach: Senator Leyden should know better. I will make the decisions here.

Senator Terry Leyden: The Leas-Chathaoirleach is making bad decisions.

An Leas-Chathaoirleach: Everybody is equal in here.

Senator Terry Leyden: The Government side is more equal than this side.

An Leas-Chathaoirleach: It is not. There is no one more equal than the other while I am in the Chair. I call Senator O'Mahony.

Senator John O'Mahony: Senator Coffey said that we need a sense of balance. Senator Black said we need to progress this legislation. I agree with both of them and I believe it is possible to do both. I support some of the amendments put forward with regard to the timelines for implementation of structural changes. I believe one year is too tight. It is possible to get the result that everybody wants if we hold our nerve. We need to hold our nerve and get this right. The Minister has promised to engage with the stakeholders.

Lobbying was mentioned. I believe some shopkeepers have been misguided. I have been shown by sales assistants in shops how in relation to alcohol sales the scanners stop working at the time set out in the legislation. Shopkeepers located in petrol stations who wish to sell alcohol are willing to do whatever is required of them under the legislation but they believe the timeline of one year is too tight. It is not helpful if we demonise the professionalism, honesty and integrity of shopkeepers who are providing employment and trying to make a living. I was in a shop yesterday in respect of which rates have trebled in the past year. The owner sought planning permission to make structural changes but was refused. We need to accept everybody's goodwill. We also need to progress the Bill, taking on board some of these amendments. I believe this can be done in the timeframe sought by Senator Black. We can achieve all of our objectives while not trampling on anybody in the meantime.

Senator Diarmuid Wilson: I respect the Leas-Chathaoirleach's integrity and the manner in which he is allocating speaking time.

An Leas-Chathaoirleach: I have great respect for the Senator.

Senator Diarmuid Wilson: I compliment my colleague, Senator Swanick, on his commentary on the amendments on behalf of the Fianna Fáil Party. I also acknowledge the initial comments from the Minister and his comments concerning this section. While we visited this section on the last occasion, there was an attempt on Second Stage to force this legislation through without, in our opinion, proper consultation. I am delighted about the length of time it has taken for this legislation to come back to the House. Some important and sensible changes have been made to it. Through us withdrawing our amendments this evening and the Minister

not pursuing his amendment - I welcome the consultation that has taken place with all sides and with Senator Swanick in particular - we can come to a very reasonable and sensible conclusion to this section.

As has been pointed out here by colleagues, including Senator Coffey, we are not here because we are pro-alcohol or because we are promoting alcoholism. We are here because we see on a daily basis the ordinary shopkeepers, male and female, who are dedicated to the profession and who carry it out in a professional and responsible manner. We do not want to see them demonised because of the offences of a few of the very large multiples. Some people get confused and forget that the franchise of a national brand in their town is a franchise and that the person with that franchise is putting up their own money to keep that store going. They are putting up their money to ensure that employment is created and a proper professional service is provided in their communities. They have no difficulty in keeping a tight eye on the sale of alcohol products and in no way allow huge amounts of alcohol to be sold. That is the way it operates in the communities Senator Coffey and I come from. They are not making fortunes. Some of the proposals that were put forward would cost a substantial amount of money. We have heard about small amounts of money for doors and pieces of plywood. That is not the reality in many cases. Extensions will have to be built where it is possible to build them or new premises will need to be secured if they are to remain in business. This is not just a simple process. It has consequences for employment and the economies in these areas. I welcome the fact that Senator Swanick and the Minister have come to this agreement and like Senator Swanick, I very much look forward to see the Minister's proposals back here as quickly as possible because it is in nobody's interest to delay this very important legislation.

Senator Tim Lombard: I acknowledge the Minister for Children and Youth Affairs, Deputy Zappone, who has entered the House. We are in the fifth hour of this very important debate. The Minister set out his stall at the start of debate and really set out the platform for how he hoped to deal and will deal with this section. Consultation and working with all stakeholders is key to ensuring that we make this Bill workable. This will be a very important part of the next few weeks before it comes back on Report Stage.

I have been on the record about this issue, particularly section 20, about which I have concerns. I raised those concerns privately and publicly with the Minister. It is important that we acknowledge that we have a two-tier society in so many ways. We have large volumes of alcohol coming out of these multiples and we need strict legislation to deal with those large multiples because they are no friend to rural Ireland, small shops or the small community. They are not the people who are supporting the local GAA club or supplying or providing jobs locally. I am here trying to support the local shopkeeper. In many ways, that is not really the small shopkeeper. It is the local businessmen who might have ten or 12 employees. They are an integral part of our community and if I was to be honest, will probably not be there in ten or 15 years' time because of the way society is moving. I am concerned that were we to bring in legislation in the way they believe it is being introduced, whereby it had a major impact on them and affected their business and potential to exist, it would not be good for society. I welcome the Minister's approach, which involved sitting down, explaining and dealing with it. That is a very positive approach. The Minister must be complimented on taking on this issue and dealing with it.

However, we cannot forget the lobby. I have lobbied by the industry and groups like Tabor Lodge, which deals with alcoholics in society. The group that lobbied me most was the National Off-Licence Association. Like the multiples, it is somewhat in favour of this Bill as it

stands, which is worrying because if the multiples and off-licences are in favour of the Bill as it stands, there is a possibility it literally will become a grab for market share. That would not be appropriate. People with small shops know the community and the people. I have no fear about those people dispensing alcohol because they will do the right thing and will not allow underage people to buy it. Unlike the multiples, they do not have the market share to dispense it at such a low price. Minimum unit pricing is key and if it is not in existence at the moment because of issues relating to Brexit and the Northern Ireland Assembly, we need to look at another way to ensure that the pricing structure of alcohol is sorted out. The Minister said previously that when the price of alcohol goes below a certain level, people, particularly younger people, buy more of it. This is about price more than visibility. It is about people going in and buying a naggin of vodka for €6.42, which is absolute lunacy. Until we deal with that, we are really behind the bat in this regard. The Minister's approach has been positive. What we need now is that engagement. I hope that when it comes back on Report Stage, the fear that exists can be dealt with and we can then move on together.

Senator Victor Boyhan: I note the Minister only indicated at this point that he will withdraw his amendment and Fianna Fáil has indicated that it will withdraw its amendment. I am somewhat surprised and disappointed in some ways because we have had a long lead-in to this. It is interesting to note that this Bill was published on 11 December 2015. We have had a long lead-in to this debate and certainly in the past few weeks, I have spoken to Fine Gael and Fianna Fáil backbenchers in the Dáil. I was contacted by a number of Fianna Fáil people today who said they hoped I would be on board for Senator Swanick's amendments. I indicated that I would be sympathetic to them so it is a grave disappointment to find that it is a done deal or that at least everyone is pulling back and there will be talks. I wish them well with those. I wish Fianna Fáil well with its talks but things have not changed.

I spoke to members of the Retail Grocery Dairy and Allied Trades Association and some other organisations. I told the Minister earlier that I was on Quinsboro Road in the heart of his constituency in Bray. What did I see? I saw an off-licence with a window full of whiskies, brandies and other forms of alcohol and it will continue to be able to operate there. The shop next door, six inches away because I took the time to measure it when I spoke to the shopkeeper, will have a different regime.

Let us be realistic and practical. Off-licences on all our streets can do what they like, how they like, with no regulation in this matter. That is the reality. For the big stores like Dunnes Stores and Tesco, it will not be a problem to segregate products. They can do that. I am more interested in the medium sized and small shops that we all know in our communities and, more importantly, in our constituencies. I am talking about the ones who were in the Houses last week and the people who spoke to us. We must remember the commitments we gave them and what they said. They are watching the debate tonight, as are their organisations.

We cannot keep putting off the day. The Minister or somebody earlier on talked about making brave decisions. I have no problem with making them. I think 99% of these provisions are good and should be supported. However, the reality is that we live in a community. We want jobs. We do not want a nanny state; we want responsible people. Anyone over 18 years can legally buy alcohol and that is their given right. Let us look at the principles of these health issues. Take, for example, young people drinking alcohol at 15, 16 or 17. Where are they getting it? They are either going in and getting it illegally or somebody is buying it for them and giving it to them. That is where the problem is and where the focus has to be. That is where we need to address the issues.

I acknowledge the work of an organisation called Responsible Retailing of Alcohol in Ireland, and of its independent chairman, Padraic White. If anyone explained it to me it was that organisation, through its brochure. I looked at all the things it has in common with the Bill before us. The brochure states its solutions “will see the purchase of alcohol for Irish grocery and convenience stores become a deliberate and conscious act by consumers, reinforcing the concept that alcohol is not an ‘ordinary product’”. That organisation is accepting this. It has a huge membership; 95% of all grocery and convenience stores in this country are members. It is important to note that these members are engaging proactively with every Member of Dáil and Seanad Éireann in respect of the measures.

Nobody misinterpreted me. I asked questions. All of us are called upon to ask questions if someone presents us with a case of facts. We have the right to ask them. This is the only flawed section in the Bill. I am not someone who consumes a lot of alcohol but I have no hang-up about alcohol and am not suggesting anyone here has. I know of the personal suffering that alcohol causes to families. They suffer and we have got to address it. However, this is not going to address it. There is an absence of education, and of funding for youth services. Why are young people hanging around? There is a whole range of issues. The Minister for Children and Youth Affairs issued a statement this afternoon, which my office gave me before I came back up to the Chamber, which was very much in support of this legislation. I thought that was really important that the Minister, Deputy Zappone, took the time to send it out. I agree fully with what she had to say. She took the time as Minister with direct responsibility for children and youth affairs to highlight the matter and to use her office to do so. I have no difficulty with that and commend the Minister on taking that action. However, this simple section of the Bill is wrong.

Clearly, the Minister for Health, Deputy Harris, has had problems. He is withdrawing his section. We have heard what people have said. Let us not be divisive here. Fianna Fáil has come under pressure, clearly. Its Senators are pragmatists but they have a view. I do not know why the Minister is nodding his head. He will have his opportunity to come back.

Deputy Simon Harris: It is because the Senator is misrepresenting my position.

Senator Victor Boyhan: The Minister will have time and I am really, genuinely interested in listening-----

An Leas-Chathaoirleach: The Senator is being provocative. Senator Swanick and the Minister can speak for themselves, as I am sure they will.

Senator Victor Boyhan: Absolutely. I just want to make the point again that it is important that we remember what we said to those who spoke to us in the last few weeks. We should remember the commitments we gave. I can speak for myself. I gave a commitment that I would raise this issue with the Minister and I am doing so now. I do not think it will work. I wish the Minister well in the coming weeks, and Fianna Fáil in respect of their amendments, and anyone else who wishes to comment on the matter. I hope it moves on faster and that there is a genuine effort.

What the Minister has proposed in his amendment is not acceptable to the majority of retailers with whom I have spoken. I want to be honest with the Minister. Clearly, he has concerns about the amendments coming from the other side of the House. Somewhere between what he is advocating and these other amendments, there has to be compromise. I urge the Minister to

be careful. We have small to medium-sized businesses right across the country that deserve our support. The Minister should remember that we are adults and we make choices and must be allowed to continue to do so.

Senator Maria Byrne: I thank the Minister. There has been a long debate this evening and we are all in agreement that we want to see the issue of binge drinking cut out. I do not think anybody here supports binge drinking. I welcome the Minister's commitment to meeting all those across the sector, from the small retailer to the representative organisations and bigger organisations. This is most positive. I compliment everybody who tabled amendments today. Common sense is prevailing. We all want to reach the same outcome in that we want to promote good health while allowing people who want to take a drink to buy it in a safe and proper manner.

I come from a small business background myself, having worked in our family shop for many years. We have a small off-licence as well and I would like to declare that interest. I no longer work there but it is within the family. Everybody is concerned about the plight of the small businesses and how they can cope. There are many valid proposals today that need to be explored. It is welcome that the Minister is prepared to listen to and work with everybody to achieve the one outcome. Nobody is against this Bill, as is very clear from the debate today.

The one thing I am concerned about is that some of the smaller corner shops in rural Ireland and on the corners in small towns, villages and so on will not have the room to put in a rotating barrier or whatever for separation of stock. The size of the facility needs to be taken into account. The representative bodies are quite happy that the Minister would like to meet them. I suggest that the Minister needs to meet representative bodies right across the board in order to come back with a balanced view. That is what we are all looking for here and I wish the Minister the very best of luck in that regard. It is also important to encourage the representative organisations to make their submissions to the Minister. Consultation is really what we need between now and Report Stage.

Senator Frances Black: I am concerned that some colleagues here might think I was trying to demonise the retailers. That is not my intention by any means. I would never want to do that. My own family were shopkeepers. That is the first thing I would like to say. I understand about responsible retail and I acknowledge that many retailers sell responsibly. However, this part of the legislation is not just about that matter. It is about impulse buying. It is about the woman walking into a shop and just putting a bottle of wine in her basket as though it was a pint of milk. That is all it is. We have to make sure that people know that the bottle of wine could cause that woman to develop breast cancer. That is the reality. One glass of wine every night can cause breast cancer. That is what we are dealing with here. This is evidence-based stuff. When we talk about the difference between the grocer and the off-licence, when somebody goes to the off-licence or goes to pick up that bottle of wine behind the shelf or fridge with frosted glass, it should be a conscious decision. That is all we are trying to do here. The reality is that today we know that it costs the Exchequer €2.3 billion a year. We know about the suicide issue and the mental health issue. We are a nation in crisis regarding alcohol. I know I keep saying this, but I urge the Minister not to weaken on this part of the legislation. I really appreciate the Minister will talk to the retailers and I encourage him to do so, but I also encourage him to talk to public health people, including the NGOs and the suicide organisations I have met. When I was in Cork, I met people from the emergency department at Cork University Hospital. A total of 30 heads of department came to meet me and support me on this legislation. There are also the heart foundation, the cancer foundation and the children's charities. Dr. Geoffrey Shannon,

who has been absolutely 100% behind the legislation, has stated that 90% of children who go into care do so because of alcohol. I ask the Minister to please look at these issues. This is all I am asking.

An Leas-Chathaoirleach: With respect, section 20 is on structural separation.

Senator Frances Black: I am sorry I must go. I really do have to leave.

An Leas-Chathaoirleach: The Senator is straying a little bit.

Senator Frances Black: I am performing tonight; I have a gig. I just wanted to get in this last piece. I ask the Minister to think about the people who are dying and children in particular.

An Leas-Chathaoirleach: I cannot read who is next. It is Senator Joe O'Reilly

Senator Terry Leyden: It must be me.

Senator Máire Devine: Or me. What about us?

An Leas-Chathaoirleach: You are coming up. You are getting close.

Senator Joe O'Reilly: The small shopkeepers and small business people whom I have met on this issue and who have approached me have a number of things in common. I have not yet met one who is a proponent of the abuse of alcohol and who would, for one moment, wish to let alcohol become rampant in society. In actual fact, the small shopkeepers I have met are the people who sponsor everything in their communities. They support schoolboy football and all the social activities in their communities. They are the people who lead community development organisations and local chambers of commerce. They are the people who are responsible for everything that is good, civic minded and responsible in our society. Far from being proponents of alcohol abuse, they are actually the best of our citizens, and this has to be acknowledged whatever side of the argument one approaches this from.

I detected two issues in common in all of the shopkeepers who approached me, and I know that the Leas-Chathaoirleach, who is a very honourable and capable representative nominated by RGDATA, knows some of these issues. The first issue in common is that they are concerned that the cost to them would be prohibitive. They are already hard pressed as many small towns are dying. They are in difficulty as it is. The other concern is that in some way the nature of the restriction on them and the nature of the regulations would be such as to reduce their market share considerably. It would not reduce alcohol consumption but send it up the street to the off-licence that can have a display window or the megastores that can afford the separate areas and walk-in areas. It would be a dislocation of business from the corner shop we all want to preserve and which we all need on Christmas morning or St. Stephen's morning. This shop would be in jeopardy because the bigger multiples can accommodate the legislation. I am happy to know the Minister will engage with them, and I congratulate him on this. He is well able to do this and he can allay their fears and meet their needs in this area.

I am also happy that in one of the Minister's amendments he has come forward with a proposal for two shelving areas with visibility for the product. This will deal with the dislocation question. The shopkeepers explained to me their fear that if we stop the local corner shop from being able to display its alcohol, customers will be sent down the street and the shops business will be dislocated. The Minister is at least addressing this issue now. He will sit down with the small shopkeepers and their representatives, and I acknowledge this. I ask that we address the

question of cost for the small shopkeeper, and that we do not send business down the street. A shopkeeper told me he owned another little property down the street which has glass windows, and that he could move his alcohol business to there. It would have high-street visibility but he would have taken it out of the shop. They do not want to hide visibility of the alcohol but have it in a separate section. They are prepared to do what off-licences do, which is not allow children into it. I hope this issue can be addressed on these terms. We are all in favour of attacking the question and dealing with the question of the abuse of alcohol. Nobody coming to this debate has any other agenda. It is a question of how we arrive at that point.

An Leas-Chathaoirleach: I call Senator Terry Leyden.

(Interruptions).

An Leas-Chathaoirleach: People should be patient because they will be reached.

Senator Terry Leyden: Go raibh míle, míle maith agat.

An Leas-Chathaoirleach: The Senator does not have to thank me. I am impartial.

Senator Terry Leyden: I would like to do so. By the way, I did not doubt the integrity of the Leas-Chathaoirleach because I know he is a knight of saint fallon.

An Leas-Chathaoirleach: The Senator will never get that right.

Senator Terry Leyden: What is it?

An Leas-Chathaoirleach: Innisfallen.

Senator Terry Leyden: The stenographers will get that right. He is a knight of Innisfallen, and a knight of Innisfallen has integrity.

I welcome the Minister, Deputy Simon Harris. I am sure he is absolutely delighted now that he did not succeed in abolishing the Seanad. The Seanad has done this Bill a great service. I was watching it all day today while doing other work. I am slightly inhibited in this regard because I have a vested interest in a public house, the Castlecoote Lodge Bar and replica Dáil and Seanad lounge.

Senator Gerard P. Craughwell: So ends the advertisement.

Senator Terry Leyden: I must refrain from getting too involved. I am well aware of the support given to small shopkeepers. I commend Senator Keith Swanick, who made an excellent contribution and has tabled excellent amendments. I am particularly impressed the Minister is considering the situation in a very serious light and is prepared to have consultation. The Bill will be far stronger because of the work of the Seanad. If ever the Seanad served itself well, it has done so in this particular regard. The contributions of everyone have been absolutely excellent, and the Minister would agree. When I was a Minister of State, I always found the Seanad to be the best place to get information on a Bill. There is a broad sense of knowledge, expertise and professionalism here. We have everything from the most senior of senior counsels to solicitors, doctors, lawyers and everything else. We have them all here. It is very useful to have this input.

An Leas-Chathaoirleach: On the section.

Senator Terry Leyden: I am very much on the section. The Minister said he will consider the amendments tabled and will have discussions with our spokesperson and the Fianna Fáil Party in this regard and I welcome this. They are practical amendments. One thing about Fianna Fáil is that we are a very practical party.

Senator Terry Leyden: Hear, hear.

Senator Terry Leyden: We are the people's party. We have always kept our ear to the ground.

An Leas-Chathaoirleach: Stick to the amendments, please.

Senator Terry Leyden: We are the party of the small farmers and small shopkeepers, and we are proving that today.

Senator Gerard P. Craughwell: I feel a heart attack coming on.

Senator Paudie Coffey: What about Fianna Fáil's 2009 legislation on structural separation? It wanted to build a wall.

An Leas-Chathaoirleach: Order, please.

Senator Jerry Buttimer: Does Senator Leyden remember Dermot Ahern and the 2009 legislation?

An Leas-Chathaoirleach: Order, please.

Senator Jerry Buttimer: Senator Leyden voted for the 2009 legislation.

Senator Paudie Coffey: It wanted to build a wall like Trump.

An Leas-Chathaoirleach: Senator Leyden without interruption.

Senator Terry Leyden: It is 40 years since I came to Dáil Éireann so I know a few people.

An Leas-Chathaoirleach: We are dealing with amendments. The Senator is straying from the point.

Senator Terry Leyden: Minimum unit pricing is a big step forward and one of the most important sections of the Bill. However, we should be aware that there are six or seven pages of advertising outlining offers in every Sunday newspaper. For example, last Sunday, two 70 cl bottles of Jameson were €50 but then there was a voucher for €10, making the actual price €20 per bottle. One can have all the unit prices one likes, but if supermarkets can bring in these vouchers, it undermines the situation.

Deputy Simon Harris: That will not be legal under the Bill. The Senator has to read the Bill. It is in there.

Senator Terry Leyden: That is a clarification and it is fair enough. There are ways of getting around it. They have a lot of bright people. I refer to the very small shops and shopkeepers. My local store, Castlecoote Stores, pays €500 a year for a wine licence, which is the same as Tesco, Dunnes, Lidl, Aldi and so on pay. That is not fair. The amount of wine sold in a small rural area is very low. It does not matter if alcohol is segregated, in which regard I note that the solution our Fianna Fáil spokespersons have come up is very practical. The licence fee for

public houses is based on turnover. I accept that this is a matter for the Department of Finance and not the Minister, but he may not be aware that it costs €500 per year to stock and sell wine from a small, rural, privately-owned shop. I ask the Minister to bear that in mind.

Ultimately, it is clear that below-cost selling of alcohol is taking place. That is evident. This may prevent it. Certainly, the Minister's aspirations are worthy.

An Leas-Chathaoirleach: We have dealt with that section. We are on structure and separation.

Senator Terry Leyden: I could argue that the separation is very evident from the point of view of cost and everything else. It is all linked. Deputy Harris is a young Minister and I have known him since he was a child. Well, not quite.

An Leas-Chathaoirleach: With respect, the Senator has made all his points.

Senator Terry Leyden: I just want to say-----

An Leas-Chathaoirleach: The Senator does not have to make it personal.

Senator Terry Leyden: In fairness, I want to encourage the Minister to embrace the Fianna Fáil amendment. That is why I am nice to him. I know he has integrity and good advisors and back-up. There are top people in the Department; I used to have them when I was there myself. The Minister also has the willingness as a good constituency representative to listen to the views of those interested people who are sincere, genuine and not in favour of pushing alcohol on young people or anyone else. Everyone wants to protect young people from alcoholism and excessive drinking and it is the unit price that will achieve that.

I thank the Leas-Chathaoirleach for letting me speak, I appreciate it. I will not bother him for the rest of the debate.

Senator Michelle Mulherin: Section 20 has been a particular sticking point in the Bill. As legislators, we must always consider whether a proposed measure is proportionate and reasonable. The answer quite a number of us on all sides of the House came up with in this case was that this provision would probably constitute too great a burden, if implemented, on small shops as compared to multiple retailers. When it was drafted, no distinction was made between multiple retailers and the small shop. The multiple retailers are a totally different animal and the issues around the power they have arise again and again. As a member of the agriculture committee, I have seen that they engage in below-cost selling of horticultural products, milk, as a loss leader, and alcohol. They have some power and sway. Today, of course, we are discussing alcohol and we are entitled to ask about this and to get it teased out. We are entitled to consider the position of the small shop which is put to the pin of its collar to survive on tight margins in competition on so many levels with these multiples.

Like everyone has said, we have been lobbied on all sides. We have taken on board a lot of valid points and sincere cases which were made on all sides, both for and against the legislation. I am mindful of one particular lobbying session organised this time last year by Alcohol Action Ireland whose representatives spoke to a number of Fine Gael Senators. A number of physicians were in attendance. I see Professor Frank Murray in the Gallery and I thank him and his colleagues for coming along. Nobody in the House has said otherwise than that the consequences of the abuse of alcohol on the body and mind are terrible and shocking. Such abuse

is something we should seek to curb and reduce as a policy measure in our health service for the well-being of citizens and society. That is not to mention the financial cost and the way in which it undermines the fabric of our society. How do we curb alcohol abuse and binge drinking and remove people from addiction by getting them to go down another path?

At the lobbying meeting to which I have referred, we had access to a marketing expert from DCU. Structural separation and blocking the visibility of alcohol was discussed. We were anxious to know about impulse buying and the correlation between what one sees and what one buys. A number of us asked what evidence there was that blanking out alcohol with darkened doors or frosted glass would change people's purchasing patterns and get them away from this abuse. We were told there was no evidence. We also know that this has not been done elsewhere. There is evidence that people engage in impulse buying at the point of sale. For example, some supermarkets avoid putting sweets at certain checkouts because they are a temptation for kids. That evidence is also there for alcohol. That is the only empirical evidence that was offered to us. We are talking about evidence-based approaches. Without a doubt, there is a problem with binge drinking which we are trying to address. However, this is not evidence-based in the way the minimum unit pricing proposal is evidence-based.

We are being asked to take a step and see if it works. I go back to proportionality and reasonableness. It seems to me that small business will pay the price here. Not to labour on this too long as we have discussed it, but I cannot understand how anyone could not see that most small shops do not have the space to section off a whole area with its own-door access. The multiples can do it, but a lot of small shops cannot. As I understand it, they will have to have blackened-out doors or some variation on that. Previously, it was suggested that, to minimise the cost, curtains would be put up and that got a fair bit of ridicule. It is generally accepted that people are not going to these shops to buy low-cost or below-cost alcohol but if it is going to be made so difficult for someone who just wants to buy a bottle of wine, he or she will just go to the bigger store. It stands to reason. That is aside from the cost to the small retailer of carrying out works, fitting doors and whatever else.

If the Minister does not address this issue, he will not stop people drinking. He will drive them to a supermarket, a multiple retailer, where they can have a leisurely experience, bringing their children with them because they want only one bottle of wine. Lo and behold they will see there is a series of bottles of wine being sold below cost and they will buy several bottles. That is not solving a problem. The Minister is shifting the market and favouring these multiple retailers. The Minister needs to address this issue. Not implementing minimum unit pricing is not a problem for multiple retailers. I welcome the Minister's initial proposal for an amendment here, which recognises that the small retailer is completely different from the multiple retailer. Whatever the Minister brings forward must be workable. It cannot be 1 cu. m, as that is not workable. It needs to be more than he has brought forward.

That he is going to engage is welcome. There have been complaints that there has not been meaningful engagement with the small shops and their representative organisations until now. This is constructive and positive and I hope we can proceed and achieve the objective we want, which is to continue the trend towards a reduction in overall alcohol consumption and to address binge drinking and other abuses of alcohol without sacrificing small shops in rural areas and elsewhere. They employ local people and provide sponsorship. Facts and figures show that a larger percentage of a euro spent in a local shop is redistributed in the local economy than of a euro spent at a multiple retailer. We want these shops to stay and they deserve consideration and support on this issue.

Senator Máire Devine: Let us get back to basics. We are here to protect public health. We have just inserted child protection into the preamble of the Bill. We need to keep the focus on that. We have heard from Members and from my experience working on the front line, I know of the destructive effect of alcohol on families.

We discussed minimum unit pricing, which was contentious. I am glad that these amendments have been withdrawn and that there will be further discussion on them because this is the other contentious issue. I am absolutely for structural division and the lack of visibility, however that is worked out. That is my default position and neither I nor my party will move from it.

Alcohol does not need to be visible for people to know it is there. Replacing the “not” with “immediately” should be opposed. Alcohol may end up beside food products, thereby defeating the aim of the Bill. If it is visible that goes against the spirit of the Bill. I do not want it weakened. I am not demonising small shops, I use them in my own area. I was asked to sign a petition in the one around the corner from my home. The petition was very exaggerated and misinformed. It is a scaremongering tactic by the bigger lobbyists I imagine. The local shops are embedded in our communities and are more user-friendly and concerned and have ownership of how we buy our goods. I look forward to the amendments coming back when they have been tweaked following consultation. I cannot and will not move from the visibility and separation issue. I hope to be able to support the amendments when they return and look forward to reading and assessing them then.

Senator Gerard P. Craughwell: I have never heard such a love-in in all my life. Is there anybody here who is against anything?

I agree wholeheartedly with everything Senator Coffey said. He epitomises somebody who understands rural communities and how to deal with them. It is not necessary, however, to go to a rural community to see what he is talking about. Less than half a mile from here there is a Centra shop and if the Minister demands structural separation, that shop will have to throw alcohol out because there is nowhere for it to segregate alcohol. I too have never seen anybody coming out of a rural shop with trolley loads of booze. I have seen in the North of Ireland how the large multiples segregate booze from the rest of the store. I have also seen that it is less visible in the way they manage it and I think there is some merit in that. I have to admire the Minister for being willing to go back and meet retailers and listen to their problems because it is true that if he forces the small shop in Kilmacow or Balla to segregate, the shopkeeper may find that because alcohol sales only slightly improve profits they no longer need to sell it and an employee may lose their job or the shop may have to be closed. I disagree with Senator Mulherin; if the shop in Balla cannot sell wine nobody will drive the extra 20 miles to buy seven bottles of wine. I do not see a mother saying she will put the kids in the car and go to Castlebar to buy six bottles of wine because she could not buy one locally. She may be right but I do not think that would happen.

The Minister is willing to go back and meet people to find a solution to this problem. While some of the solutions offered this evening have merit, I am not sure taking it from view will stop addiction. There is drug addiction in every town and village in Ireland but there is no shop advertising, “Get your cocaine here” or on the basis of “Buy one get two free”. If people want it, however, they will find it. If I go to any shop in my area in the evening, I will find four or five young fellas or girls outside the door who will ask me to bring them out a bottle of vodka. That goes back to what Senator Boyhan and I said earlier today. There is a massive education

and enforcement issue here. Sealing off the off-licence section of a Centra will not stop this problem. It will curtail it, as will pricing, but without the education and enforcement this will not stop.

I admire what the Minister is doing. He should meet the retailers and come back with what he thinks may pass as amendments to this Bill and let us get behind him and pass the Bill before Christmas. That is the way forward.

Senator Maura Hopkins: There has been a lot of discussion today about the Public Health (Alcohol) Bill 2015 and in the main there has been really strong support for its objectives of trying to deal with binge drinking, particularly among young people, and addiction.

On section 20, the Minister has been reasonable in trying to come up with a practical, cost-effective solution for retailers. That is what we need to see. There has been much discussion of small retailers. In respect of the Minister's efforts to try to reach a solution for them, it is important to see a better, cost-effective practical solution for small to medium-sized retailers. From my point of view, the major issue is access to large volumes of cheap alcohol and much of today's discussion has focused on that issue. We need to target below-cost selling by the multiples, which are advertising vigorously, and it is critical that minimum unit pricing is implemented as quickly as possible. As I said, the major issue is access, particularly by young people, to large volumes of cheap alcohol. Others have said it already: there is no one solution but many different solutions. Education, enforcement, cost and, overall, a culture change are key. The culture change is relevant to our debate on segregation. We are trying to ensure that we do not treat bread and milk like we treat alcohol. A solution can be found, however. The Bill seems to have cross-party support but this final section needs a practical and cost-effective solution for small to medium-sized retailers. That the Minister has agreed to engage with the retail sector on achieving such a solution is positive.

Senator Robbie Gallagher: I, too, will be brief. It is not often that I am afforded the opportunity to compliment and acknowledge positive contributions from the benches opposite, particularly from those on the Government benches. I am glad to report tonight an exception to the rule.

Senator Kieran O'Donnell: It comes easier the second time.

Senator Robbie Gallagher: If I may without interruption, I will compliment the contribution of Senator Paudie Coffey who hit the nail on the head. This is a complex issue. On a global point, when we drill down to this section it is important that we do not lose sight of the fact that in many ways we are discussing the symptoms of a problem without discussing the problem itself. However, I think common sense will prevail and I have every confidence in the Members of this House. I compliment the Minister on his ability to listen and take on board concerns. I welcome that he has given a commitment to speak to all sides to see if a solution can be found which all sides can live with. At the end of the day, we all have the one destination in mind. We might differ on how to get there but it is clear that we all have the one goal. I compliment the Minister on that and wish him well in his deliberations with all concerned.

It is important that we keep in context the statistics, as outlined by Senator Coffey, on the volume of sales by large outlets, at 80%, as compared to that in smaller outlets, at 20%. I hope that the Minister takes on the board the practicalities for small shopkeepers and shop owners to make the separation which would be required by law. I hope that common sense will prevail

and have every confidence it will. The Minister deserves to be given the space of a few weeks to find a solution, which I am confident he will do. I hope that he will then be able to come back in here and that we can pass the legislation before the year's end.

Senator Kieran O'Donnell: We are elected as legislators and all we are doing here is our work. People often say that there is not enough perusing of legislation but that is exactly what we are doing here. In saying that, we need to enact this legislation as quickly as possible. The public expect it and many of the retailers about whom we are talking would like to see it as they want certainty on what will be introduced. I welcome the fact that we and Fianna Fáil are now looking for a common solution that will work for small retailers. In many cases, our small shopkeepers are the lifeblood of small villages and are employing up to 30 people. I differ slightly from other commentators in that I think they will be there in 30 years time. Many of them are young and they are enterprising men and women. They know they cannot compete with the multiples so they are moving into other markets such as fresh fruit and fresh meats. They are diversifying into healthy food areas where they can compete. In a former life, I was an accountant and these people were the bread and butter of my business. Many of them are innovative and enterprising but many are also under pressure. It is not inconceivable, however, that what is being proposed in terms of the turnstile is a better solution in terms of security, as there is a danger if something is locked away and people are going inside, and in terms of management. However, the separation is important.

The whole thrust of the Bill relates to public health and reducing the abuse of alcohol. The minimum pricing provided for in section 10 is probably the most substantive and fundamental section of the Bill. We have an issue in terms of the North. When considering the particular issue in section 20 on the turnstile and the barrier, there should be a twin track approach. At this moment in time, they are looking to see what the situation will be *vis-à-vis* our neighbours in the North in terms of being able to find a way to bring in the minimum price in a consistent way and as cohesive a way as possible.

We have been told that this does not apply to stand-alone off-licences and that they will be entitled to have food count for up to 49% of their turnover in the shop. This needs further consideration. We would hate to have a situation where someone would go to the off-licence for milk and bread in the morning instead of the local shop. We could have the unintended consequence of people going to the local off-licence instead of the local shop for their groceries. If such a situation is being considered, it will have to be restricted to certain types of foods. We cannot suddenly have people going to a place where the majority of the stock on display is drink rather than a corner grocery. I would like to see the matter examined further.

I very much welcome that in a short period of time the Minister has taken on board the concerns of small shopkeepers in particular. This does not take away from the fact that we are fundamentally seeking to deal with the number of people prone to alcoholism and binge drinking. It is a problem in our culture and we have to tackle it. However, we must not lose sight of the substantive element of the Bill, which concerns minimum pricing. We must not win the battle and lose the war. That the Minister is willing to consider measures for smaller shops which may end up being a more practical and preventative solution than what was hitherto being proposed is welcome. That is the art of politics. To turn full circle, as legislators that is what we are elected to do. No apology is needed for what we are doing here tonight.

Senator Colette Kelleher: This is my first contribution to the debate but, given the time, I will be brief. I acknowledge the Minister's leadership and determination to bring through the

Public Health (Alcohol) Bill and he will be remembered for it. This will be an amazing legacy for him to leave when he decides perhaps to move on from these Houses and parts.

Senator Victor Boyhan: It will be a long time yet.

Senator Colette Kelleher: Legacy is important. I appreciate that the Minister is engaging with shopkeepers and I know first hand his track record for engagement having worked with him on another matter last year. In his discussions on structural separation between now and Report Stage, in addition to the shopkeepers I ask the Minister to bear in mind certain people and to speak to them or to their representatives if he cannot speak to them directly. I think of the children I worked with who were born with foetal alcohol syndrome. I bear those images very strongly in my head and heart.

I ask the Minister to bear in mind the family of the young man who disappeared on new year's day after a party the night before. He was taken from the River Lee weeks later, after weeks of terrible searches. I think of the hundreds of lovely people I worked with while I was in Cork Simon Community for eight years who were ravaged by the effects of alcohol. Some of those people started life the same way those children experiencing foetal alcohol syndrome did. I also think of the people there who were trying desperately to recover. The Minister should bear those people in mind. I think of the members of my own family. If we are truthful, we all have alcoholism in our families and among our friends.

By all means, the Minister should talk to the shopkeepers. I come from a long line of shopkeepers. I have family still running the kind of small shops the Minister is talking about. I think of my dad when he was running a butcher's shop back in the days before refrigeration. I do not know how we did it but we did. When refrigeration came in, my father had to adapt. Senator Kieran O'Donnell is correct, in that small shopkeepers are very adaptable and resilient and will adapt to the sensible measures that will be introduced. The Minister should bear in mind what is at the core of what he is trying to do, which is public health. He should hold those people in his mind during his deliberations and hold his nerve.

Senator Paddy Burke: Much has been said about this Bill. The best place to debate a contentious Bill is in Seanad Éireann because there will be 60 Members contributing on every section and every amendment whereas when a Bill goes to the Dáil, there will only be a handful of Deputies at a select committee. This is a great Chamber in which to debate a Bill. Senator Coffey said much of what I would like to say. Small shops are the heart of communities. They are the heart and soul of communities up and down the country, particularly in rural parts. I welcome the decision the Minister has made and his commitment to the House to look at this before Report Stage. The Minister's staff, and perhaps the Minister, will meet traders on the ground and their representatives and will have a look at the issue of physical barriers and products that are not readily visible. If those issues are substantially addressed in the Bill, I have no doubt at all but that we can work our way through Report Stage of the Bill. The last thing we need when the Bill is passed is for there to be ambiguity. The last thing we need is for what we agree here and what we think has been passed into law to work out differently on the ground. That has been the case over the years. In some cases when the health officer goes out to a pub or butcher's shop, for example, what we think is in law is different to how it works out on the ground. Senator Black mentioned the woman who goes into the shop for a pint of milk and comes out with a bottle of wine. However, only 8% of alcohol sales are in those small shops so that is 8% of such women. The other 92% is sold in off-licences or big multiple stores. Of the women who go in for a pint of milk and come out with a bottle of wine, 92% are going into

a multiple store or an off-licence. We are talking, as Senator Coffey said, about the 8% to 10% of alcohol sales which happen in such small shops.

Those shopkeepers have quite a lot on their mind. They have in the region of 20 to 30 employees. They have to deal with VAT on a two-monthly basis, PAYE, PRSI, insurance and the licence fee. Senator Leyden outlined that a wine licence costs €500 a year. They have to deal with the health authority if they are doing food. If they are doing drinks, they will be dealing with the health authority from now on. They have to deal with their customers, banks and staff. They have quite a lot on their minds and the last thing they want to be dealing with is legislation that we pass here that will work out differently on the ground. There will be ambiguity. When the Minister comes back on Report Stage, he should have the issue of structural separation in section 20 ironed out. It has been a stumbling block for many of us. It is a big part of the Bill. Everybody agrees and wants to stamp out the scourge of drink. It has affected every house in the country. Everybody is at one on that. We are talking about the small shopkeeper who is the life and soul of our communities up and down the country. As some Senators have said, they provide a great service in cities and large towns also. I welcome what the Minister has outlined. I welcome that he is going to come back to us and that he or his staff will meet the traders and their representatives on the ground to see how this can work out before he comes back on Report Stage.

Senator Michael McDowell: There are a number of things I want to say about section 20. I will put them in context first. I was Minister for Justice, Equality and Law Reform in a previous life and was responsible for intoxicating liquor policy before the Department of Health ever got involved in it. I had to deal with issues such as happy hours, the promotional selling of alcohol and café bars. If one names it, I have been there. I remember in the other House proposing café bars and everybody, even including the Labour Party and the Green Party, descended on me saying it was a foolish idea. The reason I and the commission chaired by Gordon Holmes, who was from Limerick, proposed café bars was to change attitudes to alcohol in Ireland so that one did not have to go into a pub to get a beer but could go and have a pizza and a beer. Things have changed since. Some of the barriers that existed then have changed. The culture has changed and now there are pubs turning themselves into restaurants because there is no profitability or viability unless they serve food. That is a dramatic change in the ten-year or 15-year period we are talking about. Perhaps the smoking ban and drink-driving legislation played its part in all of those things. They are real phenomena.

This Bill has three broad thrusts, namely, minimum unit pricing, control on advertising and the invisibility of alcohol displays under section 20. I will ask the House to reflect on what we have heard from the Minister today. We should be evidence-based in all of this. Let nobody be under any illusion - the unit price of alcohol stipulated in the Bill will only affect the cheapest of beers. It will not affect the price of spirits and wine.

Senator Martin Conway: That is not true.

Senator Michael McDowell: I think he said that. If one had listened very carefully, one would have heard him say it. He said that the price of a bottle of gin will not go up as a result of the ten-----

Deputy Simon Harris: Certain brands of gin.

Senator Michael McDowell: That is what he said.

Acting Chairman (Senator Diarmuid Wilson): The Minister will have a chance to answer in a moment. Senator McDowell should make his points.

Senator Michael McDowell: That was the evidence we heard. We should not get up in a heap. Unless at some stage it is proposed to radically increase the unit price of alcohol having regard to the criteria set out in the Bill, which is possible, the minimum unit price stipulated in the Bill will not have a radical effect. It may marginally affect the Dutch Gold merchants but that is all it will do. That is what we are achieving in that respect. I am a strong supporter of minimum unit pricing for alcohol but I want us to remember the evidence we have heard today. I am not imagining this; I heard it from the Minister's lips.

There has been a discussion in respect of advertising and we now come to section 20 in respect of the invisibility of retail sales. I know people are saying they are proposing to amend the section but it proposes a choice for a retailer with one option being having a single area separated from the remainder of the premises by means of a physical barrier from outside of which alcohol products and advertisements for alcohol products are not readily visible to members of the public. Just think what that actually means. It means an area cut off from the rest of the shop or store which cannot be seen into from outside.

Senator Kieran O'Donnell: Cannot readily be seen into.

Senator Michael McDowell: Readily. One can put one's head around a corner or something but cannot readily see it .

Senator Paul Coghlan: We are not talking about-----

Acting Chairman (Senator Diarmuid Wilson): I ask the Senator to maintain order.

Senator Michael McDowell: Senator Coghlan will have his time to contribute.

Senator Victor Boyhan: He is at the end of the list.

Senator Michael McDowell: I agree that Senator Coghlan is at the end of the list.

Senator Paul Coghlan: Senator McDowell is probably correct.

Senator Michael McDowell: It would have to be an area through which members of the public would not have to pass in order to gain access or make a purchase of products other than alcohol. Only alcohol or alcohol-related products would be sold therein and nothing else of significance. The choice is between that kind of regime or something akin to the tobacco cabinet, where everything is kept in a cabinet into which one cannot see or know what is therein but there could be a notice on it informing people there is alcohol behind the doors. That is the fundamental philosophy here.

I understand some Senators are driven by a very passionate view that alcohol is harmful in our society, a carcinogen, destructive of psychological well-being, socially destructive, a danger to an unborn foetus and a bad thing. Some of their passion has come across in this debate to the point that anybody who opposes anything in the Bill is a lobbyist with an agenda who should hardly be listened to and that it is the big battalions against the proponents of the Bill. I do not accept that outlook at all.

Alcohol is an integral part of our society and has been so for millennia. It is enjoyed by a great many people and makes our lives more enjoyable in many respects. It probably curtails our lifespan and we could all live to 120 and be in some nursing home with tubes sticking out of us if we stayed off alcohol but I do not accept the proposition coming from some quarters in this debate that alcohol is an evil that has to be suppressed, is analogous to tobacco and must be treated in an analogous way. That is an almost totalitarian view.

I remember the Ireland of 20, 30 or 40 years ago when the rural pub was the social hub of every community and people were not crawling out of it on their hands and knees in the evening but alcohol was part of what we were about. I do not accept that alcohol should be kept in a locked cabinet in any circumstance whatsoever. That is neither sensible nor reasonable. If I want to go into a Centra, a big shop or anywhere else, I do not see why I should not see a shelf with wine bottles. It is perfectly reasonable that I should be able to see a variety of alcohol in a shop that sells alcohol. No useful purpose would be served by such a measure in my local Centra in Roosky run by a family who do incredible work to keep the place going and offer a variety of food, warm food and so on as a service to their community. They work so hard to keep it going and I do not see why the small array of wine they have should be hidden. Their selection is not something for which the great connoisseurs such as Deputy Gerry Adams would pay €30 a bottle.

Senator Kieran O'Donnell: Deputy Adams would not be too happy about that.

Senator Michael McDowell: We are talking about relatively modest wines.

Senator Kieran O'Donnell: Can the Senator describe a modest wine?

Senator Michael McDowell: On Sunday mornings I see them pulling a veil over their wine display because of some stupid law that Minister McDowell brought in donkey's years ago or did not demand. I do not believe that is a social evil or such a display is normalising alcohol. The point was made earlier that 8% of alcohol in Ireland is sold through smaller shops and we are, therefore, dealing with a tiny fraction of alcohol sales in our community. I want to emphasise that, whatever we do, we must realise we are dealing with a tiny fraction of total alcohol sales. Anybody who has a grand plan to change Irish society or the culture in Ireland which would result in the effect being felt most in local Centras, for example, all around the country, which are not a multinational, where 8% of our alcohol is sold, is deluding himself or herself that they are engendering any significant change in Ireland. They are deluding themselves that this is where the problem is to be found. I want to emphasise that strong belief.

In such shops, spirits are behind the counter for the same reason that batteries and razors are, which is that they can be lifted with the greatest of ease. Blades for a disposable or non-disposable razor cost €5 or €10 a packet and are the size of a box of matches. They are behind the counter not to promote impulse buying but to control access to them. To legislate that alcohol in a smallish enterprise should be in a place not readily visible to staff unless one staffs the interior of the premises will lead to significant shoplifting. Anybody who has such a cut-off structure will find a bottle of whiskey or a couple of naggins of drink or whatever gone in pretty rapid order and their profit for that morning will very easily disappear into smoke. I am just making the point that we have to be practical about what we are doing. If one cannot see the alcohol on the shelves in these boxes or rooms, there will have to be produce there to ensure that they are not going into the shopping bags and overcoat pockets. Remember that is what we are talking about.

I believe that the responsible retailers have come up with reasonable ideas and I believe that there are ways to deal with the control of alcohol. The crucial thing is to stop it being sold to youngsters and to stop cheap, almost below cost, slabs of alcohol being sold. The crucial thing too is to have a regime in shops which is manageable by those shopkeepers. If that is not done, if something unreasonable is imposed, let us be clear about what will happen. It costs shopkeepers €500 a year to have the drink licence. They will lose it to the likes of Topaz down the road which will have the capital to do all these things. They will lose it to the Aldis and the Lidl's which will be able to manage accordingly. What will happen is that people who want to buy a bottle of wine or a six pack and have a game of cards at home or whatever will find that it is more difficult to do it.

The idea of having this cabinet with a grey front on it and a "Danger: Alcohol Within" sign on it or whatever is ridiculous. Can one go up to a checkout and ask for the cabinet to be opened up so that one can see what is in there, and see what kind of red wine is in it? Are we serious about this? Is this a real scenario that we actually believe is going to happen? Unless alcohol is dealt with as some kind of poisonous drug that should be kept under lock and key and kept away in the same sense that we approach cigarettes, that is the kind of scenario that we are going for.

It is clear that I am against this section. I am glad that I have gotten that message across. I do want to say that we can have pragmatic agreements and the Minister can do whatever dealing he wants to do with smaller shopkeepers and other interests. I agree with Senator Kelleher that there are other interests at play here. However, I am against the whole idea that we can somehow achieve an effect in regard to alcohol which is to de-normalise it and to marginalise it in our society which in turn will have a huge effect on social behaviour, consumption, availability and the like. I do not agree with it. I heard what Senator Reilly said about the effects of alcohol. I believe every word he says about the effect on the oesophagus and every other organ in the body. I heard all of that and I heard all of what was said about other effects.

However, I do not believe that we should set out as a society to marginalise alcohol in the same way that we are attempting to do in regard to tobacco. That is a mistake. It will not work and I do ask people to look back to America in the 1920s, a society that became convulsed with a hostility toward alcohol in the 1900s. It ended up worse off than ever after an attempt to ban it completely. Nobody is proposing that here. We have to go softly softly with alcohol, and not take steps which are too radical or unrealistic. I support a public health approach. I had to try and achieve it from a justice perspective before. I am glad that a Minister for Health is now taking an interest in the alcohol issue. However, I am strongly of the view that this section is going about it the wrong way. I do not believe that it is going to change things if one has those separate rooms in supermarkets. I think people will go into them if they want to, unless there is some kind of embarrassment factor involved in doing so. I do not believe that people impulsively buy all that much. In regard to all of these surveys run to see if people do or do not impulse buy, knowing the younger generation, in which I have been involved in parenting, if they want their slabs or if they want their drink or whatever they go for it. They will not be inhibited by the display arrangements in any shop.

Where I live in Ranelagh there is a Spar shop almost 40 yards away from my house, it has a smallish display of alcohol, wines and beer, and about 20 yards up from it is an excellent off-licence, which has won prizes as the best off-licence in Ireland on a number of occasions, and across the road from it is a SuperValu which has one aisle with two sides in it devoted to alcohol sales. I do not believe that any changes such as are in section 20 are going to significantly change the amount of alcohol that is sold in Ranelagh one way or the other. We would be far

better off looking at the unit pricing and doing something serious about that. I come back to this point. The Minister said airily that the point was that alcohol was alcohol, in whatever form. That is true. However, our big issue is to stop undercost and low cost selling of alcohol to our younger generation. That is where it is most important. I do not accept the proposition that alcohol is located beside nappies for hard-pressed mothers who are going to impulse buy. I do not believe in any of that. I believe that this is a construct being dreamt up to try and persuade us of these things.

I believe absolutely in the unit pricing if it is done properly. However, this particular proposal is mistaken in principle. It will not work. It will probably concentrate alcohol sales in specialist stores and make life more difficult for those, such as small shopkeepers, who are trying to offer a general supply of goods to their community. It is mistaken in principle and it will do damage to them and do more damage to those parts of Ireland which are dependent on small shops to be the centre of the economic life of the community. If Rooskey, to which I referred earlier, did not have that Centra there would be nothing for 15 miles in any direction.

Senator Ray Butler: I thank the Minister for making his decision and for speaking to the small business groups. It is to be welcomed. Coming from a family business background, anything that is hidden makes it very appealing. Down through the years I have seen from video shops to shoe shops to clothes shops and various other outlets that if one hides something under the counter it makes it appealing. That was especially the case in the video business when we put certain items under the counter and those items thrived.

Senator Gerard P. Craughwell: Really? What were they?

Senator Ray Butler: I will let the Senator use his imagination.

On structural separation in the multiples, if mammy and daddy bring Johnny and Mary to the supermarket and want to buy a bottle of wine, then Johnny and Mary have to go with them through the structural separation and into “Funderland”. That is what will happen. It will become a Funderland. The multiple will get out its advertising team and make it so attractive to go in behind those barriers that it will be unbelievable. The kids will want to go in every time they visit the supermarket. That is what multiples will do. They do it every time people go to the cash register. They put things in front of us so that we will grab them and take them with us. Do Members think they will do anything different when a structural wall goes up around the alcohol? No way. They will get in the advertising teams to which they pay millions and get it up and running.

What I call small community shops as opposed to small retail shops are the backbone of rural Ireland. The men and women who own them are heavily scrutinised when it comes to the sale of any alcohol because they have to deal with Johnny and Mary’s mammy and daddy if someone under age gets a bottle of vodka and is later found, God forbid, intoxicated in a field or on someone’s property where they should not be. Those shop owners scrutinise everything sold on their premises and do not need blinds or fridges to hide anything. As Senator McDowell said, it is ridiculous to have to open a cabinet or pull over a blind. It might mean the shopkeeper has to get in extra staff to do that job while he or she is looking after the cash register. It makes no sense. I am glad common sense has prevailed. The real issue is minimum unit pricing and the education of young people about alcoholism and alcohol in general. This debate has gone on and on. Taking alcohol out of view will not stop anything. I could hardly believe it when Senator Paddy Burke said that only 8% of all alcohol sales took place in small community

shops. Therefore, I welcome what the Minister has done today. I ask him to please listen to the owners of these small community shops because they need our help. They will scrutinise every bottle of alcohol sold in their communities because it is their businesses and survival about which they are concerned.

Senator Colm Burke: I thank the Minister for dealing with this by way of a compromise and for taking on board the concerns raised by Senators. He was prepared to sit down and deal with the issues relating to segregation. I refer back to the work of Senator Buttimer and the health committee, of which I am a member and which looked at this matter comprehensively during the lifetime of the previous Oireachtas. The committee brought in all of the people who deal with this area. Senator Buttimer referred to one of the people who gave evidence.

We face a major challenge in dealing with this issue and the health problems to which it gives rise. Average consumption *per capita* is 11.46 l but one in five people in the country do not drink. The real average therefore is 46 l of vodka per annum per person. We face and will continue to face major health issues over a long number of years. As a result, this is not about a change in one area; it is about a change in many areas in the context of advertising, minimum unit pricing and segregation. The Minister has outlined that he is prepared to look at segregation. The 8% figure to which people have referred relates to more than 4,000 retail units. I do not accept that 4,000 retail units sell only 8% of the alcohol. The figure is far higher than that.

Senator McDowell expressed the concern regarding minimum unit pricing to the effect that there would be no increase in the multiples. My understanding is that the price of Tesco vodka will rise from €12.99 to €20.71.

Senator Michael McDowell: I forgot about Tesco vodka.

Senator Colm Burke: The Senator was concerned that there would be no increase in this area.

Senator Mark Daly: Senator Colm Burke is allaying Senator McDowell's concerns.

Acting Chairman (Senator Diarmuid Wilson): I have six other speakers who wish to contribute.

Senator Colm Burke: I am well aware of that. I will just finish this point.

Acting Chairman (Senator Diarmuid Wilson): If we stick to the section and the amendment, we can deal with the statistics at some other stage.

Senator Colm Burke: I will stick with the section. In case it is not vodka about which Senator McDowell is concerned, gin will increase in price from €15.99 to €20.71. That is the minimum unit pricing we are talking about.

The Bill is not just about one issue, it is about a number of them. There is no proposal to marginalise people who drink alcohol. The Bill is about a balanced approach to the consumption of alcohol. Everyone wants to enjoy a drink and the legislation is not about banning alcohol. It is about approaching it in a different and more reasonable way and about helping people by reducing the health risks arising. If one spends a night in any accident and emergency unit in the State, one will find that over 30% of those admitted are there because of excessive use of alcohol. As we sit here tonight, more than 2,000 hospital beds are being occupied as a direct result of excessive use of alcohol. Therefore, we have a duty to provide leadership on this issue.

The way in which the Minister has approached this matter is the correct one. While we have to compromise on certain issues and will not deliver everything one side or the other wants, we want to bring about change in order that, over a period, everyone in the country will benefit. The Bill will achieve this. I hope the Minister can come back with a compromise which is acceptable and which will work. Those aspects of the Bill which introduce regulations can be reviewed, but it is important to set up the framework and move on from there to ensure we address the excessive consumption of alcohol by a large number of people.

Senator John Dolan: The Minister is intent on meeting stakeholders to discuss separation. Particular reference has been made to retailers or to the owners of what Senator Butler refers to as “community shops”, which is a decent and accurate way to describe them. First among the stakeholders we have to consider are the children and young people of Ireland. In saying that, I am not dissing people in retail. I grew up in Tipperary Town. I could take the Minister from one end of the town to the other and name the families that ran grocery shops, little pubs, etc. As in every other town they have been decimated by the big multiples. Senators Kieran O'Donnell and Kelleher referred to their valiant efforts to reinvent themselves in order to support themselves. I do not see them as the villain of the piece.

Contrary to what other contributors have said, I am clear that separation is significant. Two weeks ago I was working in Montenegro for a number of days. The first night when I went to a restaurant with a colleague I got annoyed that people were smoking at the tables around us. Twenty years ago I would not have got annoyed. In his opening remarks, the Minister very graciously mentioned Deputy Micheál Martin and the smoking ban. Forgetting about party and all the rest of it, that stands as a great testimony to our country. There has been a huge change across Europe, in any countries in which we travel. That is the one that was awkward for me because it is: “Oh no. The culture. They don't do this.”

Here is how I relate that to separation. It is down to the child and the young person going in to the premises. It will be a slow burn; it will not happen overnight. We need to have confidence in ourselves about this. It will become normal not to see alcohol set out beside nappies and other bits and pieces. That will have an effect in the same way that we now consider it odd - to put it mildly - that people would smoke in a place where we eat or drink. Cultural change happens and it has a real effect. It is not appropriate to think that something like alcohol can be treated as if it is an ordinary substance.

When the crash came in Ireland, many people changed their minds very quickly about the nanny state. Let me explain that. People were happy to get 100% mortgages and more as if they almost had a right to it. How dare the banks, regulators or whoever intervene. Sadly for some of those people, their day of ruin came. They lost their houses. They then turned around and said, “Where was my nanny state? Where was my protector? Where was the regulator? Where was the governance in banks?” If we are to err, we must err on the side of the duty of care and rebalance it as we go along.

Am I right to say that alcohol is a poison? It is a poisonous substance, as I understand it. Dr. James Reilly, Dr. Tony Holohan, Dr. Keith Swanick or others having sat down with a patient will then give a prescription and they will have to go to a special shop and get it dispensed. That is treating things that have an inherent goodness in them and I do not disagree with the idea that drinking alcohol can have pleasant and good effects. I am not a zealot when it comes to the issue of alcohol. While they can speak for themselves on this, I do not think any of my colleagues are zealots on this issue. However, we need to treat certain substances with the respect they

deserve. If we were talking in a different domain and were talking about war, we would talk about our troops as being courageous and about the enemy being cowardly even though both of them would have practised the same behaviours.

It is not helpful to use terms such as “ideologues” and “zealots” at this point. I see people who have passion, have a public interest and have a bucketful of evidence behind what is being said here. We are going to have to cut the cloth to measure and make some judgments about it.

This issue is not primarily about us as adults. I am in my 60s. Others are in their 60s or close to it. Others are thankfully much younger. This is about children and young people. That is where we have to come down on this. Senator McDowell spoke strongly about his belief that separation was unnecessary. There is a lot of evidence-----

Senator Michelle Mulherin: There is not.

Senator John Dolan: I would be obliged if I could continue. There is a lot of evidence about how the hand goes out when one sees something beside something else. If there is no evidence, let us find that out, but I am very clear that there is. We need to go from what is my belief about something to stay with the evidence as far as we go. After that it is actually not about beliefs; it is about us making the best collective judgment we can in this House, no more than a jury would do. One looks at all the stuff and it does not turn out to be a pure science; people have to honestly make a judgment. That is the space we are collectively in. It is particularly the eye of the storm that the Minister and his officials are in.

The Alcohol Health Alliance comprises more than 40 organisations. Has it got everything right? I do not know. However, it is a proxy for the public interest, particularly the interest of the next generations.

It was more than symbolic that the Minister for Children and Youth Affairs was here this evening and I very much welcome her statement.

Senator Jerry Buttimer: In listening to Senators McDowell and Boyhan earlier, I closed my eyes and thought I was back to the days of the PDs and the philosophy that was there. I was nearly hankering for the return of the PDs until I realised that under its regime, alcohol outlets increased, availability went through the roof and supply increased.

Acting Chairman (Senator Diarmuid Wilson): The Senator should talk about section 20 and the issue of segregation.

Senator Jerry Buttimer: I choose to speak-----

Senator Victor Boyhan: It is only a preamble.

Senator Jerry Buttimer: Many of the previous contributions did not deal with section 20 at all.

The section is not about prohibition. It is a bit disingenuous to equate alcohol with batteries and razors in a shop. I am very fond of Senator McDowell, but that is straying across the line completely because batteries and razors are not addictive, do not alter the mind and do not cause people to get into all kinds of bother as alcohol misuse can. Alcohol harm occurs in our society whether we like it or not. It causes cancer; it causes addiction; and it leads to people becoming depressed with mental health issues. That is a fact and is evidence-based. Senators should go

and read the Healthy Ireland report and we can have a debate on alcohol. I am not a zealot. I take a drink and, God knows, I am good to drink. I am not a supporter of the pioneer movement, but let us be real. Let us get ourselves on this.

I commend Senator Swanick's courage in agreeing to withdraw his amendment until we come back on Report Stage. He may be a physician, but he is also a lawmaker and he recognises his duty, on which I commend him. That was a brave decision by Senator Swanick. This is a matter of denormalising alcohol because alcohol misuse affects our country. Each one of us can tell tales about our own families, extended families, communities, neighbours, friends and work colleagues who have been affected by alcohol in some way. Collectively we must reduce alcohol misuse in our society. Senator Colm Burke and I, along with other Members of this House, did not spend years working on pre-legislative scrutiny on the health committee just for the sake of getting it wrong. As part of that pre-legislative scrutiny we did not in fact recommend segregation with regard to section 20, but not for the reasons put forward by Senator McDowell. Alcohol is poisonous, whether the Senator likes it or not.

I point out to Senator Boyhan that today we have passed 25 amendments to this Bill. We certainly are getting things done: the new politics which he condemned earlier is about finding solutions to make this Bill, and this section in particular, better. This our priority on this side of the House, along with the Minister and with Members sitting opposite and on all sides. We want to make this a Bill that is workable, enforceable and that gets results. We do not want future generations of Irish citizens to condemn us for having lacked the courage to take on either big business or alcohol. I do not support anyone or anything here other than doing the right thing. This is why it is important that we make the distinction clear. Young people do not go into off-licences because they know they will not be able to buy alcohol there and that is why they ask older people to go in to buy it for them.

We are all of and from communities. Section 20 will have a profound impact on many of our friends who own, manage or work in shops. I refer here to convenience stores and not necessarily to small shops. I point out to Senator Boyhan that the Government is spending money to support young people through the sports capital programme, ETB grants, Department of Children and Youth Affairs sports grants, Department of Health lottery grants and so forth.

Senator Gerard P. Craughwell: What does this have to do with the amendment?

Senator Jerry Buttimer: I would say that it was something like Senator Craughwell's own contribution: rambling.

Senator Gerard P. Craughwell: By God, the Leader is fairly rambling now.

Senator Jerry Buttimer: I did not interrupt Senator Craughwell.

Acting Chairman (Senator Diarmuid Wilson): Colleagues, please.

Senator Gerard P. Craughwell: It is unfair to attack people.

Senator Jerry Buttimer: I did not attack anyone. I am defending the integrity of what the Minister is trying to do and I respect the right of all of us to take a different view. That is fair enough; that is democracy. I am not a zealot or a fundamentalist. I am a democrat and a republican who recognises the importance of the citizen. That is what we are doing with this Public Health (Alcohol) Bill and this is why, speaking as former Chairman of the health committee, we

on that committee produced a tome of work to assist in the publication of this Bill.

Senator Michael McDowell: The Leader should stick to section 20.

Senator Jerry Buttimer: I will come to that.

Senator Máire Devine: I ask him not to take too long about it.

(Interruptions).

Senator Jerry Buttimer: I will try not to, Senator Devine. I have no vested interest in this. I am not swayed by populism, as was proven when I lost my seat at the last election. I will always do the right thing and I will always speak my mind freely whether it be in this Chamber or when I meet the Fine Gael parliamentary party. This is not a matter of division or of passing a Bill that ticks a box. We could have done that two years ago. We must distinguish between groceries and alcohol and section 20 is central to this. As I mentioned today, I am a member of the joint city and county policing committee in Cork and we were recently addressed by David Lane of the Cork Local Drug and Alcohol Task Force. This is not just a matter for us here. This is a matter for the people we all know who are affected by and have witnessed the effects of alcohol. We cannot trivialise the harm caused by alcohol. Senator Dolan's contribution on section 20 was right: our shops have diversified and will continue to do so and if this Bill does not change, then the shops themselves will. Off-licences will start stocking a few bottles of milk, packets of sweets or in some cases, ready meals. In my own constituency I have seen shops developing cafés and coffee counters because these bring in profits.

Senator Kieran O'Donnell: They are entrepreneurs.

Senator Jerry Buttimer: It is a matter of survival, yes.

The culture of alcohol in our society must change. Structured separation will not bring this about in itself. Perhaps we should have gone down the road of the café bar culture promised some years ago. I supported the concept at the time. Where I live in Curraheen Road in Bish-
opstown, for example, there are ten outlets within a stretch of less than a mile where one can buy or consume alcohol. That is crazy.

In our pre-legislative scrutiny we did not recommend the imposition of what is now known as structural separation, primarily because we felt that it should be put on a statutory code. Let me remind the House that structural separation was part of the Intoxicating Liquor Act 2008, which was voted for by Members of this House, some of whom are still here. Let me also remind Members that wine was excluded from that particular Act. The health committee supported the concept of structural separation but, mindful of what the Royal College of Physicians of Ireland has said about the placement of alcohol, we did not call for it be imposed on retailers. I very much hope that we can get to the stage where we can have a change to section 20 and introduce some kind of compromise. I worked with very good people on that committee in the past, people like Padraic White and various people from different industries who were very genuine and wanted to work with all of us. This is not a matter of diluting this Bill or of allowing one side to emerge as victors or losers. This is a matter of all of us, as public legislators and Members of the Upper House, taking our responsibilities seriously and marrying the need to address the misuse of alcohol with the needs of the retail industry. As Senator Coffey has rightly said, retailers should not be treated as pariahs. They are, in my opinion, responsible people. I often hear people talking about the impact of structural separation, drink driving, and

social isolation on rural Ireland. What, however, of the man or woman living in rural Ireland who does not drink? They are still socially isolated and this is a fundamental question to which we must return.

Let us get the result right. Let us ensure that we pass a Bill that is workable, enforceable and that achieves results. I commend the Minister on his willingness to engage on section 20. I will conclude by again thanking Senator Swanick for the spirit of co-operation he has shown here tonight. I do not wish to pick a fight with Senator McDowell. He is a former Minister and I accept that he achieved many good things. Embracing a level of populism to pursue an argument is fine but public health is far too serious a matter for us to do nothing about. We have to do something.

Senator Alice-Mary Higgins: I join other Senators in commending the Minister, Deputy Harris. I would also like to take a moment to commend the former Minister of State, Deputy Corcoran Kennedy, who did extraordinary work in preparing this Bill and was a great loss to Government.

I would like to briefly correct a point that seems to have been taken up erroneously across the House. As for the cabinets proposed, be they wooden doors or frosted glass, people will be free to be open them themselves. Customers will not require the assistance of members of staff to open these cabinets for them. As they will be able to slide the door open themselves and select whatever drinks they wish, I do not believe this measure will prove unduly intrusive. We certainly know that cigarette sales continue even though they are out of sight.

I want to address some of the questions about evidence and highlight some of the areas where there is strong and important evidence. We have extensive evidence about advertising and promotion and about how decisions on sales are made, to cite just two areas. I do not want to go into it extensively. A well-established research company, Nielsen, has shown that 37% of wine sales are impulse buys. In the United States, Field Agent research among 500 adults that was done for advertisers found that in-store displays trigger 34% of sales. There is extensive research into how and when people decide to buy drink. There might not be research into the direct implications of frosted glass, but there is extensive research into the power of advertising and product placement because it is an area that rewards research. We need to look at that and apply it in retrospect.

We have important research into alcoholism and the triggers for those who are seeking to recover from alcohol abuse and trying to change their lives by giving up alcohol in any respect. We know from research into how alcoholism and alcohol abuse work that the question of visibility - encountering visible displays of alcohol - is a concern and a triggering factor for many people who are trying to recover from a history of alcoholism as they go about their daily lives. I remind the House that some people have only one local shop to go to. I want to address something in this context. I fully appreciate the grave concern of people across the House about issues like binge-drinking and alcohol consumption among young people. It is great to see that such concern exists. We need to be clear that alcohol abuse takes many forms and affects all ages. People of all ages have engaged in alcohol abuse. They and their families have suffered as a result of that. We also know that it is a struggle to get over alcohol abuse. It is something to be challenged.

This legislation is addressing alcohol in the wider sense. I know people are very keen on certain aspects of it. I think we can do more than one thing with the Bill. It is wonderful and

appropriate for us to address minimum unit pricing, large-scale sales and the triggers for youth alcoholism. We should also address the needs of the person who is taking his or her recovery day by day and may have to encounter a bottle of wine at the counter when he or she goes to buy food. If such a person has €5 in his or her hand, sees a naggin of gin that costs €5 and knows how it will make him or her feel, purchasing that alcohol might seem like an easier choice. We need to think about such people. When the Minister meets important stakeholders over the next few weeks - it is very appropriate for him to do so - I hope he meets not just those involved in our health services but also those who have the experience of recovering from alcohol addiction.

I would like to make a point about the evidence base. We have heard from our fellow Senators about the wide range of experience they have had. They have expressed their thoughts and outlined potential proposals. I ask the Minister to ensure there is an evidence base behind all of the proposals. When we are looking for evidence in respect of a health concern, we should not be speculating about an outcome that we feel may or may not result from this Bill. We have seen that businesses, etc., can adapt. We need to require evidence for all of our proposals. The fears and concerns that are expressed may be very valid. We need to look for evidence in all of this. As my colleague has said, when we come to the point where the evidence has taken us so far, we have to make a further decision. I remind the Minister that the precautionary principle is a common principle in European law. When we have a decision to make, we need to remember and apply the precautionary principle in our final judgment.

I commend the Minister. I strongly commend Deputy Marcella Corcoran Kennedy for her work. I ask for this to come back in strong fashion. I look forward to that. I thank Senators on all sides of the House who have supported this legislation. I ask the Minister to ensure we keep the focus I have mentioned in mind over the next two weeks.

Senator Martin Conway: I thank the Minister for his understanding and his willingness to engage. I do not think we are far away from agreement on the structural issues. I have listened to colleagues and I have thought about this at length. I come from a retail background. My family has run shops in County Clare for many generations. I am familiar with the absolute bureaucracy faced by retailers. They have to contend with environmental health inspectors and a myriad of different charges and rates. Ireland is probably one of the most bureaucratic and administration-heavy countries in Europe. It always seems to be the first country in Europe to implement the latest directives from Europe in areas like food safety and waste disposal. I know the Minister understands the challenges that exist.

I will not defend SuperValu, Eurospar or any of the big shops. All the multiples have an absolute responsibility to segregate and to do the right thing. I have a certain sympathy for the people in Roosky who were mentioned by Senator McDowell. In many cases, such people are getting no more than a salary out of their business. They are certainly not making a major profit. They are providing a very important service to rural Ireland. In many ways, it is probably the new rural corporate responsibility. That is all very well, but the bottom line is that the principle of this Bill is to deal with a scourge that has affected this country for generations. Alcohol is poisoning thousands of our people on a daily basis. Alcohol addiction is an extremely worrying scenario in our society. It is not new, but unfortunately it is deadly. It is shocking to walk into a supermarket and see pop-up stands everywhere selling alcohol at special rates. When I was in a supermarket approximately six months ago, I noted that wine or another form of alcohol was on special offer adjacent to each of the tills. There were signs saying things like “wine of the month” and “special offer of the month”. The Minister is right to eliminate that.

In 2003, before I entered politics, I watched the campaign that certain sectors ran against the then Minister for Health and Children, Deputy Micheál Martin when, to his credit, he was introducing the smoking ban, which was a public health milestone in this country. I remember the abuse he got at the time. One of the representatives of publicans argued on television that publicans were running the country, on the basis that political parties held their meetings in their establishments. The attitude of the publicans was that they would deal with the proposed smoking ban by facing it down and beating the Government, but they were wrong. Fourteen years on, would anyone in our society contemplate any suggestion that smoking in pubs should be reintroduced? Such a person would be laughed out the door. In 2003, many people campaigned to retain smoking in pubs. Senators and members of the Government have to show leadership sometimes. The Minister is showing leadership with this legislation.

I believe minimum pricing is a no-brainer. I am glad I have not heard anybody objecting to it. At one stage, the pitch that the lobbyists were making to us with regard to advertising was based on the Guinness Christmas advertisement. I said frankly at the time that I could not care less about the Guinness Christmas advertisement. They have three or four years to pay people to come up with another creative advertisement to capture the imagination of the public.

I would go so far as to say that Guinness has destroyed the lives of thousands of people at Christmas time and it has some nerve to try to use that advertisement to try to block the Minister from curtailing advertising. When I saw the proposed revised Guinness advertisement I was absolutely convinced that what the Minister was doing was right.

I will conclude because I am conscious that it is late. I was tied up in my office for some of the day and I watched the debate from there. I have been following it even though I was not in the Chamber. I commend the Minister, his officials and his support staff, and our colleagues who have campaigned tirelessly on the issue. I refer to Senator Black and others. This is groundbreaking legislation. While it needs to be tweaked to reflect the livelihoods of our small retailers, I know the Minister will do that. I appeal to the retailers to be reasonable because I would not consider some of the emails I got from RGDATA and others to be reasonable. Everyone needs to step up to the plate and take their responsibility seriously. The Minister will engage but he needs a realistic genuine engagement from the retail sector.

Senator James Reilly: During my period as Minister for Health I said at many conferences that politicians were to blame for much of the lack of progress in many areas and in particular in health. It is much more politically attractive or sexy to open an MRI scanner, a new hospital or a new primary care centre than it is to implement a public health initiative that will save many more lives on an ongoing basis for generations to come - long after the hospital ceases to be or the MRI scanner ceases to work.

This is one such piece of legislation. Notwithstanding some of the strongly expressed opinions about certain elements during tonight's debate, it has been really good that we have all had our say. People have offered different views. I particularly look at Senator McDowell, who would probably allude to me as being a bit of a zealot because of my earlier contribution when nothing could be further from the truth. I welcome that we have lobbyists. I respect the alcohol industry. I do not say that alcohol is the same as tobacco in so far as one can drink reasonably and one will not suffer ill effects, but every cigarette does damage. However, there are many similarities between the two products in that alcohol is a poison if taken to excess. We use the term "alcoholic poisoning" as a cause of death and that is a fact. Sadly the alcohol industry in

its tactics bears considerable resemblance to the tobacco industry.

Senator Martin Conway: Well said.

Senator James Reilly: As recently as a few weeks ago a representative of that industry told us that alcohol was not a carcinogen when the WHO has proven beyond any reasonable doubt that it is. I will not repeat what I said earlier about the illnesses it causes.

A critical part of the Bill relates to alcohol being not readily visible, which is essential. I disagree with those who say it will not make any difference. There is an old Irish adage, "What the eyes don't see the heart doesn't grieve over." It is a well-known fact. One of the Senators talked about it being put beside the cash register to attract shoppers' eyes encouraging them to buy that product. We had this discussion about sweets and chocolates that are placed at children's eye level. That was done very purposely because research showed that it sold more goods.

While I respect the Senator's view, this Bill is mainly about children. In the same way as kids being addicted to cigarettes by 18 with 78% of smokers starting before that age, many of our young people have already formed the habit of drinking alcohol by the time they are 18. What we have to do and the primary purpose of the Bill is to protect children from it. I disagree with those who say we should not be trying to denormalise alcohol; we should, in particular from a child's point of view.

In the same way that we would not dream of asking a child to buy ten fags - it is illegal in any event; one can only buy packs of 20 - we would not ask a child to go around and buy a six-pack which we would have done ten, 15 or 20 years ago. One could say alcohol is hugely addictive. If Senators want further evidence, 20 years ago many corner shops did not sell alcohol and now we are told they cannot survive without it.

Of course, we have to have concerns for small retailers and I am very pleased that the Minister is going to speak to the stakeholders. However, I hope he speaks to all the stakeholders. By that I mean the Irish Cancer Society, Alcohol Action, the Children's Rights Alliance and Barnardos. I also mean those in organisations such as the AA who have been the victims of alcohol, bearing in mind what it has done to them and their families, including domestic violence.

I support the Minister. I believe in pragmatism. We cannot let the perfect get in the way of the good. The Bill contains important positive provisions. Minimum unit-pricing is proven to work. The advertising restrictions are key, as they have been in other areas. Visibility and education are all part of that.

Members have raised concerns about cross-Border sales. The former Northern Ireland Minister, Mr. Poots, and Mr. Wells who succeeded him were both of a mind that we would have co-operation in this area and on tobacco across the Border. As I said earlier, sometimes we have to lead and not follow. Scotland did it, and we can and should do it.

Many of us elected representatives may want to put ourselves before the public again. Members have all been lobbied very heavily. The alcohol industry has come at it not directly head-on, but has used others as proxies, talking about jobs and the small retailer when all they are really concerned about is sales of goods and the bottom line of a profit margin. I have two things to say to that. Whether it is alcohol or anything else, legislators in this House should never put livelihoods ahead of lives or put jobs ahead of the well-being of our people. I know

nobody wants to do that. I respect that people have different views, but this is very important legislation. The Minister needs our support. The Bill, of itself, deserves it and he deserves it too given the amount of time and effort he has put into it. His presence here shows his commitment to it.

Those who want to put themselves before the public again should bear in mind this statistic from the Health Research Bureau. A survey of more than 1,000 individuals found that 85% felt alcohol consumption in this country was too high; 73% felt we tolerate it too much; and 58% feel that the Government and the Legislature, that is us, are not doing enough about it. Let us not allow those facts to go unnoticed. Let us go ahead and be seen to take action. Let us be remembered as people who put the well-being of our people, particularly our children, first. What good are jobs if we lose loved ones through ill health and suicide? What good is wealth if we have a society riven by domestic violence?

I commend the Minister on his determination and I commend the Department on its ongoing commitment and unstinting resolve to see this through. I hope the consultations go well and I hope the Minister will be back in the House before Christmas to deliver the children of our nation a Christmas present in the form of this Bill.

Senator Catherine Noone: I apologise for dipping in and out today. I had intended to give a lot of time to it tomorrow but we will not be dealing with it tomorrow. We will deal with it all today, thank God. I thank the Minister for his commitment to the issue. I have been advocating on alcohol-related problems and everything in that area since I was first elected. I have been ridiculed many times and accused of promoting a nanny state. I am passionate about this issue and the issue of obesity, so much so that I actually feel emotional talking about it. I have felt like I was banging my head off a brick wall. I am encouraged that people in my party have finally taken the issue seriously. Structural separation is not a panacea, and education is key, but it keeps alcohol out of the view of children on a regular basis. As far as I am concerned, children are the only show in town. For many people, including many of us in this room, our habits are already formed and we are who we are. Many of us would like to change a little bit but generally we are already formed. Children are who we need to think about.

We are not like any other country when it comes to alcohol, as far as I am concerned. There are similar elements in the UK but we have a very broken relationship with alcohol here. Anyone who says otherwise is denying the reality of the situation. Dignitaries have come to the country in the past - thankfully it has changed a bit - and the first thing they did was put a mouthful of Guinness in their gobs. I am sick of how proud we are of this ridiculous drunken nation stuff that goes on. I like a drink too. As Senator Buttimer said, most of us here probably take a drink and enjoy it. Some of us may even have problems. This is a step in the right direction but it is not a panacea. The reality is it will reduce alcohol consumption in the country. We cannot reduce alcohol consumption without reducing profits. That is the reality. I have a certain sympathy for smaller retailers and it is fair for the Minister to interact fully with them. The reality is the bulk of drink is being bought from the likes of Tesco, Lidl, Aldi and all those who use alcohol as a tool to get people through their doors. People are with their children buying bread, milk, alcohol and butter and it is just another item. It is not another item; it is a drug and we have a big problem with this drug.

I do not want to be repetitive because many people have said what I am saying. I acknowledge Deputy Marcella Corcoran Kennedy.

Deputy Simon Harris: Hear, hear.

Senator Catherine Noone: She was extremely brave in the face of negativity and had to put up with difficult personal stuff. I witnessed it and did not approve of it. It was not on. The reality is it takes a bit of bravery and courage on occasion. I am glad the Minister has the courage of his convictions to see this through. I am grateful for that because health is wealth. That expression is a cliché but it makes sense. If we have our health, we have our wealth. We talk about fiscal space but we will have an awful lot more fiscal space if we deal with our problem with alcohol. My aunt has been in the emergency department in Galway for 24 hours. She is very ill. I have not had a chance to speak to her this afternoon. However, we can be damn sure many of those delays are created by alcohol-related illnesses which my aunt does not have. People going to emergency departments should be seen sooner. We should face up to the reality that we have problems when it comes to alcohol. It is causing cancer and many other illnesses. We could spend hours in here talking about it. I do not have the medical expertise to go into it all.

I will finish on this point and I am sorry to be long-winded. I know I am repeating some of the points that were made. The health and vitality of our children is of importance to everything in their lives. If they start drinking in their teens some might get away with it and will turn out to be fine adults. However, as a result of that exposure to alcohol at a young age, many will have different lives. I will repeat, probably for the third time, that this is not a panacea but it will help in this area. I thank the officials who have worked so hard on this. It is really technical and difficult work. I thank the Minister. I am grateful that we in Fine Gael are leading on this. I am just so happy about that.

Acting Chairman (Senator Diarmuid Wilson): We now come to the last person on the list, the Leas-Chathaoirleach, Senator Paul Coghlan.

Senator Paul Coghlan: We are saving the best one to last. I salute the Minister and thank him most sincerely for the manner in which he has approached Committee Stage and the way he co-operated, in particular with Senator Swanick. There has been goodwill and constructiveness in all quarters of the House today.

I support the Bill entirely except for this section, as the Minister knows from my repeated representations. I would have that attitude as I have the honour of being the nominee of RG-DATA. I thank the Minister for accepting he will meet with the representatives of the various interests between Committee Stage and Report Stage. I have no doubt that as a result of that and whatever amendments he then brings forward it will be a much better Bill.

Structural separation is an issue. We are all concerned with rural Ireland and small shops. As Senator McDowell said, uisce beatha, the water of life, has been an integral part of Irish life and society for generations. We will not be able to banish it. They cannot hide it away. We should be practical. None of us supports addiction or excessive drinking but most of us enjoy a drink. Why should we deny people that? I am thinking of people who live in Beaufort, in Rooskey or in places like that. Take, for example, a husband and wife, getting ready to watch the “Late Late Show” on a Friday evening when the wife decides she would like a little drop of white wine. Maybe the husband prefers a drop of red and she encourages him to go down to the village or nearest town, a few miles away. He goes to a Mace, Centra, Gala, Spar or an unaligned-----

(Interruptions).

Senator Paul Coughlan: It is for a dual purpose because he comes back with a sliced pan and a bottle of milk for the next day. Let us be practical. I salute the Minister's approach totally. Whatever separation we are going to get must be practical. If it is stupid we will be in further trouble again on Report Stage. I do not want to say much more because it has already been said by those present. It has all been said. I salute the good humour we have had as well.

(Interruptions).

Acting Chairman (Senator Diarmuid Wilson): The Senator without interruption, please.

Senator Paul Coughlan: I wish the Minister and all his officials very well in the vital work that is ahead between Committee Stage and Report Stage. I wish him every success.

Deputy Simon Harris: How to follow all of that? I thank Senators on all sides of the House for the tone of the debate and for the constructive and engaging manner in which they have approached it. There have been different views, some of which I vehemently disagree with, but we still had a very constructive debate. Everybody here, as I hope I am, is discharging his or her duty, as a legislator, to scrutinise legislation. The significance of this debate and the seven hours we have spent on it is not lost on me. When the Seanad considered this Bill on Committee Stage 13 months ago, it was unable to finish Committee Stage. We are building on the work the Seanad and the former Minister of State, Deputy Marcella Corcoran Kennedy, did then and the excellent work of the officials who are sitting behind me who have worked on this Bill for a significant period of time. Today, as the Leader of the Seanad rightly pointed out, the Seanad has accepted 25 amendments to the Public Health (Alcohol) Bill, 20 of them being amendments I introduced and five of which were non-Government amendments. In a cross-party way, we have accepted 25 amendments. We are on section 16 of the Bill and we have dealt with a range of issues in terms of minimum unit pricing, advertising, sponsorship and now the issue of visibility which we have been debating for some time. While not always agreeing, we have managed to do it without dividing this House. I hope that sends out a very powerful message to the people that we are determined to enact a Public Health (Alcohol) Bill. It seems odd to me that we have never before used a public health legislative tool to address the alcohol issue. I know it is late but alcohol consumption in this country is not low. We should not convince ourselves that our relationship with alcohol is appropriate or correct, or nothing to be worried about - "Sure is it not just something we do in Ireland and is it not great?" or "When we bring a world leader to Ireland, do we not see how quickly they can skull a pint of Guinness?" If the new Taoiseach brings a world leader here and decides to go for a jog instead and promote a healthy Ireland, people ridicule him for doing it. Let us not convince ourselves that all is well because it is not. We have a serious problem with alcohol.

Professor Frank Murray, the former president of the RCPI, is still with us here today. He had an editorial in *The Lancet* on 2 November and it was a very interesting read. He pointed out that Ireland has become the fourth heaviest drinking nation in the OECD in terms of the quantity of alcohol consumed. We now rank joint third for binge drinking in an analysis of 194 nations by the World Health Organization and the Health Research Board found in 2014 that the average drinker in this country drinks the equivalent of 46 bottles of vodka, 130 bottles of wine or 498 pints of beer each year. We have a problem.

I can inform Senator McDowell that is why I intend to put forward radical solutions. We

can agree or disagree as to the effectiveness of what I am proposing, but there is an onus on me as the current incumbent in this office to put forward solutions. This is having a really serious effect, with three people dying every day in this country as a result of drinking alcohol. One death per day is due to poisoning or trauma and two deaths are due to chronic conditions. It is having all the knock-on effects that people rightly talk about in relation to the health service, the pressures on public services and issues related to child welfare, and it must be tackled.

I thank Senator Martin Conway for his point about the Guinness Christmas advertisement, as though we could not have a happy Christmas in this country without some sort of outdated advertisement putting Guinness's stamp all over it. It is pathetic and stupid. It is the most ridiculous argument I have ever heard. He is correct. How many families have their Christmas destroyed every year, and many other days, due to alcohol problems in this country? I assure Senator Kelleher that I will hold my nerve. I will leave the Seanad shortly, I hope, on the conclusion of Committee Stage, although I had better not get ahead of myself.

Senator Catherine Noone: Are we not doing Report Stage tonight?

Deputy Simon Harris: I leave here with greater clarity, to be quite frank, and a greater sense that there is a common purpose in terms of what people want to achieve. Let me be clear about section 20. I have heard what Senators have said tonight. I have heard legitimate worries and concerns from small shop owners. In fact, I heard Senator O'Reilly outlining very succinctly two of the worries of small shop owners being that it is cost prohibitive and-or that it would basically result in business leaving their shop and going to a larger shop or a multiple. I have heard that articulated numerous times in numerous different ways by my colleagues on all sides of the House. That is not what this about. I hope that we can now decouple this issue that has been getting muddled up in all of the other issues to do with alcohol and we can sit down with those who represent the retailers and have a discussion on that one item. I do not want anyone misinterpreting what I said. The record of the House will be very clear in relation to what I said. Visibility is not the be-all and end-all of the legislation, but it is an important part. I will engage with the retailers, but as I said at the start of this debate today on Committee Stage, it will be on the basis that my bottom line is that alcohol will be less visible in our shops.

Senator Catherine Noone: Hear, hear.

Deputy Simon Harris: It is really important. We will do it in a common sense manner and we will explain, clarify, try to sort out misconceptions and we will work our way through it, but alcohol must be less visible. Senator Boyhan seems to spend an awful lot of time in my constituency and I am getting terribly worried. He could run in it in the next general election. He seems to be taking me on a walk around the constituency.

Senator Victor Boyhan: No fear.

Senator Kieran O'Donnell: He must have been doing a tour of the off-licences.

Deputy Simon Harris: Whether he wants to talk about shops in Bray or in Bantry it will not change my view in relation to the importance of this legislation. He is correct. There are organisations watching the debate even at this late hour of the night who represent shop owners and he is also correct to say, as many other speakers have said, that those people have a right to be represented by their organisations and to have their views heard. This is a democracy and I welcome their views. However, there are also many other organisations watching the debate tonight, and I know Senators are conscious of that, including the Children's Rights Alliance, the

Irish Heart Foundation, the Alzheimer Society of Ireland, the Irish Cancer Society, the Marie Keating Foundation, the Union of Students in Ireland, the National Youth Council, the National Women's Council, the Royal College of Physicians of Ireland, the Royal College of Surgeons, the Irish College of General Practitioners, the IMO-----

Senator Máire Devine: The INMO.

Deputy Simon Harris: There are more than 50 organisations in total and they represent a substantial number of citizens in this country as well-----

Senator Catherine Noone: Hear, hear.

Deputy Simon Harris: -----and they are looking to us tonight to find out when we are going to sort this out, and when we are going to have the courage of our convictions as an Oireachtas to put in place legislation. I think we can leave here tonight, whenever that will be, telling them that we have made significant progress. We have improved the Bill, and we accepted 25 amendments. We will have engagement on that one issue with a view to reducing the visibility of alcohol in shops but in a way that minimises the financial burden or impact. I have put forward some ideas in that regard.

It is not all about having to have structural separation with locks and keys and people hiding behind curtains. There has been extreme hyperbole in the 13 months between last October and tonight on the issue. I tabled an amendment that would allow visibility of a significant amount of alcohol. Even industry can see it is a workable measure for a number of shops as well. I will engage on that basis. I will also make the point that the legislation says “not readily visible”. Without getting into a very technical discussion or perhaps even a legal discussion about “readily visible”, it is not the same as invisible. It is in that space that we should have that discussion.

I would also make a point for those who report on these debates or comment on them. It is nonsense to say that the Minister is open to amending the Bill, or that he is watering it down. I spent a lot of the weekend looking back at the debates and the media reportage of the debate in 2004 on the smoking ban, and also the coverage of it ten years on and the impact it had made. Deputy Micheál Martin also amended his Bill in a number of ways. There were measures concerning hotel rooms, for example, that were amended as the Bill went through the legislative process. By the way, he also had to deal with people in his own Cabinet publicly opposing the Bill. Public health legislation is never easy.

Senator Martin Conway: That is correct.

Deputy Simon Harris: It is never straightforward but it is absolutely worth doing. It is worth getting right and we are going to do that. I do not wish to end on a note of disagreement, but I respectfully disagree with the point Senator McDowell made. I do not wish to misquote him but it relates to our ability to change Ireland's societal relationship with alcohol.

Senator Michael McDowell: Not this way.

Deputy Simon Harris: I do not accept that. Many people said that about tobacco. They are not the same by the way. I do not want to ban alcohol in the way we banned tobacco but there are similarities. Many people said that if we went ahead with the smoking ban that we would close down rural Ireland, we would shut down the pubs, restaurants and hotels, that it would have an impact on tourists and it would not do much in terms of smoking. Let us follow

the evidence now 13 years on.

We have a way to go. I thank Senator Swanick and everybody for their co-operation and while we will now have a period of engagement - a very short period of engagement - we are not starting afresh or starting with a blank piece of paper. Let us get the Bill through Seanad Éireann if at all possible in advance of the Christmas break.

Senator Máire Devine: I just want to put two points on the record before we finish tonight. I am a very brief speaker. I could give lessons on being succinct. I wish to let the House know that I intend to introduce an amendment to the Bill on the incentive and reward system that is in place for the bigger retail outlets. These reward cards encourage people to buy more alcohol because the more they buy, the more points they get. My amendment would deal with that issue.

Acting Chairman (Senator Diarmuid Wilson): I do not want to open up this debate to the floor because we have had an excellent debate already. We must move on and I apologise if that offends anyone. Senator Keith Swanick has indicated that he is withdrawing amendment No. 43. Is that correct?

Senator Keith Swanick: Yes.

Amendment, by leave, withdrawn.

Amendments Nos. 44 to 48, inclusive, not moved.

Question proposed: "That section 20 stand part of the Bill."

Senator Gerard P. Craughwell: Does Senator Keith Swanick intend to resubmit his amendments on Report Stage?

Acting Chairman (Senator Diarmuid Wilson): He has already indicated thus.

Senator Keith Swanick: I indicated that that was my intention.

Question put.

Senator Keith Swanick: Vótáil.

Acting Chairman (Senator Diarmuid Wilson): Will the Senators claiming a division please rise?

Senators Victor Boyhan, Gerard P. Craughwell, Michael McDowell and Rónán Mullen rose.

Acting Chairman (Senator Diarmuid Wilson): As fewer than five Members have risen, I declare the question carried. In accordance with Standing Order 61, the names of the Senators dissenting will be recorded in the Journal of the Proceedings of the Seanad.

Question declared carried.

SECTION 21

Government amendment No. 49:

In page 23, lines 36 and 37, to delete all words from and including "to" in line 36

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down to and including line 37 and substitute “in a manner likely to encourage the consumption of alcohol products in a harmful way,”.

Amendment agreed to.

Section 21, as amended, agreed to.

Section 22 agreed to.

SECTION 23

Government amendment No. 50:

In page 27, between lines 18 and 19, to insert the following:

“(2) When performing a function under this Act, an authorised officer may, subject to any warrant under *subsection (4)*, be accompanied by such number of authorised officers or members of the Garda Síochána as he or she considers appropriate.”.

Amendment agreed to.

Section 23, as amended, agreed to.

Sections 24 to 29, inclusive, agreed to.

TITLE

Government amendment No. 51:

In page 5, line 8, after “containers,” to insert the following:

“to provide that an applicant for the grant or renewal of a licence under the Licensing Acts 1833 to 2011 and an applicant for the grant or renewal of a licence under the Registration of Clubs Acts 1904 to 2008 shall notify the Health Service Executive of the application,”.

Amendment agreed to.

Senator Grace O’Sullivan: I move amendment No. 52:

In page 5, line 9, after “products,” to insert “generally and in relation to children,”.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported with amendments.

An Cathaoirleach: When is it proposed to take the next Stage?

Senator Catherine Noone: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Report Stage ordered for Tuesday, 14 November 2017.

An Cathaoirleach: When is it proposed to sit again?

Senator Jerry Buttimer: Tomorrow morning at 10.30 a.m.

The Seanad adjourned at 10.46 p.m. until 10.30 a.m. on Thursday, 9 November 2017.