



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé hAoine, 15 Nollaig 2017

Friday, 15 December 2017

Chuaigh an Cathaoirleach i gceannas ar 10.00 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Message from Dáil

An Cathaoirleach: The following messages have been received from the Dáil:

Dáil Éireann passed the Appropriation Bill 2017 on 14 December 2017, which is sent herewith to Seanad Éireann for its recommendations.

Dáil Éireann passed the Irish Sign Language Bill 2016 - changed from Recognition of Irish Sign Language for the Deaf Community Bill 2016 - on 14 December 2017, considered by virtue of Article 20.2.2° of the Constitution as a Bill initiated in Dáil Éireann, to which the agreement of Seanad Éireann is desired.

Irish Sign Language Bill 2016: [Seanad Bill amended by the Dáil] Report and Final Stages

An Cathaoirleach: This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 148, it is deemed to have passed its First, Second and Third Stages in the Seanad and placed on the Order Paper for Report Stage. On the question, “That the Bill be received for final consideration,” the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. For the convenience of Senators, the Minister will deal separately with the subject matter of each related group of amendments. I have also circulated the proposed groupings. A Senator may contribute once on each grouping. I remind Senators that the only matters which may be discussed are the amendments made by the Dáil.

Question proposed: “That the Bill be received for final consideration.”

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Cathaoirleach for the opportunity to speak in the Seanad. Before I discuss the details of the legislation, I wish everyone a very Happy Christmas and all of the best for 2018. I thank Senators for their support and co-operation over the past two terms of the Dáil.

I am delighted to be here again to report that the Bill has passed in the Dáil and is now ready for the President’s signature. I commend Senator Mark Daly and members of the deaf community on all of their work. I also want to commend all of the Senators from every single

party who were very supportive of the deaf community on this issue over the past six or seven months. I thank and commend them for their support. Again, it is an important statement by the Seanad and Senators as it points out the relevance of this House in Irish political life. I was so glad in the last campaign, when some elements tried to close down the Seanad, that I supported the campaign to retain the Seanad.

Senator David Norris: Hear, hear.

Senator Victor Boyhan: Hear, hear.

Deputy Finian McGrath: Today's legislation is another example of the effectiveness of our Seanad and I mean that from the bottom of my heart. Members of the deaf community will appreciate that as well. Last night in the Dáil was an historic and enjoyable night for the deaf community and their families. It was great to see the consensus that we were all able to achieve.

My task today is to report back on the amendments that were made to the Bill in the Dáil. They are as follows. Amendment No. 1 involves the reinsertion of a concise definition of Irish Sign Language into the Bill. The Office of the Attorney General has advised me that this would be a useful inclusion in the Bill.

Amendments Nos. 2 to 5, inclusive, 7 and 8 update the reference to the Companies Act and make typographical changes elsewhere in sections 1, 2 and 5.

Amendments Nos. 6 and 11 move a regulation-making power adding new public bodies from section 2, which concerns definitions, to a substantive section, which is section 6. The Office of the Parliamentary Counsel has advised that this is the proper approach to the creation of a regulation-making power rather than having it in a definition section.

Amendment No. 9 tightens up the wording of section 6(1) to ensure that all services provided by a public body are covered by the Bill. Amendment No. 10 is a technical recasting of section 6(3), which concerns the regulation of notification to be given by a user of Irish Sign Language seeking to avail of free interpretation services and ancillary matters.

In terms of amendment No. 12, I accepted the argument made during the debate here that sign language users suffer extreme isolation. It is important that we recognise that. Amendment No. 12 accepts this very strong and sincere argument. The provision of supports so that they can visit their GP or engage in social and cultural activities would be a humane and worthwhile initiative to combat isolation and improve their well-being and mental health. This is what amendment No. 12 brings to the Bill and, therefore, it is a very important amendment. I secured the agreement of the Minister for Employment Affairs and Social Protection for the provision, in principle, of funding for the Irish Sign Language services in this regard. It is important for me to re-state that rights and liberties without back-up and resources are meaningless so it is important that we have same. This section deals strongly with this matter.

In 2018, we intend to develop guidelines as envisaged in amendment No. 12. Solicitors, working with the founder of the Citizens' Information Board, will be tasked with scoping out how a model for such a scheme would operate and will prepare draft guidelines for consideration and approval by the Minister for Employment Affairs and Social Protection. The intention, subject to the progress of this work, is to trial an approach towards the end of 2018. To this a sum of up to €150,000 may be made available from within existing resources to meet any pilot project costs incurred towards the end of 2018. Following the learning from the pilot

project more detailed proposals and revised guidelines will be developed that will inform future annual funding requirements, subject to the consent of the Minister for Public Expenditure and Reform in the normal way.

Amendment No. 13 is an internal reorganisation of section 10, which concerns a review of the Act, essentially renumbering the various clauses that follow subsection (1).

Last night in the Dáil an amendment was made to amendment No. 17 that sought to change the Title. An amendment on that issue was discussed. There was a bit of confusion during the debate in the middle of all of the excitement and the record of the Dáil shows that the amendment was accepted. My adviser, Mr. Gerry Maguire, has been in contact with Senator Mark Daly about this particular issue so I am just informing Senators about the situation.

Finally, this is a very important day for the deaf community with the recognition of the Irish Sign Language. It is an historic day. Again, I thank all of the Senators for their fantastic support and detailed discussions over the past number of months. Once again, I thank Senator Mark Daly for doing a lot of work on this legislation. He worked very closely with my own team of Mr. Deaglán Ó Briain, Ms Jennifer O'Farrell and Mr. Gerry Maguire. I am sure we all accept that there were some difficult moments. Today shows us that when everybody united and got together we were able to bring in this legislation that grants full recognition to the Irish Sign Language. I thank everyone for their support.

An Cathaoirleach: I call Senator Mark Daly. We are currently discussing the amendments made by the Dáil. If Senators want to make general comments afterwards then they can do so when the legislation is passed.

Senator David Norris: On a point of order, are we discussing all of the amendments together?

An Cathaoirleach: We will discuss the first group of amendments. That means all of the amendments except amendment No. 8.

Senator David Norris: Fine.

An Cathaoirleach: I call Senator Mark Daly and he will be followed by Senator Boyhan.

Senator Mark Daly: In fairness to Ms Orla Murray, she did allow this Bill to come in earlier than the Public Health (Alcohol) Bill. We have agreed all of the amendments so we do not have to debate them.

Senator Kieran O'Donnell: Hear, hear. A bit of Christmas cheer.

Senator Mark Daly: I suggest that we do not discuss the amendments. I thank the Minister of State for being here. I suggest that we make our concluding statements and thanks, if that is all right with the Cathaoirleach.

An Cathaoirleach: Yes.

Senator Mark Daly: I suggest that we pass all of the amendments, with the agreement of the House and the Leader.

An Cathaoirleach: Senators can comment. If there is agreement then we will try to shorten things. Senator Boyhan is next.

Senator Victor Boyhan: I do not agree. I want to say-----

Senator Mark Daly: Can I make my comments now?

An Cathaoirleach: I thought the Senator was done.

Senator Mark Daly: Does the Cathaoirleach want me to conclude at the end?

(Interruptions).

An Cathaoirleach: Yes.

Senator Mark Daly: I will make my concluding comments at the end.

An Cathaoirleach: It is the Senator's Bill. He certainly can do so.

Senator Mark Daly: Yes, I will do so the end.

Senator Michael McDowell: A Cathaoirleach, will amendment No. 8 be discussed?

An Cathaoirleach: Yes.

Senator Michael McDowell: Is it grouped now?

An Cathaoirleach: No. The amendment is part of the second group.

Senator Paul Coghlan: I thought we had agreed everything.

An Cathaoirleach: No, the Senator is very anxious. We are discussing group 1, which is every amendment made by the Dáil excluding amendment No. 8. Therefore, amendment No. 8 will be next.

Senator Paul Coghlan: I thought we had agreed to the proposal made by Senator Mark Daly.

Senator David Norris: Amendment No. 8 is last to be debated.

An Cathaoirleach: Do Senators wish to speak on the amendments of group 1?

Senator David Norris: Does the Cathaoirleach mean now?

An Cathaoirleach: I do not want a general discussion of the Bill. I will allow those who wish to speak when the Bill is passed to do so. Does Senator Norris want to speak on the first grouping?

Senator David Norris: Are we discussing the first grouping list?

An Cathaoirleach: Yes.

Senator David Norris: I will make a very brief comment. These are all technical amendments, I think.

An Cathaoirleach: Yes.

Senator David Norris: They have been accepted, so there is no discussion at all.

An Cathaoirleach: Yes.

Senator David Norris: I would like to make one point. I was very pleased to see that there was a signer in the Dáil last night. I think that was very important but here again is another way in which Seanad Éireann led the way. We had a signer during all of our discussions on the Bill. Dáil Éireann found it impossible to do so but I am very glad that they saw the wisdom of the ways of Seanad Éireann.

An Cathaoirleach: Did the Minister of State cover amendment No. 8 in group 2?

Deputy Finian McGrath: Yes.

Senator David Norris: Sorry, I beg the Cathaoirleach's pardon. If we are discussing all of the amendments then I should like to make one comment on one amendment. I welcome amendment No. 12 but I would signal that it seems to be a work in progress and is not actually completed. There will be a scoping exercise, the results of which will not be available until next year and then there will be a pilot project. It is not something that has been completed or accomplished in this Bill. It is a work in progress and I think we need to monitor that.

An Cathaoirleach: I gather that the Minister of State has rolled two groups together, so I invite comment on amendment No. 8.

Senator Michael McDowell: The Seanad got it right in respect of amendment No. 8. The phrase is "*in loco parentis*". It is a Latin phrase, and it was written in italics. The draftsman has persuaded the other House to write "in" in English and "*loco parentis*" in Latin. I note that fact for the draftsman's benefit. We got it right, and he is now making us get it wrong.

Senator Kieran O'Donnell: Is there a legal significance to that?

Senator Michael McDowell: On the day that is in it, I will not put the matter any further.

Senator David Norris: I support Senator McDowell. The entire phrase in Latin is "*in loco parentis*". The "in" is not an English "in", it is a Latin "in".

An Cathaoirleach: That is noted.

Question put and agreed to.

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

Senator Mark Daly: I thank colleagues and the Leader for their co-operation and assistance. I would like to dedicate this Bill to the memory of Daniel and William McCarthy, who both died in their 70s in Bluebell in Dublin. They were deaf brothers. They lived together for 25 years, but they died in social isolation. Their bodies were not found for a number of days, and they were buried in their native Dingle in County Kerry. The Bill is also dedicated to all those who suffered social isolation and a similar lack of understanding of the deaf community and their culture.

I would like to thank the Minister of State, Deputy Finian McGrath, for being here today. This is an issue of civil rights for the deaf community. It gives them civil rights and access to State services. It ends the extreme marginalisation that was spoken about yesterday in the Dáil. Without the Minister of State, this Bill would not be passing. He championed this Bill, and he has done so from the start, although we did have a number of disagreements along the way, as

is the way with politics.

This has been a deaf-led campaign for over three decades. I would like to thank the Irish Deaf Society, Mr. Eddie Redmond, Mr. John Bosco Conama, Ms Lianne Quigley and all those who have been advocates for sign language recognition for the deaf community. I thank Mr. Willie White of the Kerry Deaf Resource Centre, who was here yesterday, and has been here for a number of meetings with the Department. I thank the Irish Deaf Institute, represented by Mr. Liam Breen from Kerry. From the Cork Deaf Association, I also thank Mr. Gerrie O'Grady, Mr. Graham O'Shea, Mr. Andrew Geary and his son Calum. Calum explained to us his point of view, having a twin brother who is hearing. Calum was falling further and further behind because he is deaf, and simply did not have access to an interpreter.

I thank my own party leader, Deputy Micheál Martin, who met with the Cork Deaf Association a number of months ago to discuss the passing of this Bill. I thank my colleagues, Deputy Jim O'Callaghan and Deputy Jack Chambers, who are members of the Joint Committee on Justice and Equality, and the Chairman of that committee, Deputy Caoimhghín Ó Caoláin, who ensured that this Bill went through pre-legislative scrutiny early. That committee's report, which highlighted the extreme marginalisation of the deaf community, was key to making sure that this Bill progressed through all Stages in this House.

I thank our party's spokesperson on disabilities, Deputy Margaret Murphy O'Mahony, Deputy Fiona O'Loughlin and Deputy James Browne, who spoke on the Bill in the Dáil. I thank all the people from all parties who spoke in favour of this Bill, and all my Seanad colleagues who attended meetings. Senators Victor Boyhan and Lynne Ruane were at one meeting which went on for seven hours, and that was only one of them. Those meetings followed the very unusual Committee Stage that we had in this House, but there was a more unusual Committee Stage held subsequently in the Department. We met with them and went through the Bill line by line. Going through Committee Stage line by line is difficult here, but doing it with members of the deaf community is a serious challenge.

In the spirit of the new politics, I would like to acknowledge the work of Fine Gael. Deputy Joe McHugh and Ms Alice Carney in the Whip's office ensured that this Bill got onto the Dáil work schedule before the Christmas recess. I thank Ms Orla Murray, whom I know is watching anxiously in her room, hoping that we get through this as quickly as possible so that the rest of the business can be done.

This is an important day for the deaf community. This has been achieved with huge cooperation and collaboration from a huge amount of people on all sides. The biggest congratulations go to the Minister of State and his staff; Deaglán Ó Briain, his quiet adviser from the Department of Justice and Equality, trying to advise him with pieces of paper and whispers in the ear; and to Mr. Gerry Maguire, who like the Minister of State is a champion of the underdog. Finally, is Ms Grace Coyle here? No, she is not. She is working. Ms Grace Coyle of my office brought relentless drive and determination, as Mr. Ó Briain and Mr. Maguire know. No stone was left unturned, no roadblock was allowed to be in the way, no mountain would stand. Thank you.

Senator Martin Conway: I would like to share the sentiments and expressions of thanks that Senator Daly just outlined. This is a historic day. This is a civil rights issue. It is an issue that I highlighted in the last Seanad through a Private Members' motion. To be fair to Senator Mark Daly, he has stuck at it. He kept on highlighting the issue and brought the legislation

through, and I would like to commend everybody for all their work on this very important piece of legislation.

I salute the Minister of State, Deputy Finian McGrath. The fact that we now have a Minister of State at the Cabinet table with specific responsibility for disabilities is a good thing, and the passing of this Bill through the House is reflective of this Government's policy and attitude towards people with disabilities. This Government realises that people with disabilities have rights, and the United Nations Convention on the Rights of Persons with Disabilities will hopefully be ratified and enacted over the coming weeks. Those are very important incremental steps in the right direction.

I would also like to commend the Leader of the Seanad and his staff on the work they have done to facilitate this legislation. More than anyone else, like Senator Daly, I want to commend and salute the thousands of deaf people in this country, whose lives will be enriched and enhanced as a result of this legislation.

An Cathaoirleach: I remind Senators that there are 12 Members indicating to speak.

Senator Victor Boyhan: I thank the Minister of State and his assistants and officials for their work. We have come a long way from when we met for those many hours in his Department during the summer. I think he was expecting three or four people and there might have been 40. I do not believe there was ever a meeting with a Minister of State that had so many people in attendance. I thank the Minister of State and his officials for that. It is a really good piece of work. It is very important for the Minister of State and for his portfolio and focus. There comes a time, a year and a half into this Government, when we have got to see results. This is one of the great results.

I cannot let this opportunity go without congratulating Senator Mark Daly. He is tenacious, determined and focused. Some might call him a bit of a sole trader, but that is how he achieves things, because he stays on-message and he delivers. I say all that in a good spirit, because those are good qualities in any parliamentarian. I also want to record my thanks, and acknowledge the great support of his parliamentary assistant, Ms Grace Coyle, as I think it important that all of us in this House do. She has been an engine in all of this. It was she that communicated many of the messages. She was at the meetings with Senator Daly, and I think they have achieved great things.

The Bill is important, and hopefully if it is agreed today, it will soon be on a piece of vellum and will be taken up to Áras an Uachtaráin. If it is signed, it will only be the second piece of Private Members' business introduced and enacted from the Seanad in 2017. It is important to note that.

I want to make one other point. There were 28 Private Members' Bills introduced or presented to the Seanad in 2017, and only one was enacted. That is a measure of the work, commitment, focus and drive one has to apply to bring Private Members' business, so I want to congratulate all the people involved. I congratulate all involved in this legislation. I hope the Bill will be signed and enacted.

I have a final message for the Minister of State, Deputy Finian McGrath. It is all very well on paper but unless we see deliverables, funding and resources, and training in place to follow on the Bill, it is meaningless. It is incumbent on all Oireachtas Members to keep the pressure on the Minister, his Department and the Government to deliver. We will have failed if all we do

is leave this Chamber on a high about a piece of paper. We need to acknowledge the great work that has been done but all Members across parties need to commit to delivering on the funding and resources to make this happen.

An Cathaoirleach: The Minister for Health, Deputy Harris, is waiting. He will be waiting a long time if every speech is as long at that. I call Senator Ruane.

Senator Lynn Ruane: I will take the hint.

An Cathaoirleach: I want everybody to take the hint. Normally we allow the spokesperson-----

Senator Lynn Ruane: I will be brief. I will be the only member of the Civil Engagement Group to speak. On behalf of the Civil Engagement group I thank and congratulate Senator Mark Daly, the deaf community, the Minister and his officials in the Department on their hard work. When Senator Daly asked me to become involved and support this Private Members' Bill, it definitely raised my awareness and gave me a new appreciation of what I had taken for granted, namely, being able to communicate and interact with the world, be heard and be seen. Language is not only about communication it is about culture and identity. I hope this Bill is just the first step forward in recognising the deaf community and what they need to go forward as full active members of society.

Senator Máire Devine: I really welcome this Bill. Sinn Féin has been involved in the Bill. Senator Mark Daly has been a Trojan warrior in moving it forward. I acknowledge the work of the members of the deaf community who are present. We are further disability-proofing our society and we are going in the right direction.

I wish to echo Senator Boyhan's remarks that we need money and we need to keep the pressure on the Minister. Let me say "Well done" to Senator Daly and the deaf community. Go raibh míle maith agaibh.

Senator Aodhán Ó Ríordáin: Sometimes in Irish politics one can become very cynical and wonder if anything ever gets achieved. Today, there is magic in the air because of the campaigning zeal of the Irish Deaf Society, which pursued the issue of sign language for a long time. As I said to a group of secondary school students yesterday, if one believes in something, and believes that it is just and right and are willing to pursue it, one will always win. It helps when one gets a decent politician on one's side. That decent politician is Senator Mark Daly. I think he is to be commended by everybody across the House on his zeal in pursuing this issue. At a time when the Department of Justice and Equality is receiving much criticism, and many feel justifiably so, I recognise the work of Deaglán Ó Briain, a person with whom I worked, who is a committed and extremely professional civil servant and I think his fingerprints are clearly to be seen in the Bill.

It would be appropriate for all Irish schoolchildren to be in a position to learn Irish Sign Language in order to communicate with fellow citizens. Surely that would be the next step in this regard.

I congratulate the campaigners, Senator Mark Daly, the Minister of State, Deputy Finian McGrath, and his officials. Today, I think all Members feel that little bit of magic that politics can sometimes bring.

Senator Paul Daly: I welcome the Minister, Deputy Finian McGrath, to the House. I compliment and congratulate my colleague, Senator Mark Daly. None of us would be here today if it were not for Senator Daly's tenacity and great work. As a colleague, friend and somebody who shares an office on the same floor, I know better than most how much work went into the legislation. I probably only know the half of it. Nobody will ever know how much work he has put into this issue to get the Bill to this stage in the House today. Senator Mark Daly thanked everybody in all the different political parties and in the Departments who had an input and a role to play. I know Senator Daly's work ethic and how he and Ms Grace Coyle, whom he thanked, worked on this. Very often we the politicians can portray our wares, but it is the people behind the scenes who are after doing all the spadework. I was delighted when Senator Daly gave Ms Grace Coyle such recognition for her role.

When Senator Mark Daly went to the meetings, he would have had a folder under his arm that had the answers. That is what helped and that is how it was so easy to get everybody else on board.

As the Minister of State said, the Bill is validation of what we all knew, namely, the significance and importance of the Seanad. The Irish people made the right choice in keeping this great institution alive. From a personal point of view, I am thankful they did, because I would have never got the opportunity to say these few words. Neither would Senator Mark Daly have been able to bring to this point a Bill which will have such a positive effect on so many people and enhance and improve their lives.

Comhghairdeas leat, Mark.

Senator Jerry Buttimer: Ba mhaith liom mo bhuíochas agus mo chomhghairdeas a ghabháil leis an Seanadóir Mark Daly as ucht an Bhille seo atá ar tí a bheith rite.

As Leader of the House, may I join all the speakers in commending Senator Daly on his work. When I said to him that we would honour our commitment to this Bill, we on this side of the House have done that every line of the way. At no stage did the Government obstruct the Bill. I commend Ms Grace Coyle in his office and Ms Orla Murray in the Leader's office.

As Senator Ó Ríordáin said, this Bill will have a positive impact on the lives of so many people. Today, we salute the tenacity of the Irish Deaf Society and the Cork Deaf Community. We will not name names but all who were involved in the Bill know who they are. It is important that we continue to overcome the marginalisation in society. This is a good day; it is a day to take pride and satisfaction in the Oireachtas. The work of the Oireachtas can be seen in a positive sense.

I commend the Minister of State, Deputy Finian McGrath, especially. It is a bit like American football, one can have all the runners and the linebackers, but if one does not have a quarterback one has nothing. The Minister of State has proven that. He was not found wanting and he and his officials were engaged all the time. We have mentioned Mr. Deaglán Ó Briain, but Mr. Gerry Maguire, who is in the Gallery, has also been pivotal in the passage of the Bill.

Let me remind Senator Boyhan that some of the 28 Private Members' Bills that were initiated in the Seanad would have been flawed, so perhaps after further work they could be reintroduced.

Senator David Norris: I compliment Senator Mark Daly on his work. The Bill is a fine

achievement. I also compliment the Minister of State, Deputy Finian McGrath, because there was a fruitful dialogue between them. I also pay tribute to the Leader of the House, Senator Jerry Buttimer, who facilitated the passage of the Bill. These are the three principal people today.

As far as I am concerned, it is an equality issue. The deaf community were second-class citizens until the passage of this Bill. For many of us, we were on a learning curve. I attended a meeting in the centre for deaf studies in Trinity College. I was horrified to learn that people had their hands tied behind their backs to prevent them using sign language. It had not struck me at all that Irish Sign Language was the first language for deaf people. I had automatically assumed that it was English and they used sign language as a communication tool, but that English was their first language. I certainly learned that sign language is their first language and must be respected.

I compliment Senator Daly, the Minister of State and Senator Jerry Buttimer. It is a good day's work for the Seanad. I look forward to members of the deaf community being at last equal citizens with the rest of us in Ireland.

Senator Ivana Bacik: I add my voice to those who have commended Senator Mark Daly, the members of the Irish deaf community and the Irish Deaf Society, the centre for deaf studies in Trinity College and all of those who have been so involved in making this legislation happen. As Senator Ó Ríordáin said, it is a magical day and a magical moment in the Seanad. It is great to see a second Seanad Private Members' Bill pass into law and I thank the Minister and his officials for that.

Senator Michael McDowell: I agree with everything that has been said. I give notice that I will bring in a Latin language preservation Bill as well.

Senator Maria Byrne: I thank everybody involved and congratulate Senator Mark Daly on bringing this forward. I thank the Minister and his officials, particularly Gerry, who I know put a lot of work into it. I also thank the Irish Deaf Society in Limerick, led by Mary Kiely and Des Hayes, who did Trojan work and met with local Senators and Deputies to make their points. It is a great day and I congratulate all involved.

Senator Gerry Horkan: I congratulate Senator Mark Daly. I remember being a councillor when he was a candidate for the first time. He showed great tenacity and went around the country to get elected, and then got elected a second and third time. He has shown his tenacity again in respect of this Bill which has gone through the House today. I played a very small part in it when I chaired Committee Stage in the old Seanad Chamber. We tried to get it through as fast as we could so that it would get through to the next Stage. That is all I did apart from give Senator Daly a bit of moral support, of which he did not need too much. I congratulate him, the Minister of State and Senator Buttimer. I particularly congratulate the Irish Deaf Society. I wish everybody in the deaf community well as this proceeds into law.

Senator Paddy Burke: I wish to be associated with the sentiments expressed today. I thank the Minister of State and his staff for making the passage of the Bill easy and I also congratulate the Leader of the House. I congratulate the Irish Deaf Society and the deaf community. When I was Cathaoirleach, I remember when Senator Mark Daly first brought the deaf community into the old Seanad Chamber. It was a historic day and I know the difficulty the Senator has had over the five years that have elapsed since then. I also compliment the former Clerk to the Seanad, Deirdre Lane, who played a huge role in this, on that occasion and others.

This Bill, however, would not have been enacted had it not been for Senator Mark Daly, who has championed this for the past five years. I congratulate him on this historic day.

Senator Kevin Humphreys: I add my voice to congratulating the deaf community on the work it has done. This Bill gives a sense of hope to other marginalised groups. It shows that if we champion a cause we can make a difference and I congratulate Senator Mark Daly for making a difference with this legislation. There are many other small and marginalised groups who also need to be championed. Perhaps in 2018 this House might take up that challenge. I refer to groups such as those suffering from Alzheimer's disease and dementia, whom we may be able to help just by small changes in legislation.

I will support Senator McDowell with his new Bill but hopefully we will expand it from private schools so that all schools have equality of opportunity in respect of education.

Senator Kieran O'Donnell: Today is a historic day and shows what the Seanad is capable of doing. I commend Senator Mark Daly on bringing this legislation forward. It has been a long, hard campaign for the deaf community and I have met Des, Mary and the deaf community in Limerick many times. This must be an incredible day for them and their families. I commend the Minister of State, Deputy Finian McGrath, and his officials, Gerry Maguire and Deaglán Ó Briain. I told Gerry to show me the money and he found the money. These days make being involved in politics worthwhile. It shows the difference perseverance can make to people's lives.

Senator Fintan Warfield: As Senator Humphreys said, this is the best example of what happens when we are educated about the lived experience of citizens and communities. We all learned about the importance of Irish Sign Language and we were all astonished about the extent to which the deaf community has been disadvantaged by lack of recognition, particularly in regard to rights before the law and access to justice. It is a privilege to be associated with the compliments to all involved. I congratulate those in the Visitors Gallery and the community in general.

Senator Aidan Davitt: I commend Senator Mark Daly and his team and everybody in the Visitors Gallery who have been so excited in the past couple of days.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank all Senators for their great support for the recognition of Irish Sign Language Bill this morning. It is worthwhile and will have a huge impact on the lives of members of the deaf community. I particularly commend Senator Mark Daly and share his thoughts on Daniel and William McCarthy. It is appropriate that we dedicate this legislation to them because as well as services, this Bill addresses social isolation. Section 7 addresses these issues and I will be closely watching any pilot projects and the €50,000 that is being spent in this area.

The three basic things in the Bill are the recognition by the State of ISL; the duty on public bodies to provide ISL services at no cost; and the statutory right to use ISL in courts. Senators Máire Devine and Victor Boyhan asked about resources and part of my national disability inclusion strategy over the next four years emphasises this point, with €1.763 billion to be spent in 2018 on disability services, an increase on the €1.688 billion in 2017. There is an additional €10 million for 1,500 school leavers and €10 million extra for respite services so we are building and today we have this Bill. There is a plan. We are banking certain things and we are making sure things are delivered.

I thank the Leader of the House for facilitating this debate and for the fact that there was no obstruction whatsoever. As Senator David Norris said, this is about equality. ISL was banned 30 years ago and there was corporal punishment for children caught using it in some institutions. Deaf children were sent to institutions for services as the services were not brought to the children. We have come a long way. The Seanad was the engine room for this Bill, and is so for the equality debate too. I wish everyone a happy Christmas. I thank Senator Mark Daly and all the officials who were involved for their support. I wish everyone the best of luck in 2018.

An Cathaoirleach: I congratulate Senator Mark Daly on his tenacity in seeing this through and I thank all Senators for their co-operation. It is a good day for the Seanad. It is a good day for the deaf community too. It is not before time but that is how slowly the axis of the Seanad and Dáil sometimes grinds. It is a great day for Senator Mark Daly and I wish him and the deaf community a happy and more hopeful Christmas as a result of this Bill being passed.

Question put and agreed to.

Public Health (Alcohol) Bill 2015: Report and Final Stages

An Cathaoirleach: I welcome the Minister for Health, Deputy Harris, to the House. Before we commence, I remind the House that a Senator may speak only once on Report Stage, except the proposer of the amendment who may reply to the discussion on the amendment. On Report Stage, each amendment must be seconded. Amendments Nos. 1, 5 and 29 are related and may be discussed together.

Government amendment No. 1:

In page 5, to delete lines 24 to 30, and in page 6, to delete lines 1 to 31 and substitute the following:

“Short title and commencement

1. (1) This Act may be cited as the Public Health (Alcohol) Act 2017.

(2) Subject to subsections (3) to (6), this Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(3) Section 12 (other than subsections (10) to (12)), subsections (7) to (11) of section 13, sections 15 and 16 and subsection (3)(d) of section 18 shall come into operation on such day or days as the Minister may by order or orders appoint (being a day or days not earlier than 3 years after the date on which the order concerned is made).

(4) Subsections (1) to (3) of section 13 and sections 14, 19 and 20 shall come into operation on such day or days as the Minister may by order or orders appoint (being a day or days not earlier than one year after the date on which the order concerned is made).

(5) Section 18 (other than subsection (3)(d)) shall come into operation on such day or days as the Minister may by order or orders appoint (being a day or days not

earlier than 18 months after the date on which the order concerned is made).

(6) The Minister shall, before making an order under this section in relation to—

(a) section 13, insofar as it relates to broadcast advertisements, or

(b) section 19,

consult with the Minister for Communications, Climate Action and Environment and the Broadcasting Authority of Ireland.”.

Minister for Health (Deputy Simon Harris): We are starting with technical amendments that are straightforward. As I indicated on Committee Stage, I am proposing to amend section 1, which necessitates consequential amendments to sections 5 and 30. The proposed amendments are strictly technical and do not change any of the commencement dates in section 1 or make any substantive changes otherwise.

Amendment No. 1 will replace section 1 of the Bill as adopted on Committee Stage. The amendment to section 1 is necessary to correct a numbering reference in the Bill, as amended, which in error provides for two commencement dates for section 19 and none for section 20. Therefore, I am proposing to change one of the two references to “section 19” to “section 20”, as originally intended. I am also proposing to reformulate this section for easier reading and understanding, but with no changes being made to the effect of the provisions.

The effect of an identical numbering error in section 30 with regard to sections 19 and 20 is corrected by amendment No. 29. Section 5 deals with the power of the Minister for Health of the day to make regulations and orders. Amendment No. 5 inserts a reference to section 1(5) into section 5(3). The effect of this amendment is that commencement orders made under section 1(5) will be exempted, along with all other commencement orders made under section 1. I commend these three technical amendments to the House.

Amendment agreed to.

An Cathaoirleach: As amendments Nos. 2 to 4, inclusive, 6 and 15 are related, they may be discussed together.

Senator David Norris: I seek the guidance of the Chair regarding the six amendments to the Intoxicating Liquor (Amendment) Bill 2017.

An Cathaoirleach: We are dealing with the Public Health (Alcohol) Bill 2017. It is a different Bill. The amendments to the Bill before the House can be found in the ante-room. One of the ushers will get them for the Senator. Does Senator Higgins wish to move amendment No. 2?

Senator Alice-Mary Higgins: I will leave it to my colleague, Senator Black, to speak on it.

An Cathaoirleach: It would be better if Senator Black were to move the amendment, given that the mover of an amendment has the right to reply.

Senator Frances Black: I move amendment No. 2:

In page 7, between lines 22 and 23, to insert the following:

“ “Audiovisual Media Services Directive” means Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services;

“audiovisual media service” has the same meaning as it has in Article 1 of the Audiovisual Media Services Directive;”.

I welcome the Minister to the House. I am speaking in support of amendments Nos. 2 to 4, inclusive, amendment No. 6 and amendment No. 15. Amendments Nos. 2 to 4, inclusive, and amendment No. 6 are purely technical and propose definitions to facilitate amendment No. 15. For example, “information society service” is the technical term used in EU law to cover services like Facebook, YouTube and Twitter. The proposed definitions facilitate the substantive amendment in this grouping, amendment No. 15, which deals with online advertising of alcohol targeted at children.

One of the main aims of the Bill before the House is to limit children’s exposure to relentless alcohol advertising. Several advertising provisions in the Bill relate specifically to children. For example, the Bill proposes to restrict advertising within 200 m of schools, playgrounds and crèches or at children’s sports events. Thanks to an amendment we secured on Committee Stage, this legislation’s focus on child protection has been made very clear and is now explicitly stated in the Long Title of the Bill.

When we seek to address alcohol marketing in legislation, we are clear that we are focusing in particular on children. I thank the Children’s Rights Alliance and other children’s organisations that have supported us in our efforts. However, there is a significant gap in the Bill as it stands, in so far as it does nothing to address the growing problem of children’s exposure to alcohol advertising online, especially through social media. This is really the most important means of reaching younger audiences today. My amendment would fill that gap by requiring advertisers to take “all reasonable steps” to ensure their online advertisements are not targeted at children. It provides guidance on what such reasonable steps might be. For example, there must be regard to whether “age verification controls” and “demographic targeting” have been used. Such mechanisms can be used to ensure particular Facebook advertisements do not appear on the timelines of users who are under a certain age.

This reasonable and workable measure draws on the current capacities of social media. Twitter, for example, has an age screening feature which requires each user to enter his or her date of birth before he or she can follow the account of an alcohol company. This amendment simply proposes that alcohol companies will be required to use such features where they exist. It does not relate to the content of advertisements, which is covered elsewhere in the Bill. It relates solely to alcohol advertisements that seek to target children. Importantly, the amendment merely asks companies to take “all reasonable steps” to prevent such targeting. It takes account of the cost of such measures, as well as the current state of the technology. This means that alcohol companies will not be asked to do anything unreasonable or disproportionately costly. They are simply being asked to use the normal tools that are available to exclude children from their advertisements. This is not a big request. It fills a really important hole in the Bill.

There is precedent for this proposal around the world. Facebook’s advertising policies section gives information on the restrictions it uses in various countries. As a result of legislation like the Bill before the House, Facebook advertisements in Sweden, for example, are not tar-

ged at people under the age of 25. We should seek to emulate this pretty simple measure here. I do not think it is unreasonable to ask companies to make an effort not to market alcohol to children on their smart phones. Such marketing practice is a reality today. I hope the Minister and Senators on all sides of the House will support this proposal.

Senator Máire Devine: I second the amendment. We welcome and support all the amendments in this group. As Senator Black has outlined, they relate to the issue of child protection, which is now covered under the heads of the Bill. Facebook, Twitter and Instagram are all owned by Facebook. Social media, which is an endless and all-pervasive means of communication, is the way of the future and is replacing one-to-one interaction. We have proposed these amendments, which seek to strengthen the child protection elements of the Bill with specific reference to online exposure, because we are responsible and we want to be protective of our children's futures.

When representatives of Facebook appeared before the Joint Committee on Children and Youth Affairs last week, we asked them to strengthen their protocols for dealing with cyber-bullying, etc. I was not too convinced by their answers. I am not convinced that
11 o'clock they have sufficient numbers to deal with Facebook's 1 billion members. While Facebook's child protection policies seem to be decent enough on the face of it, they are not doing the job they need to do. Facebook has said it will employ an additional 10,000 staff members around the world, many of whom will be involved in policing child bullying, in particular. I suggest these companies need to consider employing more people to ensure children who access Facebook, Twitter and Instagram on their phones can be protected. I welcome this important legislative proposal.

Senator David Norris: The central amendment is amendment No. 15. All of us share the objective of protecting children because children are the most vulnerable group and are easily targeted. They are also deliberately and specifically targeted by the drinks industry and there is an intention to introduce children to alcohol.

The proposed new section in amendment No. 15 includes the following paragraph: "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." I am curious to know who will monitor this provision. Will an agency do so because without monitoring, it will be useless verbiage?

I do not use social media and I am glad to say I am a complete computer virgin and hope to go to my grave as such. However, I understand the powerful impact of social media, particularly on young people. Wherever one sees young people, whether on the street, on a bus or in a restaurant, they are always checking things on their telephones. The measures provided for in amendment No. 15, including checks on whether age verification controls and demographic targeting have been used and whether an advertisement has been labelled or registered in a way that permits it to be blocked, are all important and practical. I commend the other Senators in the group which tabled the amendment. I hope it will be accepted by the Minister.

Senator Gerry Horkan: The Fianna Fáil Party group will support amendment No. 15 which is, as Senator Norris pointed out, the substantive amendment in the group. Enforcing its provisions will be a much harder task, however. I ask the companies in question to erect the barriers provided for in the amendment. There is very little we can do if young people provide a false date of birth on a website. A child of 11, 12, 16 or 17 years could indicate on a website that

he or she is 18 years old. While the amendment is well intentioned, I do not know how effective it will be. It is fair to require that a mechanism be provided on a website, even if someone can enter false details to obtain access to information.

Senator Michael McDowell: I oppose amendment No. 15 because the proposed measures are impractical and could not be policed. If one considers its implications, an advertisement placed on an Internet service abroad which then becomes available in Ireland through the Internet simply cannot be policed. If we accept the amendment, we will create a criminal offence punishable by the courts which no one can police. It is not practical to provide that all reasonable steps be taken to ensure children do not have access to a particular Internet medium. If, for instance, a site such as Netflix had an advertisement for Coors beer attached to a film, what could we do about it? Who would we prosecute and what court would sit and listen to the case? I note amendment No. 15 refers to “a jury”. What jury will waste its time listening to such a case?

Senator David Norris: If a jury is empanelled, its members must listen to the case.

Senator Michael McDowell: They would be better at home.

Senator David Norris: Juries cannot choose what they listen to.

Senator Michael McDowell: That is the point. They should not be asked to waste their time on futile prosecutions.

Senator David Norris: That is a different point from the first point the Senator made.

Senator Michael McDowell: Let us be practical by not inserting in legislation provisions that we know will not and cannot be enforced.

Senator Alice-Mary Higgins: I believe we can monitor these measures. We should look forward to many discussions in the House on how we engage with online platforms and advertising. The reality of the modern world is that the online sphere, the data sphere and the way in which consent and access are managed are all part of people’s everyday lives. As such, they fall into our realm, as legislators, and we cannot shirk the issue. This area is not an amorphous wilderness. Many of these advertisements are commercial in nature and are purchased through commercial platforms.

The previous speaker referred to Netflix. There are many mechanisms already in place to prevent people from watching certain films within certain jurisdictions. We all encounter cases of films being variously blocked or not blocked within certain territories. What is broadcast online and via the Internet is already affected by geographical jurisdiction and regional area. It is not a simple empty space but a space which we, as regulators, will have to consider more and more in order that we can provide protection and empowerment to citizens as they engage in it.

I will bring forward legislation in the near future to address the way in which citizens’ data are used or targeted online. We must be clear that this is not a mysterious world but the world in which citizens, including children, operate. We have responsibility in this area and the proposed measures are highly practical. They provide for simple mechanisms such as age verification controls and how an advertisement is targeted once purchased. Advertising, as a commercial practice is an appropriate realm for regulation. The way in which an advertisement is targeted once purchased is a concrete, commercial, regulatory decision which falls within our

realm. Legislators and the Judiciary will have to upskill in this area. The amendment is a good step forward and I will strongly support it.

Senator Kieran O'Donnell: Two issues arise regarding amendment No. 15. While most people will agree with the sentiment behind it, as Senator McDowell stated, the issue of enforceability arises. The amendment has probably started a conversation. We must ensure, however, that legislation is practical and works. We must not suddenly find that certain measures are unworkable because it is virtually impossible to unwind them. While the sentiments behind the amendment are good, we may need time to examine how the proposed measures could work in practice.

Senator Colm Burke: While I also support the sentiments underpinning the proposed amendment, I also share Senator McDowell's view on the issue of enforceability. There is no point including measures which cannot be enforced. It would be difficult to enforce these measures because much of the advertising involved is international in nature. We could seek to make progress in this area at European level. The problem with the amendment is the enforceability of the proposals.

Senator Tim Lombard: As several previous speakers noted, the issue is one of enforcement. While we all agree that the sentiment behind the amendment is positive, there is no point including in legislation measures that cannot be enforced. We do not want to introduce a measure that does not work. We must take a practical approach. For this reason, I support the stance taken by the Minister.

Senator James Reilly: I echo the views expressed by previous speakers on the purpose of the proposed measures, namely, the protection of children. Unfortunately, over the years, we have introduced laws which were subsequently shown to be unenforceable or not legal and fell as a result. Let us not allow the perfect to get in the way of the good. The good being done in the Bill is considerable and the Minister will be remembered for a long time for bringing the legislation through the House. I do not want it to fall or fail because of a well intentioned but unworkable amendment.

Senator Joe O'Reilly: Senator Reilly's brief contribution got to the nub of the issue and does not merit repetition. As a parent and educationalist - I was a teacher for many years - it is important that young people are protected. We will have to address the potential of the Internet, Facebook and so forth to damage children. This is a whole new area which will need to be addressed properly. All I want to do is acknowledge the quality of thought behind the amendments and the sentiments therein. The other arguments are well made and I will not repeat them.

Deputy Simon Harris: I thank Senator Black and her colleagues for tabling the amendment. I will begin by agreeing that they strengthened the Bill by adding the words "children and child protection" specifically into the Title, which is what this Bill is about. Obviously, we want to change behaviour and culture in Ireland in terms of alcohol. In particular, we want to try to target and change behaviour and culture among the next generation of Irish citizens. I very much understand what the Senators have tried to do here. I feel a bit conflicted because I want to do the same thing as them. I want to arrive at a situation where we can put restrictions on advertising on the Internet in terms of this space.

I share the concern of others about not wanting to put anything into this Bill that is not then effective. I will provide some of my views, having taken some soundings on it. The amend-

ments put forward propose provide for the creation of an offence in a case where a person advertises, or causes to be advertised, an alcohol product on an information society service unless all reasonable steps are taken to ensure that the advertisement cannot be viewed by children. These steps include whether age verification controls have been used to prevent access by children to an advertisement.

This amendment uses the framework of the audiovisual media service directive which is within the remit of my colleague, the Minister for Communications, Climate Action and Environment. My officials have consulted with that Department and the Department of Justice and Equality on this matter. The audiovisual media services directive is a sector-specific directive for television, and services that are like television. I am informed that the extension of its scope to include audiovisual content on any platform would cut across several directives and other regulations.

I would have some genuine concerns about the effectiveness of this proposed provision. If it was introduced for websites hosted in Ireland, for example, advertisers could simply move to websites that are not hosted in Ireland, but can be accessed by children in Ireland, in order to avoid the necessity to comply with this proposed amendment.

In terms of how effective age verification controls could be implemented, there is not enough clarity under the current proposal. A reliance on self-disclosure is obviously not a robust method of enforcement as children can simply claim to be over the age of 18 and, therefore, access the alcohol advertising.

I want to see this area fixed and Ireland should show leadership in this area. My ministerial colleagues and I should work at a European level on the audiovisual media services directive, which addresses all issues regarding intermediary or online platforms. That is what I will undertake to do, namely, to work with my colleague, the Minister for Communications, Climate Action and Environment. I hope this Bill will pass this House today. We will have an opportunity to further engage on this legislation before it is introduced into the Dáil. I do not think there is any Member in this House who does not want to achieve what the Senators concerned want to achieve. I respectfully suggest that we examine ways we can do this at a European level. This country has a very good record of working at a European level to advance the public health agenda and I will certainly undertake to do that. I hope that the Senators consider not pressing the amendments. I will commit to further engagement.

An Cathaoirleach: Senator Black has the final word.

Senator Frances Black: I am disappointed that the Minister does not support the amendment. I am glad to hear that Fianna Fáil supports it. I hear what the Senators are saying. Everybody agrees with the sentiment behind the amendment and acceptance of it would be fantastic. We can see what happened with Facebook. Young children use Snapchat and it displays advertisements for alcohol all the time. I hope that the amendment gets enough support from Senators to be accepted. I thank Fianna Fáil, Sinn Féin and all the other Senators for supporting the amendment.

An Cathaoirleach: We are dealing with amendment No. 2.

Deputy Simon Harris: Can I respond?

An Cathaoirleach: Yes, Minister.

Deputy Simon Harris: Maybe we can try this another way. I genuinely do not want the Seanad to divide on this matter. My own party and the Government share the desire to protect children when they go online. I am concerned that the amendment may not be workable. I am concerned about the integrity of the Bill if we include an amendment we then find is not workable.

I reiterate my commitment to work with the concerned Senators on this issue. I will also engage with my colleague, the Minister for Communications, Climate Action and Environment, along with the Senators, on how we could reflect this when we go into the Dáil. I will give that very strong commitment here. I just do not want to leave this House with a sentiment in legislation that we all agree with but that may not be effective. I do not wish to divide the House on the matter but that, genuinely, is my very strong view.

An Cathaoirleach: Is the amendment being pressed, Senator Black?

Senator Frances Black: Yes.

Senator Trevor Ó Clochartaigh: Which amendment is it?

An Cathaoirleach: We are dealing with amendment No. 2 at the moment, but these amendments are related.

Senator Frances Black: Votáil.

An Cathaoirleach: That is the Senator's prerogative.

Amendment put:

The Seanad divided: Tá, 14; Níl, 26.	
Tá	Níl
Bacik, Ivana.	Boyhan, Victor.
Black, Frances.	Burke, Colm.
Conway-Walsh, Rose.	Burke, Paddy.
Devine, Máire.	Butler, Ray.
Higgins, Alice-Mary.	Buttimer, Jerry.
Humphreys, Kevin.	Byrne, Maria.
Kelleher, Colette.	Coffey, Paudie.
Mac Lochlainn, Pádraig.	Coghlan, Paul.
Nash, Gerald.	Conway, Martin.
Norris, David.	Craughwell, Gerard P.
Ó Ríordáin, Aodhán.	Daly, Paul.
O'Sullivan, Grace.	Davitt, Aidan.
Ruane, Lynn.	Feighan, Frank.
Warfield, Fintan.	Gallagher, Robbie.
	Hopkins, Maura.
	Horkan, Gerry.
	Lombard, Tim.
	McDowell, Michael.

	McFadden, Gabrielle.
	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	Reilly, James.

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

Amendment declared lost.

Senator Frances Black: I move amendment No. 3:

In page 7, between lines 34 and 35, to insert the following:

“ “information society service” has the same meaning as it has in Article 1 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;”.

Senator Alice-Mary Higgins: I second the amendment.

Senator Frances Black: I will not press the amendment.

Amendment, by leave, withdrawn.

Senator Frances Black: I move amendment No. 4:

In page 8, between lines 5 and 6, to insert the following:

“ “media service provider” has the same meaning as it has in Article 1 of the Audio-visual Media Services Directive;”.

Senator Alice-Mary Higgins: I second the amendment.

Senator Frances Black: I will not press the amendment.

Amendment, by leave, withdrawn.

Government amendment No. 5:

In page 9, line 32, to delete “(3) or (4)” and substitute “(3), (4) or (5)”.

Amendment agreed to.

Senator Frances Black: I move amendment No. 6:

In page 10, line 21, after “20(1),” to insert “21(4),”.

Senator Alice-Mary Higgins: I second the amendment.

Senator Frances Black: I will not press the amendment.

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: Amendments Nos. 7 to 9, inclusive, are related and may be discussed together.

Government amendment No. 7:

In page 14, to delete lines 8 to 12 and substitute the following:

“**12.** (1) Subject to *subsection (2)*, it shall be an offence for a person to sell, to a person who is in the State, an alcohol product the container of which does not bear in the prescribed form—”.

Deputy Simon Harris: Amendments Nos. 7 and 8 are to amend section 12 on the labelling provisions of this Bill. On Committee Stage, Senator McDowell rightly raised the possibility that section 12(1) would not allow for the import of alcohol products and the subsequent addition of the health information to the product before the sale. As I undertook to, I sought legal advice on the issue and, as rightly could be expected from such an eminent legal mind as Senator McDowell, this proved to be correct, so I am now amending the section. The objective of the labelling provision is to ensure that when the alcohol product is sold in the State, it has health and content information on it. Amendments Nos. 7 and 8 delete the offences of importing an alcohol product without the necessary information, either on the label as in section 12(1) or without a document setting out the information in the case of reusable containers as in section 12(3). To ensure that manufacturers, whether within or outside the jurisdiction are treated the same, amendment No. 7 also removes the offence of manufacturing a product with the intention to sell in the State without the necessary information. The result of these amendments does not change the substance of what we are doing with labelling but provides clarity that products will be able to be imported or manufactured without the necessary information but these cannot be sold without that information being added. This new formulation will achieve the same objective but by more proportionate means.

Amendment No. 9 from Senator Black and colleagues proposes to specify the amount of printed material which should be given over to health related warnings on labels. The form of the warnings and information to be included on labels and related documents can be prescribed by regulations made under section 12(10). As the Bill provides for the Minister for Health to be able to determine the form of the warnings and information, including to prescribe the size and font type of those warnings, I do not propose to accept this amendment, purely because the Minister has the power to do that through regulations. I think that is the better place to do it, rather than having to come back to primary legislation every time we want to amend a regulation.

Senator John O’Mahony: Will the Minister clarify, on the labelling, the situation I raised at an earlier stage about airports? Products manufactured in Ireland will carry the labelling but there are a certain amount of international products that are only on sale at airports and not in

the domestic market. What is the situation with them? It would seem that it is not really relevant to the prohibition of alcohol or whatever. Will the Minister clarify that?

Senator Catherine Noone: I have raised this matter privately and publicly and I am obviously very supportive of the Bill. I am a strong advocate of this type of preventative health measure. I have raised this issue and want to support my colleague on the matter of airports. It is only a small exception. We are talking about rare whiskeys and rare wines. We know alcohol is still bad for a person but it is not drunk in volume, unless one is a very well-off person who wants to drink a particular expensive alcohol and buys it in bulk when going through the airport, which is logistically difficult. It is fair for an exception to be made here. Airports compete with other airports internationally. They do not compete with people in Ireland for the most part. They are competing with Amsterdam Airport Schiphol, Heathrow and so on. It is an international market where people who fly a lot and sometimes buy a rare whiskey will buy it in certain airports. There is probably recognition that Dublin is a reasonable place to get this type of rare alcohol. There could be a Taiwanese whiskey, which is very rare. Airports would not necessarily want to provide labelling on those bottles. I am not going to bash the Minister over the head with it, but at the end of the day, I am supportive of the Bill and think it is reasonable. We are not going to try to stop anything from going through today but if it could be addressed in the Dáil, I would appreciate it.

Senator Gerald Nash: The Minister might reassure me that, given the changes he is proposing, it would still be an offence for an alcoholic product to be manufactured without the appropriate labelling being included on the container. There was confusion from some people I spoke to yesterday evening based on the changes the Minister is proposing. Some were assuming that a literal meaning of that might mean there would no longer be any obligation on the manufacturer to provide the labelling on the container but that that labelling obligation might fall on the shopkeeper. I am sure it is not the Minister's intention for that to be the case. Will he reassure me and the House that it is still the obligation of the manufacturer to include, on the container, the appropriate labelling as would be provided for under this legislation? In general, pertaining to labelling, I ask that the Minister and his officials engage in some detail with the Irish Cancer Society which is particularly anxious to ensure that we retain the measures, including the link between alcohol consumption and fatal cancers. I ask the Minister to engage with the society over the next short period between this Bill being passed, we hope, through Report and Final Stages today and when it enters the Dáil early in the new year. We want to ensure we can deploy best practice and get the best advice possible to ensure that this particular measure about linking excessive alcohol use and alcohol misuse to fatal cancers is done in the best possible way.

Senator James Reilly: I will echo the last speaker. The health warnings are critically important. There was a real lack of awareness in this country until recently about the carcinogenic effect of alcohol and people need to be advised about it. The other issue I know was on the original Bill and which I presume is still there addresses the calorific content of alcohol. Many people do not realise how much of a contributor to obesity alcohol is. On the first point raised by Senator Nash, there is a need to be absolutely clear that all alcohol sold in this country, regardless of how it comes to be here, has to carry the warnings on the labels in their original context.

Senator Frances Black: I will speak in favour of amendment No. 9 which seeks to ensure the evidence-based health warnings will take up a minimum of one third of the printed material on the label. As it stands, the Public Health (Alcohol) Bill makes it mandatory for labels

to include health warnings but leaves details such as font, size, visibility and so on up to the Minister. We had a brief discussion on this point on Committee Stage and I understand the Minister feels that we should not put too much granular detail into the legislation. I appreciate this but without this amendment, we are essentially saying that we will leave it up to the Minister of the day to ensure the health warnings are noticeable and impactful. I know the Minister is very good and strong on this but a Minister might come in at another time who would not be as strong on it and that is my concern. I have no doubt that the Minister, Deputy Harris, would be very committed but we do not know if this would be the case for whoever may take up the role in the future. I am seeking reassurances on this point since I do not want to see a health warning introduced that amounts to a small run of text that simply will not make any difference. I am glad that the Bill will introduce these warnings but they must be substantial in size and clarity. They would not be effective if they were small and unnoticeable. I hope we will see support across the House, but if not, I urge the Minister to put strong assurances on the record today that when the labels are drawn up, expert advice will be sought on their size and shape and that they will be substantial.

Senator Michelle Mulherin: An excellent thing that has arisen from the debate on the Public Health (Alcohol) Bill is the raising of awareness among people about the health consequences for abuse of alcohol in their lives and the consequences of binge-drinking. There has been much debate about it and we need more information and education. Alcohol, its abuse and the health consequences have been described. There are other foodstuffs that can have serious health consequences if abused or taken the wrong way.

I want to take up what Senator Noone had to say about the drinks industry at the moment. It is on the amendment and it is about the labelling. We are promoting the sale of premium drink products abroad. We are encouraging start-ups here at home. If we have a massive cancer sign on a label on a bottle of alcohol that we sell in this country but which is not on it when we are selling it abroad, there is a contradiction. We are saying that if one takes a drink here, potentially one is going to get cancer. We are selling it abroad but it is not subject to the same labelling. We also have the Internet to contend with and digital media. The idea that we have a product that we are selling abroad, saying it is premium, and yet we have a health warning label on it here, is something of a contradiction in policies.

In the development of the regulations around this, perhaps there could be engagement with the affected small start-up businesses and industry to get a reasonable solution. That would take on board what the Minister, Deputy Harris, is trying to do. It would also take on board the realities of business and the reality that the Government is encouraging them to produce this product and grow their businesses as provided for in Foodwise 2025. The Minister has engaged with the small shop owners in a most welcome fashion. Would he have a similar conversation with small start-up businesses and industry and not just shut it down? There is a fair point about a certain contradiction.

Senator Tim Lombard: I am following the same line of thought as Senator Mulherin. It is an issue I have raised previously. We have a whiskey industry that we are trying to promote nationally and internationally. It is one of the key drivers in some parts of the economy, particularly in the southern half of the country. We have to look where we are going with our microbrewing industry and how we are tying it into place. These are high-end expensive products. These are products that are really like a collector's item rather than an item for consumption. Is it practical to be putting labels on something that will probably never be consumed? When we look at where the industry and market is going worldwide, there is a niche in that market itself.

When the Bill goes to the Dáil, we might look at some flexibility around these issues regarding this high-end product. Senator Noone said that there are very few people going to be consuming these products. They are such a high-end product that it is very unusual to see them consumed in a manner which will cause huge issues. It is an issue that we could look at, in particular the high-end issue. I have no problem, and I mean this, with the low-end stuff because that is where we need the legislation to take effect. Looking at what we are trying to do, we have a food policy in place, we are putting money into our distilling industry and there is also going to be a tourism trail for the whiskey industry itself. This is going to be very high-end stuff. When we put a label on such a high-end product, it does not do it justice in many ways. We should look at some flexibility around that issue.

Senator David Norris: I have heard a fair amount of nonsense in my time but there is a good quantity of it around here this morning.

An Leas-Chathaoirleach: Please be brief.

Senator David Norris: I will be very brief and absolutely to the point, as I always am. I am strongly in favour of alerting people to the dangers of cancer.

Senator Catherine Noone: Hear, hear.

Senator David Norris: It is an extraordinary attitude to say let us protect our own citizens but we will poison all the bloody old foreigners. We do not give a damn about them. They can get cancer in Germany or Italy or France or wherever it is. It does not bother us. We will not have to pay for it through our health service. I think that is a lot of rubbish. I also think it is a complete load of rubbish to say that these are collectors' items and that people are going to buy them, stick them up and admire them. Fine, if they are not going to drink them the label is not going to affect them. Forget that argument for a start.

Then there is this stuff about airports competing against each other. With the greatest respect, and I paid tribute to Senator Noone yesterday for her wonderful conduct of the Joint Committee on the Eighth Amendment of the Constitution, on the idea that airports are competing with each other, does the Senator seriously think-----

Senator Catherine Noone: Yes, I do.

Senator David Norris: -----that someone going from Dublin Airport will say he or she cannot get his or her rare Vietnamese whiskey? I have never heard of Vietnamese whiskey-----

Senator Catherine Noone: Taiwanese. The Senator needs to educate himself.

Senator Paudie Coffey: Very high quality.

Senator David Norris: Taiwanese. High-class Taiwanese. I will spite Dublin Airport, take myself off, get a flight from Schiphol Airport and I will buy my Taiwanese whiskey there. I never heard such utter rubbish in my entire life and I have heard a fair quantity of rubbish both here and in Trinity.

(Interruptions).

An Leas-Chathaoirleach: Order, please.

Senator Máire Devine: Senator Norris is as entertaining as ever. I am speaking as a

co-signatory to amendment No. 9 on health consequences. I know we will deal later with an amendment to this tabled by the Labour Party. One third of the space to be given is an appropriate amount to protect our health. It is not just physical health consequences and every single part of our bodies, but also our minds. We had the association of general practitioners in yesterday presenting to Committee on the Future of Mental Health Care. When we asked the representatives about alcohol and co-morbidity, they just threw their eyes up and threw their hands in the air. I cannot emphasise enough the impact of alcohol. A third of the space on a bottle, can or whatever it may be is appropriate to warn against alcohol abuse.

Senator Colm Burke: I thank Senator McDowell for highlighting the issues relating to sections 7 and 8. I thank the Minister, Deputy Harris, for looking at it very carefully, taking on board comments in the previous debate and bringing forward the amendments. They are very welcome. On amendment No. 9, this is not an unreasonable amendment. We are talking about one third of the total printed material being set aside for health warnings. It is a matter that we should give serious consideration to in accepting this amendment. I certainly think it has been well researched by the Senators who have brought it forward. It is something that we should support.

Senator Michael McDowell: I want to raise again a matter I raised on Committee Stage, namely, the language of any warning. Is it going to be in both Irish and English or will one suffice? I have not had any clarity on this thus far. If it is going to be in both languages, I am just making the point that these are going to get very lengthy. I remember getting my bus tickets when I was a kid going to school in the 1950s and wondering what the small print in the corner of the bus ticket actually meant, whenever there was ink in the conductor's machine to read it.

We have got to the point now where if we are going to have bilingual notices, that might also colour what Senator Norris has said about sending our produce off to Vietnam in Irish as well. There are issues which we have to be practical about here-----

Senator Michael McDowell: There was a matter that I raised on the Committee Stage and I want to raise it again now. That is the language of any warning. Is it going to be in both Irish and English? Or will one suffice? I have not had any clarity on this thus far. If it is going to be in both languages these are going to get very lengthy. I remember getting my bus tickets when I was a kid going to school in the 1950s and wondering what the small print in the corner of the bus ticket actually meant when there was actually ink in the conductor's machine to read it. We have got to the point now that if we are going to have bilingual notices that might also colour what Senator Norris has said about sending our produce off to Vietnam in Irish as well. There are issues which we have to be practical about here.

Senator David Norris: There are Vietnamese Irish speakers. Did we not have one winning a case about-----

Senator Michael McDowell: Exactly. The point I want to raise is that before we get carried away about the physical extent of the written words we had better be clear about what is going to be written and in how many languages it is going to be written.

Senator Paddy Burke: I agree with Senator McDowell that we should be very clear what we are going to put on the labels. In relation to what my colleague from Mayo, Senator Mulherin, said about the labels, we should take a look at it before it goes to the Dáil. The organisation known as Drinkaware is funded by the industry; it does great work and works closely with

the Department of Health on problems that people have-----

Senator James Reilly: Redefine “close”.

(Interruptions).

An Leas-Chathaoirleach: One at a time. Order, please. Senator Paddy Burke has the floor. Please be respectful.

Senator Paddy Burke: I am led to believe that the health service works closely with it when people have problems. They go to it for advice on various issues regarding measurements and so forth. It has brought forward many good proposals. It is funded by the organisation. It is independent and has an independent board.

Senator David Norris: One is never independent if one is funded by a sectional interest.

Senator Paddy Burke: The board is fully independent. It does great work. I ask the Minister to look at this in regard to the labels that he will draft. There will be no need for Drinkaware when the Minister drafts the label that is proposed in this legislation. I am asking the Minister to look at this before the Bill goes to the Dáil or before he concludes in the Dáil.

Senator Gerry Horkan: It is important the Minister clarify that this only applies to products sold in the State. I think there is merit in Senator Reilly’s comment about calorific value, however one manages to quantify it, so that people know the calories. Perhaps we need to consider identifying it by symbols, for example the symbols on food packages - the red, the green, the orange or whatever. I am not an expert in this area but if we are to have writing in Irish and English - Senator McDowell might want it written in Latin-----

Senator Michael McDowell: That would be too laborious.

Senator Gerry Horkan: Deputy Harris made a point about the ministerial order, and I presume the ministerial order could specify greater than one third, such as 40% or 50%. The amendment is looking for a guarantee of one third. Will the Minister indicate his thoughts as to where his initial base position is on this?

Senator Lynn Ruane: I want to put factual information in the public domain on Drinkaware. Drinkaware is funded by the alcohol industry.

Senator Paddy Burke: I said that.

Senator Lynn Ruane: That means it is not an independent organisation and it does not work with the Department of Health. At present Drinkaware in South Africa is running a domestic violence campaign while also advertising whiskey. Drinkaware is trying to get into the health system, to also make profits on drink. It should be on the record that Drinkaware does not work with the Department of Health. I do not believe the Department of Health wants to work with it. It is not independent and has a vested interest in alcohol and alcohol sales.

Deputy Simon Harris: Let me reiterate, as colleagues have, that my Department has no relationship whatsoever with Drinkaware.

Senator David Norris: Hear, hear.

Deputy Simon Harris: My Department has also written to other Departments and agen-

cies to make that very clear, including the Road Safety Authority and the Department of Foreign Affairs and Trade. I know that Senator Paddy Burke is supporting the legislation. What we are doing today is quite significant. We are moving beyond the need for industry baddies taking responsibility or voluntary codes, to state that we as legislators are taking charge of this-----

Senator David Norris: Hear, hear.

Deputy Simon Harris: -----and that we have a public health duty. It is for the industry to do whatever it wants but that we will have our own labelling system as a result of the legislation. I accept the points Senator Paddy Burke makes about the need to engage, consult and inform people about any change to any labels and to engage with a wide range of stakeholders. I will certainly undertake to do so. If one is making a change to any product it is important to notify people and inform them of the impact it will have in advance of that happening.

Senator Nash put an important question about the practicalities of who has to put the label on the product after this change. That is an important point. In the original Bill and now, the offence is “to sell” and it arises when the product is being sold. For example, industry will have to sell to a wholesaler before it gets to the shops. I am quite satisfied that the practical obligation will still rest with whoever wants to sell the products because nobody will be able to sell the product without the appropriate label.

On the question of the size of the labels, I have listened very carefully to what Senators Black and Horkan have said as well as to what my Fine Gael colleagues have said. I am willing to accept that amendment because it is in line with what we were going to do anyway.

An Leas-Chathaoirleach: Is the Minister going to accept amendment No. 9?

Deputy Simon Harris: Yes. As the Senator was good enough to outline, it is in line with what I intend to do anyway. Putting it in legislation just provides that absolute clarity.

Senator Máire Devine: Congratulations.

Deputy Simon Harris: I always planned on introducing labels. We are not here just to pretend we are going to do things. We are putting labels on to make people very much aware of the health consequences. I thank Senators Black and Devine for bringing forward the amendment. I am happy to accept it.

The legislation already states in section 12(11) that when the Minister or any future Minister for Health is making regulations, he or she should consider any expert research available on the effectiveness of labels. We have tried to capture that already in the legislation.

I take the point that Senator Mulherin makes about other products and the importance of making our citizens aware right across the range of products in terms of their own health and the health content or lack thereof in various products. Through the Healthy Ireland agenda and the national obesity strategy we will pursue that.

On the issue of labelling products for sale at airports, I hear what people are saying. There is a leadership role. If one were to stand in this Chamber and introduce the smoking ban years ago, one could have had people stand up and say, “We are doing it and other countries are not doing it.” Sometimes somebody has to move. I certainly hope that Ireland making this change regarding labelling will result in it coming in other countries and that we will be able to go to European health Ministers’ meetings and ask them if they have heard what we are doing in Ire-

land and if they have an opinion on it.

I take the point that regulations will enable me to engage in terms of providing specific information as well. From a health perspective, my basic premise is that if we are going to decide that we need to provide people with information and health information, we need to provide that, irrespective of where the product is sold in the country and irrespective of the cost of the product.

I am happy to clarify for Senator Horkan that this absolutely relates to sales in Ireland, not exports, but I certainly hope other countries will follow what I hope will be Ireland's lead in this area.

Senator David Norris: Will the Minister clarify the question raised by Senator McDowell about whether the labelling would be in both English and Irish?

Deputy Simon Harris: I should clarify that. I accidentally overlooked Senator McDowell's question. The labels, just as other labels, will have to be in both Irish and English.

An Leas-Chathaoirleach: I thank the Minister for that clarification.

Senator Gerald Nash: On a point of information.

An Leas-Chathaoirleach: I cannot allow Senator Nash in again.

Senator Gerald Nash: In the interest of clarification I think it would be important that the Minister would clarify this point.

An Leas-Chathaoirleach: We cannot have another debate on it.

Senator Gerald Nash: I am not requesting another debate. I am requesting clarification so that we are all clear on what we will have to support.

An Leas-Chathaoirleach: I should not be allowing any Senators to speak a second time on Report Stage.

Senator Gerald Nash: Where does the onus for providing the label rest? In the original iteration of the Bill, the manufacturer had responsibility for providing the label on the container in which the alcohol was sold. It seems now that this responsibility is no longer with the manufacturer but ultimately rests with the person who will be selling it. At which point in the process is the label introduced? That is an important clarification.

An Leas-Chathaoirleach: Will the Minister clarify that point briefly?

Deputy Simon Harris: That is a fair point. The offence in the Bill is "to sell". If one owns a shop and sells the alcohol without the label, one has committed an offence. The point I am making is that, in practice, the person producing the product will have to sell it to wholesalers. Who will buy the product?

Senator Gerald Nash: If it leaves the manufacturers facility without the label, it is no longer an offence.

Deputy Simon Harris: The offence is only committed when the product is on sale.

Senator Gerald Nash: Is that at the point of sale?

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Deputy Simon Harris: Exactly. The distribution cycle will not work if people are producing products that cannot be sold.

Senator Gerald Nash: I understand that in practice.

An Leas-Chathaoirleach: That is it.

Amendment agreed to.

Government amendment No. 8:

In page 14, to delete lines 25 to 27 and substitute the following:

“(3) It shall be an offence for a person to sell, to a person who is in the State,”.

Amendment agreed to.

Senator Frances Black: I move amendment No. 9:

In page 15, line 39, 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;”.

Senator Máire Devine: I second the amendment.

Amendment agreed to.

An Leas-Chathaoirleach: Amendment No. 10 arises out of Committee Stage proceedings. Amendments Nos. 10 and 11 are related and may be discussed together.

Senator Gerry Horkan: I move amendment No. 10:

In page 17, between lines 28 and 29, to insert the following:

“(e) a premises which is defined as a visitor centre which may or may not attach to a manufacturing licensed premises, such a visitor centre being defined as a tourism attraction the purpose of which is to generate tourism based on the manufacturing process of an alcohol product.”

Senator Robbie Gallagher: I second the amendment.

Senator Paul Daly: I second the amendment.

Senator Gerry Horkan: The Fianna Fail group tabled amendments Nos. 10, 18, 25 and 27, as well as amendments Nos. 16, 22 and 26, which are now Government amendments, as they have the same wording as Fianna Fáil amendments.

The Minister has come a long way from where he started and we have come a long way from where the Department started. We have moved from two bays to three bays and changed *12 o'clock* from one year to two years in terms of construction. We have gone from 1.8 m to 1.2 m in the physical barrier height.

Senator Paudie Coffey: Is this relevant to amendment No. 10?

An Leas-Chathaoirleach: Senator Coffey, I am in the Chair and I will rule on these matters.

Senator Paudie Coffey: As always.

Senator Gerry Horkan: I am trying to be helpful but I will stop being helpful if Senator Coffey wants. With the Minister, our party has some significant achievements in the context of this Bill, so I will not press the amendment.

Amendment, by leave, withdrawn.

Senator Gerald Nash: I move amendment No. 11:

In page 17, between lines 34 and 35, to insert the following:

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

This is a fairly straightforward amendment. We have accepted the principle that there should be labelling around alcohol misuse and its link to fatal cancers. This amendment merely seeks to include the principle in the content of advertisements as well.

Senator Victor Boyhan: I second the amendment.

Senator Colm Burke: I agree in principle with the amendment but I am a bit worried about putting too much into legislation as it makes it difficult to bring forward regulations. Would the Senator be happy if this was brought forward by way of regulation? This would give more discretion to the Minister. It is important to emphasise that there is a direct link between alcohol and cancer but I think regulation would be the way to deal with it, rather than legislation.

Senator Frances Black: I cannot support amendment No. 10 from Senators Swanick and Ardagh.

Senator Gerry Horkan: It has been withdrawn.

Senator Frances Black: I will say a few words about amendment No. 11 from me and the Labour Party Senators. I would like to thank Senator Nash in particular for his co-operation on this point. We spoke at length on the previous Stage about the clear link between alcohol and cancer and the need to reflect this in the legislation. We know that every year in Ireland, 900 new cancers and 500 cancer deaths are attributable to alcohol, but public awareness on this point is very low and this amendment can help to change that.

I was delighted that the Minister and Senators from all sides of the House accepted our four amendments on this point on the previous Stage.

Senator David Norris: I disagree with my distinguished colleague, Senator Colm Burke. It is very important to put this amendment through. The link between alcohol and cancer has not, until recently, been generally known. I certainly did not know that one in eight cases of breast cancer was caused by alcohol. It is extremely important to insist that information about the link between cancer and alcohol consumption be put on these labels.

Senator Máire Devine: I support the amendment and commend the Senators who brought the amendment forward from Committee Stage. I repeat what I said on that Stage that this

measure is vital. The death rate through cancer in the poorest parts of Dublin is twice the rate of affluent areas. The proportion of alcohol-related deaths from cancer in Ireland is higher than the European average. It is about education and having the information on the label in a very visible way. I commend our national broadcaster on its recent advertisements on the radio, which have featured women talking about breast cancer and its link to alcohol.

Senator Victor Boyhan: I will not repeat what everybody else has said but I endorse the amendment and thank Senator Nash for proposing it.

Senator James Reilly: I agree with what the Minister said earlier. I commend him on accepting the earlier amendment because the more one puts into legislation the more difficult and unwieldy it is to deal with regulations at a later stage. On the same basis that we accepted the amendment of Senator Frances Black, we have to accept this amendment. This is a critical point of information that I raised earlier on. Awareness that excessive use of alcohol can cause fatal cancers is minimal in this country and it needs be put into law, so I hope the Minister will accept the amendment.

Senator Catherine Noone: I wholeheartedly support this amendment and commend the Minister on accepting it. It shows how well the Seanad can work and that we are not overly political about things.

Senator Joe O'Reilly: I support the amendment as it is important to be unequivocal about this. Along with many other people, I was unaware for a long time of the links with a number of cancers. Senator Devine is correct that the recent radio advertising campaign on the link between breast cancer and alcohol was effective and should be commended. There should be more of such advertising. Labelling is critical but advertising and other media have a strong impact.

Deputy Simon Harris: I thank Senators for their contributions. I said on Committee Stage that there was no doubt that there was a link between alcohol and cancer. It is a scientific fact, even if some do not wish to acknowledge it in public debates. It is not the only condition linked to alcohol and we need to avoid creating a hierarchy of conditions. On Committee Stage, we accepted a reference to cancer in labelling so it is consistent to replicate that in advertising and I am happy to support amendment No. 11. I thank Senators Nash, Black and Devine and I also thank those from my own party and from Fianna Fáil for their work on this.

Senator Gerald Nash: I welcome the Minister's commitment.

Amendment agreed to.

An Leas-Chathaoirleach: Amendment No. 12 arises out of Committee proceedings. Amendments Nos. 12 to 14, inclusive, are related and may be discussed together.

Senator Michael McDowell: I move amendment No. 12:

In page 20, lines 3 and 4, to delete "or within 200 metres of the perimeter of the grounds,".

This group of amendments deals with a proposal that it be an offence to have any form of advertisement, which is not attached to a pub, within 200 m of the perimeter of a school grounds, a crèche - which in colloquial terms is a preschool or an early schooling place - or a playground. I worked out the figures relating to the city of Dublin and there are 444 mainstream primary schools in the city, 177 post-primary schools and 1,260 child care facilities. If Senators

were to open out a map and use a protractor to draw a 200 m exclusion zone around all of those premises they would see that many main roads would be off limits. The legislation requires one to look at the perimeter of a school so if there are extensive football grounds it would involve going off into the neighbouring roads for the 200 m limit within which advertising hoardings would be banned.

The second problem with this legislation is that, for example, if someone opened up a crèche in Hawkins Street or at one end of Temple Bar, the Heineken advertisement on O'Connell Bridge House would have to come down.

Senator David Norris: Good.

Senator Michael McDowell: That is what this legislation is all about. I live in Ranelagh and on Ranelagh Road, for instance, one has the presence of a multidenominational school, Sandford Park School, Muckross Park School, and the Church of Ireland national school beside Sandford church. The provision means, effectively, that large swathes of streets become off-limits to advertising hoardings.

Senator Catherine Noone: That is the point.

An Leas-Chathaoirleach: Order in the House.

Senator Michael McDowell: If that is the point, then let us be clear that one can have advertisements for McDonalds, Smarties and fattening sweets in these places. However, one would be operating on the basis that children going into a crèche would be influenced by a Coors beer advertisement, in some sense, and softened up psychologically to alcohol when they reach the ages of 15, 16, 17 or 18.

Senator David Norris: Absolutely.

Senator Catherine Noone: That is the point. Senator McDowell is being repetitive.

An Leas-Chathaoirleach: Order, please. Senator McDowell, please.

Senator Michael McDowell: In my view this is pathetic, stupid legislation.

I wish to raise another point and I ask the Minister to deal with it as well. What if a lorry delivering beer has the word "Heineken" displayed on it? Is that an offence?

Senator Catherine Noone: That is not true.

Senator Michael McDowell: Is this a way of saying that all delivery lorries for drink must now not pass within 200 m of a school or a crèche on their delivery rounds? We have got to be practical in what we try to do by legislation.

Senators have spoken here about the necessity to stop normalising alcohol. There is a diametric difference between me and those people because I believe that alcohol is normal. I believe that alcohol has been normal in Irish society for millennia.

Senator Catherine Noone: That is the problem.

An Leas-Chathaoirleach: Hold on.

Senator Michael McDowell: Some Senators here may think that is a problem. It certainly

is a problem for some but it is not a problem for the great majority of people in this country. Alcohol has been part of our social life.

Senator David Norris: Then we should not have the Bill at all.

An Leas-Chathaoirleach: Order, please.

Senator Michael McDowell: Alcohol is part of our social life. Alcohol is not the same as cigarettes. We have not decided as a country to wipe out alcohol or introduce a series of prohibitions to prohibit its place in our society. That is not part of the social programme here. Alcohol has existed for millennia and alcohol has been normal for millennia. There was a time when water was so unsafe to drink that one had to drink beer. That is where beer came from in the first place.

(Interruptions).

An Leas-Chathaoirleach: Order, please. Senator McDowell, without interruption.

Senator Michael McDowell: Let us be clear about what we are talking about.

An Leas-Chathaoirleach: I thank the Senator.

Senator Michael McDowell: If we are going to ban the advertisement of alcohol we are saying, effectively, that alcohol is to become a dying industry in Ireland.

Senator Catherine Noone: I support a lot of it.

Senator Michael McDowell: The production of alcohol is to become a sequestered industry, which dare not speak its name and that the advertisement on, for example, Guinness or Heineken lorries, is to be something that must be painted out because we cannot have them in public advertising near a school.

I am quite happy that schools should not have advertisements for alcohol on their premises. I agree with that proposition.

Senator Catherine Noone: I am delighted to hear that.

Senator Michael McDowell: I would even, if people were mad enough to suggest that it would happen, prohibit the presence of alcohol advertisements in crèches. I do not know who is going to do that but I am against it. If the proponents of this legislation think that is a good idea then I think that is a good idea.

Senator Kieran O'Donnell: We are getting to the truth of it now.

Senator Michael McDowell: I have never seen anybody who was tempted to display an advertisement for alcohol near a children's playground. I do not think that the advertising industry is that stupid.

An Leas-Chathaoirleach: I thank the Senator. We are discussing schools.

Senator Michael McDowell: What this series of amendments is saying is that one can prohibit all of those things. To start working out no-go zones around three different categories of places is foolish legislation. It necessarily brings up the situation if there is an advertising hoarding, which has always advertised Coors or Heineken on the side of a road in Ranelagh or

wherever else, that if somebody opens a crèche across the road then that advertising space can no longer be used for that particular purpose.

An Leas-Chathaoirleach: The Senator has amply made the point, to be honest.

Senator Máire Devine: The Senator has mentioned Ranelagh and Heineken.

Senator Rose Conway-Walsh: I think the Senator has a problem.

Senator Michael McDowell: Just because some people may not want to hear it, a Leas-Chathaoirligh.

An Leas-Chathaoirleach: We will hear it.

Senator Michael McDowell: These are important points.

An Leas-Chathaoirleach: I am not saying they are not.

Senator Michael McDowell: I know, yes. I am grateful for your observations, a Leas-Chathaoirligh.

An Leas-Chathaoirleach: I am trying to avoid repetition.

Senator Michael McDowell: What we are faced with here is whether this law is practicable. I expect the Minister to deal with this matter now or give an undertaking that he will deal with it before he brings this legislation to the Dáil. Is advertising on lorries and advertising floats permissible? I mean the things that we all do at election time. We pretend that we are driving around the country with these things.

Senator David Norris: Going up lamp posts.

Senator Michael McDowell: The media arrive and take a picture of a lorry that has an advertising thing on it, which can be brought to Lansdowne Road, Croke Park or wherever and parked in a prominent place. Is that caught by this legislation? If it is caught by this legislation, does it mean that because a crèche has opened beside Lansdowne Road or Croke Park that becomes illegal? Does it even matter if the crèche is open? These are the kinds of things that we have to actually think about before we bring in stupid laws.

Senator Catherine Noone: Not here-----

Senator Michael McDowell: There will be a big advertisement for McDonalds and all of the ill-effects that is supposed to have. I am sure that Senator Reilly, who is a doctor, can tell us all about the obesity aspects of Big Macs, chips and all of the rest of it.

Senator Catherine Noone: The Senator-----

An Leas-Chathaoirleach: Surely, many of the----

Senator Michael McDowell: Such advertisements will be displayed and they will not have to be taken down because there is a crèche nearby but something for Heineken, Coors or similar will be made illegal. I think this is a stupid law. I want the Minister to point out and say to me-----

An Leas-Chathaoirleach: We will-----

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Senator Michael McDowell: -----whether it will be lawful or unlawful to have a lorry carrying a big sign on the road advertising a drink. If that is the case, I ask him to confirm whether it will become unlawful to drive that lorry within 200 m of a crèche.

Deputy Simon Harris: One cannot-----

Senator Michael McDowell: Is that the law that the Minister is proposing? It seems to be what is in this section.

An Leas-Chathaoirleach: I thank the Senator.

Senator Victor Boyhan: I second the amendment.

I am reminded about the term “nanny state” which was much used in the earlier debates and in the context of crèches and child care facilities. I endorse what Senator McDowell has said and agree with him that the amendment does not make sense. We need to be realistic, responsible and acknowledge the role played by many commercial products, be they alcohol or any other products, in the commercial life of this country. We must be honest. On the one hand, we talk about being pro-enterprise. On the other hand, we talk about new initiatives for food, alcohol and beverages as a trade, which have been promoted by Bord Bia and many of our State agencies in a positive manner. Let us strike a balance.

(Interruptions).

Senator Victor Boyhan: Sorry, a Leas-Chathaoirligh, I have not spoken.

An Leas-Chathaoirleach: All right.

Senator Victor Boyhan: Can I tease out some of the points?

An Leas-Chathaoirleach: Of course.

Senator Victor Boyhan: Senator McDowell talked about vehicles that display advertisements moving around and parking outside places and made a valid point. I have heard a number of Senators talk about a sugar tax, obesity and the dietary connection with health. Interestingly, it seems to be okay to have big fast food agencies that will now take these advertisements. Where are the Senators who talked about a sugar tax, poor health, obesity and all of the other issues?

Senator Catherine Noone: I have said it.

Senator Victor Boyhan: I would like to hear their views on such advertising today. It is important that we get this legislation right. I do not need to be lectured to about alcohol. I know the damage done by alcohol consumption. Many of us will know how alcohol consumption impacts on our lives and that of our families and loved ones. I do not think there is anyone in this room who has not personally experienced a setback as a result of the demon drink. I do not have a problem with alcohol and I want good legislation. I think this particular legislation is not right and needs to be teased out further. We need practical interpretations of how the provision can be applied.

Senator Frances Black: I must speak in opposition to the amendments from Senators McDowell and Boyhan. It is not the direction we should be going with this legislation and we should be seeking to strengthen the Bill rather than water it down. As it stands, the Bill seeks

to limit alcohol advertising, particularly with regard to children, and I stated at length during the last Stage that this will not do enough. Outdoor advertising is indiscriminate in nature and anyone travelling past is exposed. This is exactly why we prohibited tobacco advertising outdoors and it would be reasonable and proportionate to do the same for alcohol, especially in the name of child protection. Dr. Geoffrey Shannon, the Special Rapporteur on Child Protection, has produced a report that emphasises the devastating impact of alcohol on children and we must examine how it is marketed to children. Ms Tanya Ward of the Children's Rights Alliance stated:

It really is an important children's rights issue. The marketing and advertising of alcohol in Ireland is widespread and is self-regulated by the drinks industry, which consistently disputes the link between marketing and increased consumption. We know that young people are especially susceptible to the influence of marketing.

When this point was raised on Committee Stage it was disappointing to see there was not enough support across the House to act on it. However, I did not expect to see attempts to move us in the other direction and to delete some of the minor advertising provisions in the Bill. These amendments would change the Bill and enable advertising near schools, crèches and kids' playgrounds. I must oppose this and I do not feel it is necessary. Why do companies need to advertise beside a school? Is it that big a deal for an alcohol company to advertise in the thousands of other places across the country where children do not play?

The provisions in the Bill are very mild and we should not water it down further. We know how everything is aimed at children through marketing. Ireland is a nation in denial over alcohol, which is our problem. Three people will die today from an alcohol-related problem, which indicates a crisis. Children are susceptible to this advertising all the time. When they walk into a local shop, they see a wall of alcohol and outside their school they see advertising all over the place. It is on television as well. It is everywhere they go. It goes to their subconscious, telling children that alcohol is a normal product or grocery item like a bottle of lemonade but it is not. It is a psychoactive drug that kills people and destroys lives. I work on a daily basis with families whose lives have been destroyed by alcohol. How can people say it is a normal product? That is an absolute disgrace.

Senator Catherine Noone: As spokesperson for children, I deal with this quite a bit and I have done much work on many issues with which libertarians and contrarians disagree. As I mentioned, I was recently given an award for being a "nanny-in-chief".

An Leas-Chathaoirleach: What does that have to do with schools? We are discussing advertising.

Senator Catherine Noone: I will get there. I have just stood up.

An Leas-Chathaoirleach: Of course but I am trying to hear people speaking about advertising close to schools.

Senator Catherine Noone: Try to forget that it is me who is speaking.

Senator David Norris: She wants to set the scene.

Senator Catherine Noone: I was about to make my point.

An Leas-Chathaoirleach: I am trying to avoid waffle all over the place, if that is possible.

Senator David Norris: The Leas-Chathaoirleach has a difficult job.

An Leas-Chathaoirleach: Senator Noone has the floor. There should be no interruptions.

Senator Catherine Noone: That is an example of more disrespectful language that I do not have to put up with around here. As Senator McDowell's nanny, I reject him.

Senator Michael McDowell: Senator Boyhan used that phrase. It was not me.

An Leas-Chathaoirleach: I do not want people speaking across the floor.

Senator Catherine Noone: Fair enough but as the Senator's nanny, I reject him. The Senator has made the case for the legislation. There are a number of schools in the constituency in which we both live, and that is exactly the point.

An Leas-Chathaoirleach: Do not encourage him.

Senator Catherine Noone: The number of schools in Dublin Bay South proves the point that we need to not have advertising in the area as there are so many children affected by advertising. Senator Black and I agree on everything in this respect. This seeps into children's psyche when they are young and although the Senator does not accept it, the statistics prove it. It is the reality. The advertising is aimed at children in very clever and innovative ways on the Internet and in other media. It is very effective and there is no point in arguing otherwise.

We have a duty of care to children to help them and hope they do not end up with an alcohol problem. Most will not have an alcohol problem and I hope fewer people will have such problems. With the greatest of respect, people are missing the point. If there is a McDonald's argument, bring it on, and I hope the next time we are here having this type of an argument, it is about stopping advertising for fast foods near schools.

Senator Frances Black: Hear, hear.

Senator Catherine Noone: We should not allow chippers near schools, and I have made that point over the past four years.

An Leas-Chathaoirleach: We are discussing alcohol legislation.

Senator Catherine Noone: The point about lorries is fair and I am sure the Minister will address it. I have great regard for Senator Boyhan and he does not need a lecture about alcohol; none of us does. Nobody needs to be a medic or rocket scientist to know we have a serious problem in this country with alcohol. This is good legislation and that is the end of the story. As I have said, the evidence indicates it will have an impact.

Senator Black already mentioned Dr. Shannon's work. Clever marketing will affect children and of course the drinks industry will dispute it. Why would it do otherwise? I cannot be more supportive of this legislation. I say "rock on" to the Minister and he should pursue it. Ireland has had a very difficult and internationally unusual relationship with alcohol, which we must address. We are doing this in reverse but we have no choice; it is where we are.

Senator James Reilly: I rise to share the honour of being nominated for a lifetime award for nannies.

Senator Victor Boyhan: Did the Senator collect his?

Senator Michael McDowell: He is the only bearded nanny I know.

Senator James Reilly: The Senator should watch “Mrs. Doubtfire”.

An Leas-Chathaoirleach: We are dealing with amendments Nos 12 to 14, inclusive. They relate to advertising.

Senator James Reilly: I will be more serious. I have been a Minister responsible for health and children matters and I know all the words uttered by my colleague, Senator Noone, are very true. Senator McDowell mentioned a number of crèches and there may be more, please God. He also mentioned the number of schools, and there may be more, please God. We need them and there is a growing young population. It is the youngest population in Europe so we should have more schools and crèches. Advertising is a huge industry and companies do not spend money on it because it does not work; they spend money on it because it works.

Senator Catherine Noone: Hear, hear.

Senator James Reilly: During the plain packaging for cigarettes campaign, the Irish Cancer Society described how children playing with packets of cigarettes said they were nice and lovely to hold. When they were shown the plain packs, they recoiled in horror. Advertising has an impact on children and it is correct to say they are softened up to the idea that alcohol is just another product. My colleague, Senator Black, has given a very eloquent and passionate description of the damage it can do. With respect to the argument about McDonald’s and Burger King, there may well be a time when we have a “no-fry” zone around schools. The Minister has campaigned for that.

Senator Catherine Noone: Bring it on.

An Leas-Chathaoirleach: That does not concern alcohol advertising.

Senator James Reilly: It is part of the argument. I hope the Leas-Chathaoirleach will allow the fulsome debate this topic requires.

An Leas-Chathaoirleach: I am trying to avoid Second Stage speeches.

Senator David Norris: The Senator does not wish for a fulsome debate. He means a full debate.

Senator James Reilly: It is important.

An Leas-Chathaoirleach: We are dealing with amendments.

Senator James Reilly: I challenged Burger King years ago as to why it would not tell us how many calories were in its burgers. More information would protect people.

Tackling fixed outdoor alcohol advertisements outside schools is the minimum we could expect out of this Bill. I commend the Minister and reject this amendment. It flies in the face of what we are trying to achieve. Like so many times before, we will have to fight for every inch of ground to protect our children. The industries concerned seem to want to yield nothing, only to wrap us up in cotton wool with organisations like Drinkaware, which clearly cannot be independent when it is funded by the industry, any more than Forest Éireann is independent of the tobacco industry.

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I support the Minister and hope that he will reject this amendment out of hand, which I know he will.

Senator David Norris: As I understand it, Senator McDowell's argument is that alcohol is normal and only a small proportion of people are adversely affected by it. If one accepted that argument, it would undermine the entire principle of the Bill. I am against this amendment in principle, but I do not believe that the presence of a Heineken hoarding within 200 m of a crèche will send a clatter of babies off on the booze. That seems rather-----

An Leas-Chathaoirleach: We are dealing with schools rather than crèches.

(Interruptions).

Senator David Norris: Crèches were mentioned. Listen to the chorus. Yes, crèches are involved.

An Leas-Chathaoirleach: Playgrounds.

Senator David Norris: That is not practical.

Regarding the McDonald's argument, I have heard Senators Noone and Reilly speaking passionately numerous times about these kinds of fatty foods. There is no inconsistency in their position but, respectfully, I ask that Senator Noone withdraw her appalling statement that she rejects Senator McDowell as a nanny. Think of the catastrophic psychological damage that could be done to Senator McDowell by this appalling maternal rejection.

(Interruptions).

An Leas-Chathaoirleach: Senator Norris is straying, as ever.

Senator Catherine Noone: I am sorry. I hope that Senator McDowell takes it in the way I meant it.

Senator Michael McDowell: I take it as-----

(Interruptions).

An Leas-Chathaoirleach: Order for Senator Mulherin, please. Everyone will get an opportunity.

Senator Michelle Mulherin: Senator McDowell's call for practicality is a reasonable one, but has this debate been reasonable and is common sense prevailing? The last time the matter was debated in the House, numerous Senators enunciated that alcohol was poison, only to then tell us how much they were guilty of consuming. Is saying alcohol is poison practical and logical if they are going to continue drinking it?

An Leas-Chathaoirleach: The Minister can respond to that.

Senator Michelle Mulherin: Yes, but I am referring to the debate and responding to the call that Senator McDowell-----

An Leas-Chathaoirleach: We will allow the Minister to-----

Senator Michelle Mulherin: In fairness, there is a large majority against what Senator

McDowell is saying, so we are allowed to elucidate on what he has suggested, if the Leas-Chathaoirleach does not mind. I will not be too long.

An Leas-Chathaoirleach: I do not mind, but I am trying to get everyone to be as brief as possible. There is much to go through yet.

Senator Michelle Mulherin: Some of the arguments to date have been to point to the great job done in respect of cigarettes. Public policy should be that no one should smoke because there is nothing good about cigarettes, but we seem to be likening alcohol to them. Sometimes, this debate has bordered on asserting that no one should drink. That is puritanical as well as oppressive of anyone who expresses any sort of dissension. Immediately, people's bona fides on public health are challenged, which is wrong. My colleagues across the way are right to table this amendment as they have done.

Instead of demonising alcohol, perhaps we could begin to ask why people abuse it or need it as a crutch. If we take a crutch away from someone who needs alcohol, with what do we replace it? Why are people in society despairing so much that they reach the point of abusing alcohol? Anyone who has had a bit too much knows it does not feel great the next day, but people who continue to do that to their bodies, emotions and everything else-----

Senator Frances Black: On a point of order, a Leas-Chathaoirleach,-----

Senator Michelle Mulherin: I am sorry, but Senator Black has been speaking all of the time.

An Leas-Chathaoirleach: We are on amendment No. 12.

Senator Frances Black: We are speaking about the amendment.

An Leas-Chathaoirleach: Senator Black is right. It is a point of order.

Senator Frances Black: I thank the Leas-Chathaoirleach.

Senator Michelle Mulherin: Why would somebody-----

An Leas-Chathaoirleach: I am sorry, but a point of order has been raised.

Senator Frances Black: Senator Mulherin is not speaking about the amendment.

An Leas-Chathaoirleach: I know. I am trying to get people to stick to the amendment, but they are tending to make Second Stage speeches. We are on amendment No. 12.

Senator Michelle Mulherin: Why would someone continue to do that to himself or herself? We are all able to learn a lesson and move on, or so we hope, after having drunk to excess. Some people choose never to drink. That is their prerogative. Others have experienced difficulties with drink and cannot drink anymore. There are all sorts of people, but this is a more fundamental issue for society than can be addressed by suggesting that there would be no problem if no one drank. There are problems in society and we are only glancing at them.

An Leas-Chathaoirleach: Senator, you are-----

Senator Michelle Mulherin: Based on the figures cited in this debate and the suggestion that there may be more crèches, does the Minister accept that this would be tantamount to a ban

on alcohol advertising in the capital and perhaps elsewhere?

I wish to ask about another matter. I await a response on the question of a Heineken truck transporting alcohol, but all pubs have external branding, be it Guinness or Heineken.

Senator David Norris: They are exempt.

An Leas-Chathaoirleach: Order, please.

Senator David Norris: Does Senator Mulherin take a drink herself?

An Leas-Chathaoirleach: I am calling on Senator Craughwell, who I know will not make a Second Stage speech.

Senator David Norris: You hope.

(Interruptions).

An Leas-Chathaoirleach: We are on amendments Nos. 12 to 14, inclusive.

Senator Gerard P. Craughwell: The Leas-Chathaoirleach may set the clock now. I find myself conflicted on this amendment. On the one hand, I support my two colleagues but, on the other, Senator Black made the point about the destruction that alcohol causes to the individual. Having seen it a number of times up close, it also causes destruction to families and friends. What the alcoholic does to people is horrendous. I have seen former colleagues die from alcohol. I am supportive of anything that can limit such situations.

However, in considering the amendment, I am mindful of Galway Harbour during the Volvo Ocean Race. Yachts sailed in from all over the world sporting various branding. If Dún Laoghaire Harbour, Waterford Harbour, Cork Harbour and so forth are to land international events where the likes of Heineken, Bushmills, Paddy Power and so on are sponsors-----

Senator David Norris: I thought that Paddy Power was a bookmaker.

Senator Gerard P. Craughwell: I am sorry. I meant Paddy and Powers, the two whiskeys. Sponsoring organisations have a right to have their advertising shown because they have paid large amounts of money to sponsor these yachts. We must have an element of practicality where there is an option to deal with the issue. The yacht entering Waterford Harbour, Galway Harbour or Dún Laoghaire is no different from the Heineken truck driving around town delivering. We cannot tell its crew not to sail into the harbour because it is branded. There is a conflict.

Thankfully, I do not have to make this decision. The Minister does, and how the situation will be regulated falls to him. While I am supportive of my colleagues, I am also supportive of the position of Senator Black and anyone who is against the mass sale of alcohol.

I will make a final point. I was in a supermarket the other evening where a woman was walking around with two young children. A third child came running around the corner and said, "I have found them, Mammy. The wine and whiskey are over here." There is a need to block off things.

Senator Catherine Noone: Definitely.

Senator Gerard P. Craughwell: At the end of the day, we cannot be impractical about

how we handle this. We must consider exceptional cases. Senator McDowell is not wrong to table this amendment.

Senator Paddy Burke: I am conflicted on these amendments. Although I side with Senator McDowell, I support the Bill fully and will not support his amendments if he presses them. I come from a rural county. Mayo's county development plan bans billboards throughout the county, including along motorways. We do not have advertising billboards in the county. The vast majority of national schools are in rural areas. Has the Department done assessments on national schools in Mayo, a county which does not have billboard advertising? People in Mayo are no different from people in Dublin. The county has as significant an alcohol problem as Dublin because we suffer from isolation and various other disadvantages. However, billboard advertising is definitely not a problem in the county. For this reason, I accept the argument being made by Senator McDowell.

The Government is spending the guts of €55 million per annum on its anti-smoking campaign. The Minister indicated he would revert to me with the exact figures and I hope he does so. I have twice proposed using young sports stars to publicise Government campaigns on smoking and drinking. Many young sports stars, whether at international level or county footballers and hurlers, are admired and looked up to in their communities. Many of them do not drink or smoke, yet the Health Service Executive has not used any of them in its anti-smoking or anti-drinking campaigns. Using these young people in these types of campaigns would be a step forward.

To respond to a comment the Minister made on billboards and digital advertising, given that many billboards feature digital advertising, will it be possible to ban a fixed advertisement while allowing a digital advertisement to proceed?

Deputy Simon Harris: To respond first to the Senator's final question, it would not be possible to ban one and not the other. In any case, the reference I made to "digital" advertising related to Internet advertising. Whether a billboard features digital or non-digital advertisements does not make a difference.

I thank Senators for their contributions on this discussion. People are entitled to their views and I do not question anyone's bona fides on public health policy. However, I wholeheartedly disagree with the amendments. I am unapologetic in stating that the whole purpose of the Bill is to dramatically reduce the amount of outdoor advertising for alcohol, particularly where it is targeted at areas where children will gather. We do not hide from this objective. We are trying to dramatically reduce the amount of outdoor advertising of alcohol products targeted at children. I put my hands up and state that is the purpose of the legislation. Senator McDowell has made clear his view that he fundamentally disagrees with the Bill. I respect his view but completely disagree with it.

The concept of reducing and restricting advertising in areas where children may congregate is not new. It is one to which the industry had signed up previously. The current voluntary code of practice, which already applies to alcohol advertising, is known as the alcohol, marketing, communications and sponsorship code of practice. It already includes a provision that advertising for alcoholic drinks will not be placed within 100 m of primary or secondary schools and the measure also applies to designated youth clubs, scouting and girl guide premises. In the industry's internal discussions on the restriction of alcohol it has already accepted that we should restrict the availability of advertising in areas where children generally congregate or go

about their business.

The Joint Committee on Health, in its pre-legislative scrutiny of the Bill, noted the existence of the voluntary code and the all-party committee decided that it was desirable to consider the means by which outdoor marketing of alcohol could be banned or restricted close to schools. This legislation is, therefore, parliamentary democracy in action as it implements a recommendation of the joint committee.

The joint committee recommended that the Minister consider introducing regulations to enforce a ban on outdoor advertising, including bus shelters, hoardings and banners of alcohol, within 250 m of schools. The Bill proposes a ban on such advertising within 200 m of schools, crèches and playgrounds.

The research paper, *A Rapid Evidence Review of the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An English Perspective*, was published in the medical journal, *The Lancet*, in April last. It stated that the strongest evidence for the impact of advertising on alcohol consumption comes from reviews of longitudinal and cohort studies observing children. These studies report 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 drink.

In 2009, the science committee of the European Alcohol and Health Forum concluded that alcohol marketing, including advertising, increases the likelihood that adolescents will start to drink earlier or drink more if they already drink.

There is a significant body of evidence that the earlier a person is exposed to alcohol advertising, the more likely it is that he or she will drink earlier and more. Sometimes I hear spokespersons for the alcohol industry speak about advertising as if it did not matter. In that case, why do they pay for advertising? They do so because it is effective and continues to generate profits. That is fine but alcohol advertising clearly matters. A survey carried out in Wales in 2011 interviewed primary school children to ascertain if they could readily identify alcohol company brands and logos as well as alcohol advertisement characters. In some cases, more children were able to identify alcohol branding such as Carlsberg than were able to recognise a Ben & Jerry's ice cream brand or a Mr. Kipling brand. The evidence is available and I will be glad to share the relevant figures.

Advertising, including advertisements targeting children, matters and we need to ensure there is less of it. I acknowledge that some Senators would like to go further than the Bill goes, while others do not want me to go this far. This is a common sense measure that will reduce the visibility of outdoor advertising promoting alcohol products in areas where children go about their business.

On the issues of obesity raised by speakers, I am proud that my home town of Greystones, County Wicklow, has put in place a no-fry zone. Wicklow County Council does not want fast food restaurants near schools and has included this policy in its development plan. I hope it will become a nationwide policy. I would love to return to the House to discuss legislation on obesity and protecting children but we are discussing a Bill on alcohol today.

Senator Paddy Burke made a very good suggestion of using role models in anti-smoking and anti-drinking campaigns aimed at young people. I raised this issue with the Health Service Executive following the debate on Committee Stage. It is a sensible suggestion and one which

I will follow up.

On the issue of a workman not being able to travel to work if he has an advertisement on the side of his van or lorry, I sought legal advice on this matter from the Office of the Parliamentary Counsel. The advice available to me is that a van or lorry delivering in the ordinary course of its business is not advertising under section 14. I will be pleased to share further guidance on these matters.

Amendment put and declared lost.

Senator Michael McDowell: I move amendment No. 13:

In page 20, lines 5 and 6, to delete “or within 200 metres of the perimeter of a place where an early years service is carried on”.

Senator Victor Boyhan: I second the amendment.

Amendment put and declared lost.

Senator Michael McDowell: I move amendment No. 14:

In page 20, lines 7 and 8, to delete “or within 200 metres of the perimeter of such playground”.

Senator Victor Boyhan: I second the amendment.

Amendment put and declared lost.

Senator Frances Black: I move amendment No. 15:

In page 23, between lines 13 and 14, to insert the following:

“Advertising on the Internet

21. (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 develop-

ment.

(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.”.

Senator David Norris: I second the amendment.

Senator Frances Black: I would like to work with the Minister on the amendment.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendments Nos. 16 to 27, inclusive, are related. Amendment No. 18 is a physical alternative to amendment No. 17 and amendment No. 22 is a physical alternative to amendment No. 21. The amendments may be discussed together.

Government amendment No. 16:

In page 23, line 20, to delete “one year” and substitute “2 years”.

Deputy Simon Harris: Speaking on this landmark public health legislation on Committee Stage in the Seanad, I made very clear that I had a test in respect of visibility. As a result of the Bill, I wanted to make alcohol less visible in shops and ensure shops looked different when it comes to alcohol. I am very pleased that, having asked my Department to engage with retail organisations, I have a section which I propose to insert in the Bill by means of an amendment which will make alcohol less visible in shops and change how shops look and feel regarding alcohol products. At the same time, the section will address a number of the concerns raised by Senators, including members of my party and the Fianna Fáil Party, regarding the practical operation of such changes. I was very determined not to lose the integrity of what this Bill was about. It was about a number of things, including minimum unit pricing, advertising restrictions, sponsorship restrictions and visibility. For a period of time, it seemed that visibility was the only thing in the Bill. Visibility matters. Alcohol will be less visible in our shops as a result of these amendments. I think the new arrangements are more practical and more operationally useful than what was originally envisaged. I thank the retail sector for engaging with my Department. I thank Senators for their engagement as well.

I am proposing a number of changes to section 22. The meaning of the phrase “Structural Separation”, which is the title of the section, was discussed during the earlier part of Committee Stage. At that time, an undertaking was given to examine the title of the section with a view to changing it to better describe the content of this section of the Bill. It is proposed to change the title of the section to “Separation and Visibility of Alcohol Products and Advertisements for Alcohol Products in Specified Licensed Premises”. I believe this more accurately and more fully describes the contents of this section.

Amendments Nos. 16 and 26 amend section 22 to extend the lead-in time under this provision from one year to two years. It is intended that this additional year will minimise the disruption to retailers that will be subject to the new requirements. Retailers are going to have to do things differently. They will have to make changes. This proposal will give them enough time to make those changes.

Amendment No. 17 proposes to amend section 22(1)(a), which sets out a requirement for alcohol products and advertisements for such products to be confined to a single area separated by a physical barrier. The use of the phrase “readily visible” in this section has led to some uncertainty. On that basis, I am removing the phrase and providing for a specific height for the required barrier of a minimum of 1.2 m. In proposing this minimum height, I recognise the concern that a higher barrier might expose a retailer to non-compliance with certain requirements, such as those related to planning or fire safety legislation. Under this amendment, the presence of a physical barrier will ensure there is a marked separation of alcohol products from other ordinary products in a mixed-retail outlet and the minimum height is such to ensure reduced visibility of alcohol products for young children. There will be reduced visibility of alcohol, which will be in a separate part of the shop.

Amendments Nos. 20 and 21 reflect my intention to ensure, as far as possible, our children can go to shops and supermarkets without being regularly exposed to alcohol products and advertisements for such products. Amendment No. 20 ensures alcohol products and advertising will be confined within storage units that are fully closed by describing those units as “enclosed”. Amendment No. 21 addresses the visibility element of this option. Section 22(1)(b), as currently worded, requires alcohol products and advertising for such products to be confined to storage units in which the products and advertisements would not be visible. I propose to amend this subsection to provide that products stored in such units will not be visible up to a minimum height of 1.5 m. I am doing this to address the concerns that wholly opaque doors on large units might give rise to difficulty for retailers in terms of public liability and concerns that the ability of staff to supervise the area would be impeded. This proposal will also address the concern expressed in this House that wholly opaque storage units could have a negative impact on the shopping experiences of customers in smaller shops.

The proposal we are making in this regard is a workable alternative which will minimise disruption to retailers while continuing to achieve our important public health policy intention, which is to provide for the separation and reduced visibility of alcohol products and advertisements. Alcohol products and advertisements will be visible over a height of 1.5 m under this option. This is clearly a higher level than that which will apply in the physically separated area of a shop. We are providing for this difference in recognition of the fact that the enclosed units will be on the shop floor and not in a separate area. I am increasing the height of the visibility restriction to further protect our children.

Amendments Nos. 19 and 23 are technical amendments that are needed to facilitate the introduction of an additional option for retailers. Amendment No. 24 introduces that option. Senators will recall that on Committee Stage, I mentioned a proposed third option to facilitate smaller shops. I propose to introduce that third option today to recognise the particular needs of retailers that sell lesser amounts of alcohol and to minimise the disruption to them, while still retaining the public health policy objective.

Amendment No. 24 provides that a mixed-trade retail outlet can visibly display alcohol products in up to three units, each with a maximum width of 1 m and a maximum height of 2.2 m. As I understand it, these dimensions represent the industry standard. On that basis, this is likely to be a lower-cost option. It is important for Departments like the Department of Health to be aware of industry standards. Those involved in the retail industry know more about the shelves that are used than I do. It makes sense to listen to what they have to say about measurements. While there are no visibility restrictions for retailers that choose to opt for these units, the amendment limits the number of such units to three. On that basis, the amount of alcohol

that can be visibly displayed is restricted.

These proposed amendments provide three main options for retailers. Shops wishing to display large amounts of alcohol, especially in the form of boxes or slabs, might wish to set out a separate area. This form of display will not be allowed outside such areas. In a shop where setting out a separate area is not practical, the retailer can opt for the use of enclosed storage units with certain visibility restrictions. Retailers that wish to visibly display lesser amounts of alcohol may wish to take up the new option I am proposing today. In addition to the three options I have mentioned, retailers will also be able to sell alcohol products from the till area in closed containers of any size. The proposed amendments are designed to minimise the disruption the new requirements will introduce for retailers. I am satisfied that I have minimised disruption while still delivering on the public health policy objective of these provisions. I will provide clarity for retailers with regard to the points of entry to and exit from the structurally separated areas.

Section 22 introduces a statutory framework for the separation and visibility of alcohol products and advertising in mixed retail outlets. It demonstrates that as legislators and as a State, we are serious about attempting to reduce the consumption of alcohol by separating it from other everyday grocery items in mixed outlets. Buying alcohol is not the same as buying a litre of milk or a loaf of bread. We should treat it differently and that is what we are doing. This legislation demonstrates that we want to take action to address the relationship between alcohol and our children by reducing the likelihood that our younger children will be exposed to alcohol products and advertising in their daily lives. Environmental health officers will help retailers to meet their compliance obligations on the introduction of these provisions, but they will also enforce them. The Bill provides for criminal penalties for failure to comply with these requirements. That framework is the clearest demonstration that we are absolutely determined to recognise and reduce the harm that the misuse of alcohol can bring.

I would like to refer briefly to the amendments in this group that have been proposed by Opposition Senators. Amendments Nos. 18 and 22 propose to remove any visibility restrictions on alcohol products and advertising. I do not intend to accept those amendments because the amendments I am introducing today involve alternative approaches which will maintain the policy objective.

Amendment No. 25 proposes that off-licences that sell a specified and limited range of products in addition to alcohol will be the only off-licences exempted from the requirements of section 22. This Bill provides that an off-licence is exempted from these provisions if it is selling wholly or mainly alcohol products. If that product balance changes, the provisions of section 22 will apply. While I am sympathetic to the intention of this amendment, I would need to consult my colleague, the Minister for Justice and Equality, before addressing the definition of a stand-alone off-licence because licensing legislation is within his remit. On that basis, I am not in a position to accept amendment No. 25 today.

Amendment No. 27 relates to the sale of alcohol products in airports. The effect of the inclusion in the Bill of the word “immediately”, as proposed in this amendment, would be to permit non-alcohol products to be in display units that are beside alcohol products. As the overall objective of section 22 of the Bill is to provide for the separation of alcohol products from other everyday grocery items, I am not in a position to accept this amendment.

I thank Senators for the constructive way they have engaged with me and the Department of

Health on this matter. I think we have managed to find a point at which we can deliver on the policy objectives of making alcohol less visible, protecting our children and making our shops look and feel different in relation to alcohol without placing an unnecessary burden on retailers, particularly small retailers.

Senator Jerry Buttimer: Hear, hear.

An Cathaoirleach: I have a list of 12 Senators, most of whom are from the Government side. I will start with Senator Horkan. I ask all speakers to avoid repetition.

Senator Gerry Horkan: Amendment No. 16 is a Government amendment, but it is also in the names of two members of the Fianna Fáil Party, Senators Keith Swanick and Catherine Ardagh. I am proposing it on their behalf. I am more than happy with much of what the Minister has outlined. Although we have disposed of just 15 of the 29 amendments at this stage, thankfully 12 of the remaining 14 amendments are being discussed simultaneously. I hope we will make some progress through the amendments because we have much more business to do today. We have come a long way from where we were a few months ago. It is good that we have less visibility without having no visibility. We were talking about planning. The Minister alluded to planning and fire controls. Equally, there were issues about crime. Concerns were expressed about what might happen if nobody was visible behind big 1.8 m steel doors. It is important that such unintended consequences are being addressed.

I o'clock

It is excellent that we have reached an arrangement with the Minister following liaison with the retail bodies. There is unanimity among all the retail bodies, including the petrol station people, Responsible Retailers of Alcohol in Ireland and the newsagents, that they are happy to support this amendment. It is important to appreciate that this will be a costly exercise for retailers. I know they make money from selling alcohol. That is what businesses do. They try to make money and keep going. They also provide employment. It is important for us to acknowledge the costs and other impacts of structural separation as a measure. There are many premises that are not easily separated and others that are very easily separated. I have been shown plenty of examples in my own area. The layout of older buildings, in particular, makes it very difficult for them to be reconfigured.

It will be very difficult for those premises due to the layout of the buildings. They will have to comply but it will be an onerous cost and burden on them. It is good that we have gone from the two bays to three bays and from one year to two years. It makes it more practical to implement, as does the barrier going from 1.8 m to 1.2 m. We are discussing all these matters together, so I will deal with the remaining Fianna Fáil amendments.

Amendment No. 16 is a Fianna Fáil and Government amendment, as are amendments Nos. 22 and 26, so the Government has effectively taken on board and used the wording of our amendments. I know the Minister is sympathetic to amendment No. 25 and I take that on board, so I will withdraw it when we get to it, with amendments Nos. 18 and 27.

It is a good day for the future. It is probably only the start of the journey. There are probably many things that this Bill will not affect but this is a start. It is about sending out a message that we are concerned about alcohol, particularly with regard to targeting younger people and having it be so readily visible. We will have to wait and see if it will change society. It will be a number of years before we have any empirical evidence as to whether it has or has not. Let

us hope that what happens will have some positive benefit for those people who are affected. I take Senator McDowell's point on board that not everybody has a harmful relationship with alcohol but equally, as Senator Black has alluded to, many people do.

I do not intend to speak much more on these points. We support the measures in the Bill. We made realistic, pragmatic changes. I am glad the Minister and his team took them on board. I thank him for his efforts in that regard. It is a long road. I was getting emails from many anti-alcohol lobbyists, far more than from pro-alcohol lobbyists, about this Bill having taken 500 days since it arrived in the Seanad. Thankfully, by the end of 2017, and hopefully in the next half an hour or less if we are lucky, we might get through it.

Senator Victor Boyhan: I thank the Minister. He read out a very comprehensive statement and has clearly been listening. He indicated when he first came into the Seanad to discuss this Bill that he would take a pragmatic view, be reasonable and fair but he said he was pushing ahead and has clearly demonstrated his conviction to see this legislation through. I know this legislation was initiated by the Taoiseach when he was Minister for Health. It is important that the Minister has made himself clear and was resolute from day one, which I acknowledge. He was also reasonable and fair, and he listened to all sides of the debate, both political and non-political. It is important that he indicated he would not compromise public health policy, which is his remit, and that is also a fair point. I thank the Minister for listening, for his reasonable, fair and pragmatic approach and also for his respectful approach to the democratic process, particularly here in Seanad Éireann. Whatever differences in views we have, that is by the way when we leave this Chamber. We put our best foot, ideas and beliefs forward.

I acknowledge the trade. I do not have difficulty in talking to people in any trade. I do not have a problem talking to any lobbyist because it is a legitimate, professional, regulated profession and I acknowledge their input and acceptance. People will be disappointed on all sides of this debate but it has been reasonable, pragmatic and fair. I acknowledge the trade, particularly Padraic White, who responsibly represented a whole block of people. I met traders in my community and it was a co-ordinated, professional, responsible approach to what they were trying to achieve. We must always have a balance between protecting livelihoods, our economy, business, industry, small villages and towns across the country and at the same time never compromising public health policy. My colleague, Senator McDowell, and I do not propose any further division or debate. We believe this is a good outcome and we are supportive of it.

Senator Colm Burke: I thank the Minister for taking on board the views of Members and of the industry. Changing the time for the work to be done from one year to two years and the number of enclosed bays from two to three is very welcome. I thank Members of the various political groupings, including the Fianna Fáil group, for their contribution and being so constructive in dealing with this matter. It is a good day for democracy in that people have been listened to and the views of people and Members of this House have been taken on board in dealing with this legislation. I thank the Minister for listening and adopting the amendments brought forward by other groups and parties in this House.

Senator Máire Devine: Many of these amendments darkened my heart when I saw them. It seems to be quite a dilution of the intention of the Bill, which is public health. I have spoken to small businesses and taken on their concerns about what seems like a tight framework of one year, but in pushing it to two years I remind this House that in that time over 1,000 people will have lost their lives and it will have been directly caused by alcohol.

Amendment No. 21 concerns separation and visibility, which is to prevent impulse-buying among adults but primarily to protect children from those images, whether advertising or stock on a shelf in a small shop or supermarket. I reckon 1.5 m is a seven year old-----

Deputy Simon Harris: It is higher than that.

Senator Paudie Coffey: It is 5 ft.

Senator Máire Devine: I reckon it is the height of a seven to ten year old. It depends on how our children are growing. They are definitely a bit stronger. After that, it will be visible to a 12 year old. In the protection of children, we are talking about really small children and it is important to get to them at as young an age as possible, even going back to the crèche idea and advertisements in crèches. We need to continue to provide that message. This seems to be quite watered down and I am concerned that it is diluting the intention of the Bill which is public health, separation and visibility issues.

Senator Frances Black: I know the Minister has been under pressure due to these amendments and that it has been a tough decision for him to make. However, I am incredibly disheartened and was sickened when I heard about these amendments and how the industry had succeeded in picking apart this section of the Bill. I believe the industry and its power are the cause. The Bill has been the subject of intense lobbying, the likes of which I have never seen before and, looking at the amendments tabled today, I am sad to say that the industry has succeeded. These amendments will undermine this vital measure and reduce the effectiveness of the Bill as a whole. I strongly oppose them.

The key behind this section is visibility. It is about product placement in stores and the clear impact that has on our purchasing patterns. This is based on the most fundamental, basic marketing principles outlined in detail by Nielsen research and others, which show the huge effectiveness of in-store promotion and product placement in driving sales. We know that 37% of wine sales are impulse purchases at the point of sale, for example. The obvious fact is that product placement matters, and alcohol placement in grocery shops is a key tool for companies to push up sales. Alcohol companies are fighting this because it is so blindingly obvious that it works. That is what we are trying to deal with but the amendments tabled will undermine it.

If these changes are accepted, alcohol products will now be separated by a small 1.5 m barrier, like a velvet curtain rope one would see in cinemas. Fridge doors may have some frosted glass but this will be up to 1.5 m, unsurprisingly at an adult's eye level. Most disappointingly, the exemption offered to protect small shopkeepers at the last stage has been expanded hugely, meaning alcohol can be displayed and sold exactly as it is now on shelves 2 m high and 3 m wide. It means that the wall of alcohol in a grocery shop will still be there. It means that a clear distinction between alcohol, a psychoactive drug, and regular grocery products like bread and milk, will not be made as clearly. It is undermining a really important section of this Bill and I am sad to see it happen.

This is especially disappointing because in reality this was never about small shops. This has been about big business and large retailers from the beginning, who do not want to see sales falling. Unelected lobbyists have won on this point, and the wealth of the few is more important than the health of the many. Never mind the fact that three people die each day in this country from alcohol-related illnesses, and 1,500 hospital beds are taken up every night.

My parents were small shopkeepers and I know about the pressures they face. I have been

receiving these emails and speaking with shopkeepers, and I have listened to colleagues across the House outline their concerns. I see where they are coming from and I watched the Minister come into this Chamber last month and put forward a clear exemption that would protect them, but it was not enough. The intense lobbying and blatant misinformation continued, and it has seen the section watered down immensely. This is especially disappointing as I do not think the Minister wants to do that. I have seen him and Deputy Marcella Corcoran Kennedy put a huge amount of effort into this Bill, trying to push it forward and dispel the ridiculous, misleading rubbish that has been spread. He strongly made the case that visibility and product separation matter, and I recognise and appreciate that work, but the sad reality is that opposition within his own party and across the House has brought us to this point.

The concession offered in November was big, and I think it would have met the concerns of many Senators who spoke passionately on this point last month, but it was not enough. Retail and industry representatives were invited into the Department of Health a few weeks back, they asked for big concessions, and they got them. It is sad to see.

I was at the annual Christmas gathering of the RISE Foundation last night, attended by 200 family members whose lives have been impacted by a loved one's misuse of alcohol. These families will not thank the lobbyists and the politicians who have opposed this Bill. I hope those lobbyists and politicians in this House never have a family member with an alcohol problem or feel the heartache that such families go through. If they do, they can come to the RISE Foundation. What is most worrying is the precedent this has been set. There are four main measures in this Bill, four small measures, and lobbyists looking to protect profits have succeeded in fundamentally taking one of them apart.

Watch as the lobbyists now move on to the rest of this Bill as it goes to the Dail. For the lobbyists, it is one down, three to go. The attention will turn now to pick at advertising, labelling and pricing, and I am really concerned that this will happen again. I heard one of them on the radio just an hour ago on my way into Leinster House, talking about how something as small as health labels will ruin sales. It is starting already and we must resist it.

After working at the coal face of alcohol harm for years, I was honoured to come into Leinster House with a real desire to work on this issue. However, every time we try to address this problem meaningfully, the industry is there to obstruct. The cold hard fact is that the No. 1 concern of business is profit. That has always been the case and I cannot believe that we are letting drinks companies and industry interests change the direction on public health. The asks in this section were modest and meaningful, but they have been misrepresented and then watered down. It is a really worrying development and I, in good faith, urge the Minister, sincerely, to stand his ground and stop the rest of this Bill from being pulled apart. I urge my colleagues across the House to do the same.

I know there have been arguments on this, and I have made my case as passionately as the Senators who disagree. I understand their position and I hope I have made mine clear. I will be opposing most of these amendments, but if they succeed I am urging all my colleagues to draw the line here. I say that not as a legislator but as someone who has worked in the field, who has worked in the Rutland Centre as a therapist to people who have been devastated by alcohol. I still see families with loved ones in addiction every week at the RISE Foundation. This Bill can really have a huge impact on alcohol harm in Ireland, and we really have to see it through.

I thank the Minister and the Department of Health for the fantastic work they have done but

I urge them not to give in to any more lobbying. I urge them to stand their ground. I understand that they had to give in on this point but they should try to stay strong on the rest of this legislation because it will save many lives.

An Cathaoirleach: There are 14 more speakers and we will probably have half a dozen votes so I do not want Second Stage speeches. Senator Black passionately opposed a large tranche of amendments but I ask other Senators to be reasonable and to realise that we are on Report Stage.

Senator Paudie Coffey: I have legitimately raised concerns about this Bill from the outset but I have, at all times, fully supported its objectives to enhance public safety and reduce the exposure to alcohol of children and vulnerable people. This has been a good debate and the Seanad has demonstrated how all views and perspectives can be held and put on the record and that amendments can be proposed. I thank the Minister for bringing forward this groundbreaking legislation, which will have an impact on public health and will reduce the harmful impacts of the abuse of alcohol in this country.

All sides have had a fair say and the Minister has already demonstrated his willingness to listen and to accept Opposition amendments today. The debate has generated strong emotive contributions but any legislation that passes through this or the Lower House has to be workable. I thank the Minister for the manner in which he engaged with Senators and for addressing their concerns to ensure this legislation will work and that it will achieve its objectives. We must take account of all stakeholders, though I do not hold a torch for any multinationals or other large businesses. I have put on the record of this House my belief that most of the problems relating to alcohol abuse are due to the easy access to large volumes of drink at low prices, which are being provided by multinationals.

Senator Catherine Noone: Hear, hear.

Senator Paudie Coffey: Our concerns were about small shopkeepers, who can be allies in our fight to reduce the harmful effects of alcohol. Such shopkeepers are responsible people who know their consumers by name and know their families and their children. I commend the way their representatives engaged with the Seanad, the Minister and the Department of Health. The Government and our colleagues in Fianna Fáil have produced amendments that will ensure the legislation will work. I thank the Minister for his positive engagement and wish the legislation the best. I look forward to seeing the positive impacts it will have on our society and I want to support the Bill as it goes forward. I welcome the amendments the Minister has brought forward.

Senator David Norris: I am rather sorry the Minister has been forced into this position and I think he regrets it too but he is a political realist and was faced with this situation. It is a question of numbers, of voting and the support it gets. I would hope the Bill is part of a process and that we will look at the issue again.

There are legitimate concerns for the welfare of children but it is not just children, and a physical barrier does not protect vulnerable adults, who also have to be taken into consideration. Children may well be protected to a certain extent by the Bill but it does not, even in its amended form, protect adults.

I regret the fact that these amendments have had to be introduced, though I sympathise with the Minister and understand the practical situation he faced. I hope, however, that this argument

is not over and I strongly support what my colleague, Senator Black, said so passionately from her personal experience, of alcohol and of dealing with victims of alcohol and their families.

Senator Kieran O'Donnell: Everyone is looking for the same thing from this Bill, which is that it be balanced and practical. We need to follow this legislation with a measure on the minimum price of alcohol as that is the key element. I acknowledge that Senator Black is passionate about this. The changes came about on a number of levels. The Senator spoke about being both a politician and a person. We are politicians. We are elected to legislate for the general good. If we peruse legislation, our job is to examine what will work and what will not work while maintaining the intent and purpose of the legislation. The legislation before House calls for all alcohol to be separated within any shop anywhere. That is groundbreaking, and we should not take from what is being achieved in this Bill in any way.

I have no sympathy for the big multiples. They did not want any changes to the Bill. What I do have, however, is sympathy for the shopkeepers in cities and villages throughout the country. In some rural towns there is one shop - a supermarket. There are invariably young people running it. They have families. They are in their 30s and their 40s and they employ up to 20 or 30 people, all locals. They are competing with the multiples and off-licences. We had to find a balance, and the balance here is very simple. We now have barriers separating drink. If one goes to a counter in any supermarket or shop, alcohol will, like cigarettes, be totally closed off. We should not lose sight of what we will achieve. We spoke about the Recognition of Irish Sign Language for the Deaf Community Bill 2016. That was groundbreaking. This Bill is also groundbreaking. There will never be a Bill every section of which achieves everything. However, we must look at-----

An Cathaoirleach: I remind the Senator that we are not on Second Stage. We are on Report Stage.

Senator Kieran O'Donnell: I know that. I will conclude on this point.

An Cathaoirleach: There are 11 more speakers who will be complaining later.

Senator Kieran O'Donnell: The intent of the Bill remains intact. That is something of which sight should not be lost. The next step is to introduce minimum pricing as quickly as possible. Multiples are selling drink way below cost and young people are buying it. They are not going to the pub, where it is in some way regulated. They are buying alcohol and binge-drinking. We have to find a way to sort out the minimum price of alcohol. I would say to Senator Black that she should not lose sight of what we will achieve in the context of the groundbreaking intent behind the Bill. That intent remains intact.

An Cathaoirleach: I am trying to balance between the various groups in order to be fair to everyone. Nobody from Senator Ó Ríordáin's group has spoken since I entered the Chamber.

Senator Aodhán Ó Ríordáin: This morning, we saw the best of Irish politics in the passing of the Recognition of Irish Sign Language for the Deaf Community Bill 2016. In this issue, we see the worst of Irish politics. Everybody knows the damage alcohol and addiction cause in this country. I was moved by the contribution of Senator Black. She has exposed the influence that special interests and lobbyists have had on the Houses of the Oireachtas concerning this legislation, which is why we are debating these amendments. Two people die each week as a result of fatal overdoses of alcohol. These are not people who fall in front of vehicles or down stairs. They drink so much that they die. Approximately 100 die in this way every year.

It is remarkable that whenever legislation relating to drink-driving or public health alcohol measures comes before the House, the political system still cannot step up to the mark and deliver it in an unamended form that will actually help to save lives. There always seems to be a way for people to wriggle out of the attempt at legislating. In a huge number of other areas of public policy that affect peoples lives, this does not happen. Remarkably, the Misuse of Drugs (Supervised Injecting Facilities) Bill 2017, which will also save lives, went through the Oireachtas without amendment. When it comes to alcohol, we all say the right things. We say that alcohol is bad and that young people do not know what they are doing. By the way, I must respond to that. To suggest that young people are the only individuals in the country who drink to excess is to completely miss the point. Young people have learned their behaviour from their parents, who, in turn, learned their behaviour from their own parents.

The country in which we live has a completely dysfunctional relationship with alcohol. However, whenever legislation is introduced, we find ways around doing the right thing. I will say this much. I was so proud to be a member of the Oireachtas today because of the efforts of Senator Mark Daly, along with the Irish Deaf Society, in bringing forward legislation that we all applauded. This afternoon, however, I am ashamed to be a member of this Oireachtas because-----

(Interruptions).

An Cathaoirleach: The majority of those offering to speak are from the Government's side, which is a bit unusual, particularly as, apparently, an agreement was made.

Senator Aodhán Ó Ríordáin: I remind colleagues that if they took this issue as it deserves to be taken, they would not just agree with every single word of what Senator Black has said, they would do exactly what she is advocating that we do. There always seems to be a way around doing the right thing when it comes to alcohol in this country. We have made progress, but it is not in any way the progress that we should be making.

Senator Tim Lombard: This is a process with which we have been involved since I first entered the Oireachtas. It is important that we have made progress, particularly in the past few months. We are at a very important point today and I welcome the fact that we have made such progress on this Bill. I hope that by this evening it will have gone through this House. That will be a very important step forward. To say that there is no movement is not fair. There has been very positive movement.

I compliment the Minister in particular on his personal involvement with the legislation. I also compliment him on his ability to steer the Bill, this very important, groundbreaking legislation, through the Oireachtas. That is something for which the Minister and his officials must take credit. What the Minister has proposed is very important. He has looked at the issues and identified what is practical. There has been an issue with the smaller shopkeepers. I am not here to bat for any big multiple or off-licence, I am here to bat for the small corner shop. If we told the honest-to-God truth, those shops probably will not be there in 20 years' time with the way the market is going. We have to try to protect them as best we can, in circumstances where they are being pushed out of the marketplace. If we want to, we can walk away and just leave them. However, that would be totally inappropriate.

What we and the Minister's officials have come up with is a compromise that is very proactive in nature. It will ensure that there is balance in this proposal. It is a very positive step for-

ward. If we were to go the other way, I would be afraid to see what would happen to our small corner shops. I come from a small part of the world where we depend on such shops. If they did not exist, we would have to drive to the multiples in the big towns, and that will do nothing for our villages and towns.

I again compliment the Minister. What he has done needs to be acknowledged. This is the most groundbreaking legislation on alcohol that I have ever seen. He must be acknowledged for that, not bashed for it. This Minister has put his neck on the line, and he has delivered. I am very proud to say that he is one of the best Ministers for Health I have ever seen. This legislation will save lives. That is because of the drive that Minister has brought to the Bill and how he has brought it through the House in recent weeks.

An Cathaoirleach: A lot of the same things are being said.

Senator Alice-Mary Higgins: I will try to say a few new things that have not been said. We heard about common sense at great length earlier. We heard great lectures on common sense and practicality. Let us have some common sense. If there is a barrier that is waist-high, anybody can see over it. If there is a frosted glass barrier of 1.5 m, any 11 year old or adult can see over it. There are two sets of amendments here. We have heard lengthy talk about the small shop. We have heard much about the small retailer. However, it is not simply concessions to the small retailer that we are seeing. I hope this is not the case but this is how I am reading it at the moment. There are also concessions regarding larger shops where there may be 20 fridges. There can be a structural separation barrier, or symbolic turnstile which is pretty much waist height at 1.5 m. Beyond that there can be a wonderland of fridges and all of the rest. There can be multiple fridges and they can be at frosted height. To be very clear, are those provisions only related to smaller shops? That is how I read it at the moment. This is not the struggling small retailer, this is in larger establishments. One can walk into those and one will be looking over a wonderland of alcohol to entice whoever may wish.

Again, we are not simply talking about children. Some of the important discussions we had, the figures, the facts and the research we heard was about the visibility of alcohol as a trigger and the effectiveness of instore advertising on people's decision to purchase. Let us be very clear. I believe three fridges is an excessive concession and not necessary for small retailers. I thought a very reasonable compromise was put forward previously. However, I understand the Minister has had to concede further. For the large retailer, we have given ground to a very wealthy industry in many cases. The large retailer can now have a very visible grotto of alcohol in the shop as something that people see all the time. We have given excessive ground in that regard.

This may be what the Minister has had to do to pass the Bill in this House. However, the word will go out to the many thousands of people who care about this Bill, to those who are proud and excited about this Bill, to those in the health industry, to those families who go shopping, and to those who are themselves struggling former alcoholics or struggling with a former alcohol problem. When they all see that we have given such ground to large retailers there will be a backlash. I expect there will be amendments in the Dáil. I hope that we are back here in the Seanad after this Bill has passed through the Dáil and we have the opportunity to reverse these unnecessary and inappropriate dilutions of what was envisaged and the principle of structural separation.

That is the fact. That part specifically is giving ground. We should not have to give that.

It is an unfortunate dilution. I look forward to debating it again when it rolls back. I do not believe that it should be let slip under. We should not blur an eye. My friends who are small retailers have their issues. However, let us not confuse them with the large retailer. Let us be very clear. Two years, particularly with these concessions, is too long. One year should be sufficient for people to put these measures in place. If we go to two years, that is two more years where we as the public and the State carry the cost of alcohol. It will be two more years for all of those working in health services and for all of those working in accident and emergency departments. It will be two more rounds of Christmas. We will have all the cyclical moments when we know that binge drinking tends to peak in Ireland. We will have that wax and wane for yet another year without having done everything we could. I know this will not be a magic bullet. However, we have not implemented everything we could to try and turn the tide in that relationship with alcohol in Ireland. It is regrettable that the Minister has had to concede. I have to oppose some of these amendments. I look forward to the public debate picking up on some these concessions that have been made. I look forward to how it may go after that.

Senator Michelle Mulherin: I welcome the amendments. Everybody in the Chamber has agreed on the objectives of the Bill. We have to go back to that. No one person has a monopoly of how we achieve the objectives. As the Minister rightly acknowledged, people will have different views. Political debate lends itself to extremes. Either something is the Holy Grail and the be all and end all, or it is the worst thing ever. A reasonable examination would say that is not the truth. We have to try and work together. We have to work with the people affected by legislation we are going to bring in. We have to talk to stakeholders. That includes shopkeepers. It includes everybody. It includes people who have problems with alcohol. Everybody has to be taken on board because we are not just legislating for a narrow group. We are legislating for the whole of society.

The Minister has listened, he has responded, he has reacted, he has taken on board concerns and he has come up with a workable solution. To be honest, there are a lot of small shopkeepers who have breathed a sigh of relief regarding this outcome. They are very much in favour of being responsible regarding how alcohol is sold. In rural shops, as my colleague Senator Lombard referred to, they get no kudos if they are going to be abusing the manner in which they sell alcohol, even as the law stands. They are very mindful that they have a special relationship with customers because everybody knows each other. One must do the right thing whether it is selling to underage people or selling to somebody who has too much drink or has a problem.

There is a lot of good work going on at the moment with the smaller retailers that I would like to acknowledge. The Minister did respond. It has been said, and I agree with Senator Horkan on this, that it is going to cost these shops. However, the shops agree with the objectives as much as we do. I think it is a good day for democracy. Everybody has been listened to. In the round, we have to come up with a decision. That does not diminish anybody's passion about their position or what they think on the legislation. This is democracy at work. I say, "Thank God we live in a democracy".

I acknowledge the good work of the umbrella organisation, Responsible Retailing of Alcohol Ireland, and the various groups it represents, including the Convenience Stores and Newsagents Association, the Irish Petrol Retailers Association, etc. We have been lobbied. I agree with Senator Horkan. I have been lobbied way more by NGOs who are advocacy groups in the fight against abuse of alcohol than other organisations. I have gone around my county. I was invited to various shops and I can see what is happening on the ground. I welcome this. This is landmark legislation as regards alcohol. It is not an easy thing to do. That is why the debate

is the way it is. However, I welcome the Bill and I welcome the comfort and ease that has been provided. I look forward to seeing the good results from the efforts that have been made to combat abuse of alcohol and alcohol addiction.

Senator Jennifer Murnane O'Connor: I compliment everyone on the hard work that has been done. It has not been easy. I have no interest in drink and am always the designated driver. No matter where anyone goes I am the driver because I just have no interest in drink. I would never promote drink in any shape or form. I am a firm believer that culture and education is the next road that we need to look at. I welcome this amendment. I do believe alcohol should be separated. This is a new amendment. This is a Bill we need to work on. It is a long road but we have compromised today. Everyone has worked together. We need to look at the bigger picture of education and culture when this is done. I say "Well done". All the groups working together have come to a good balance. We need to find legislation that will work and that is important.

Senator Jerry Buttimer: I am the former Chairman of the Oireachtas Joint Committee on Health and Children that was responsible for perusal of the heads of the Bill. Despite the comments of Senator Ó Ríordáin, this is actually a tremendous day for the Oireachtas. This is groundbreaking. We had the sign language Bill this morning. This afternoon, a Minister, in tandem with his chief medical officer and the Government, for the first time is bringing legislation before the Houses of the Oireachtas to tackle our dysfunctional attitude towards, and relationship with, alcohol. There is no monopoly on any side of the House. It is the collective work of all of us. Can we please stop stating that lobbyists and advocates can influence us all to the point we can get the Government to change its mind at the drop of a hat? If we continue with the line that some people purport, we will have no pre-budget submissions, no trade union briefings and no representation by anybody about anything, and we will go back to the old days when civil servants wrote the paper and the Minister came in and nodded and we went out the door. Can we just stop with regard to lobbying and advocacy?

Let me give one example. There is a gentleman in the Visitors Gallery, Padraic White. I had an issue with a particular store on a Saturday morning about the placement of alcohol. I confronted the manager of the store, who literally laughed at me and told me to get lost. He incensed me. I rang Mr. White, and within an hour that alcohol was gone from the store and I received a phone call of apology because of what happened. This is a relationship that works with regard to the placement of alcohol, as mentioned by Senator Black.

Let us look at what we are doing here. This is a Minister and a Government that are taking away a voluntary code. We are bringing in legislation. Amendments Nos. 16 to 27, inclusive, are introducing a legislative onus to comply. It has never been done before. I agree with Senator Ó Ríordáin that we have a dysfunctional relationship with alcohol as a society. However, are we seriously saying that the shopkeeper is the problem with alcohol in our country? I am not saying the Senator said that, but that is the inference. It is not the case.

Look at the import of the amendments. I am very passionate about this. I have worked in this House since I came in here ten years ago. My first relationship with the Department of Health was as the Chairman of the health committee, and our first report was on drug addiction and alcohol misuse. I work with Tabor Lodge, Fellowship House and various organisations where I live in Cork. Look at the import of what we are doing. Separation is taking place, with the physical decongregation of alcohol. A barrier is being put in place. Product placement is the very thing on which Senator Black and I agree. We cannot and should not walk down an aisle and fall over a display advertising a deal on alcohol. It is being done. Visibility is being

dealt with and being reduced. Alcohol will no longer be visible. We all speak about the protection of children.

People speak about small businesses. I am conflicted because I do not speak about small business even though I have worked with people. I speak as the former Chairman of the health committee about the misuse of alcohol in society. Look at what were doing with the overall objective of the Bill. That is why we should not be talking about one section of the Bill. We are tackling the issue of price with minimum unit pricing. We are tackling the issues of availability and supply. The biggest mistake we made as a society and as a State was we allowed for the groceries order and for certain other outlets to sell alcohol. If I had my way I would not have alcohol in any garage in the country. I know and I realise we cannot do that now. I have a very simple view on the supply of alcohol. It should be in a stand-alone off-licence, as they have in many states in the US. I recognise, to be fair to people such as Vincent Jennings and Padraic White in the Visitors Gallery, their members are responsible people. I know we cannot do this. To be fair, the people to whom I speak every day are responsible people in the retail sector. Senator Lombard is right in that there are jobs dependent on everything. Do we want to close down middle Ireland altogether? I do not want to do that.

An Cathaoirleach: Could I ask the Leader-----

Senator Jerry Buttimer: This is important. I feel passionate. I will not speak any more. I will finish with my final two sentences.

An Cathaoirleach: There are another seven speakers from the Leader's party.

Senator Jerry Buttimer: I know, but we listened to some stuff this morning that must be countered. We all have a right to be heard. I have worked on the Bill with the Minister, the Taoiseach, the former Minister, Senator Reilly, and the former Minister of State, Deputy Shortall. The heads of the Bill we published did not recommend structural separation. This is about leadership and about people making a stand. In an ideal world we could come in here with a different attitude, but we do not live in an ideal world because there are some people who oppose everything the Government does and there are others who try to oppose it on some occasions.

I commend the chief medical officer and his staff. He is a gentleman whom I have got to know and admire for his work on alcohol. Today is a good day for him and his staff at the Department of Health. They have only one overarching concern, namely, a healthy Ireland and a healthy people, and reducing our dysfunctional relationship with alcohol. The Minister has shown leadership in the Bill. He will not be forgotten in terms of the leadership he has shown today. Can we please understand this is the overall picture and the overall desire we all share? This is the beginning of a groundbreaking piece of legislation that will, ultimately, tackle the issue with all of us as a society. Senator Black is right, it is all about education.

An Cathaoirleach: I call Senator Joe O'Reilly. There has been a lot of repetition and it is all from the Government side.

Senator Máire Devine: Yes.

An Cathaoirleach: Normally, when the Minister does a job, and he has done a good job so far, everyone comes in either to praise him or to condemn him.

Senator Joe O'Reilly: Two things have emerged very clearly in the discussion today. One

is that throughout the House on all sides, to be very fair, there is a universal desire to deal with the alcohol question and a universal abhorrence of all the harm and ill that can flow from the abuse of alcohol, and an effort to right this. This is what should be the case. What is also very clear from the discussion today is there is a universal realisation throughout the House that the Minister has done an extraordinarily good and pioneering job. He has made a great effort to get this over the line and has shown courage in the process.

I came to the Bill with a sole concern, namely, that the small shopkeepers in rural Ireland and in the small towns and villages of the country, are already threatened by prohibitive rates and by prohibitive insurance. They are finding it very difficult to stay open. These shopkeepers, were the Bill to make an expensive request and were there to be a section requiring expensive infrastructure, would not be able to do it and, in so far as they might have attempted it, they would not be able to cope with the multiples. This was my concern. I feel this concern has been addressed in the legislation. It is done in a way commensurate with keeping alcohol out of sight of young people in as much as it can be done. I commend the fact we are trying to keep jobs in the small shops of this country. They are real jobs.

I will finish on this point. There is a major tragedy around alcohol. If one were to close the shops in the villages and towns in counties Cavan and Monaghan, the area in which I live, and put ten to 15 people per shop out of work, those jobs could not be replaced in those locations. We are trying to balance two great rights and I think we have achieved a reasonable balance. Of course, the matter can come up for review in the future.

I commend the Minister. Today has been a very good day for the Seanad. I think we should be very proud of the passage of the two Bills that were discussed in the House today, the Irish Sign Language Bill 2016 and the Public Health (Alcohol) Bill 2015. This shows democracy at work in the very best possible way.

Senator Maria Byrne: I thank the Minister for Health for this very relevant legislation, the Public Health (Alcohol) Bill 2015. As has been said already, we are here to achieve a goal, that is, to protect the rights of the child. I am 5 ft 11 in. tall so 5 ft would be around my shoulder and the height provision is very important. I compliment the Minister on listening to Members when we said that we could not bring in this legislation without the Minister having consulted small businesses and people in the industry. As has been pointed out already, it is about retaining jobs. In rural areas and even in cities, the small corner shop provides employment. Where supermarkets are far away, the small shop is relevant to people's lives. I thank the Minister for taking the needs of people into account. He listened to people and everything was done in a responsible manner.

Legislators must be responsible when enacting legislation. I think we are taking on board the needs of the public as well as the businesses. This is relevant because we are still achieving our goal to make alcohol less visible.

The Minister stated that the law will be enforced by the health officers. I think officials must have very clear guidelines because from my background of a small shop, I have first-hand experience of how different officials interpret the legislation. The officials need clear guidelines on how the rules are to be applied and that they must keep within the rules.

Senator James Reilly: I will be brief because I have already spoken on it. I find it difficult to listen to Senator Ó Ríordáin coming in to give us a lecture at the tail end of the debate. If

more evidence is needed as to how seriously the Government side takes this issue and commits to it, one has only to look at the level of attendance by Government party Senators during the debate.

Senator Aodhán Ó Ríordáin: How many Fine Gael Senators were present on Wednesday night?

Senator James Reilly: I did not interrupt the Senator.

Senator Aodhán Ó Ríordáin: There was one. All the Fine Gael Senators are lining up in the Chamber to talk about the impact of the Public Health (Alcohol) Bill on shopkeepers. There was only one Fine Gael Senator present when we were discussing the motion on special needs assistants. Such hypocrisy. I did not have a clue what she was discussing.

Senator James Reilly: We are here to debate a significant Bill affecting not just those living today but generations to come. Our commitment to the Bill is beyond doubt. The commitment of the Minister of Health, Deputy Harris, is beyond doubt.

We heard a Member roar and shout about the various interests that he may have and which we all share, but to come to the Chamber and criticise those who have shown their commitment and who are all united in the goal of protecting children in particular and our population in general from the ill effects of excessive alcohol use is something that I am not going to let pass.

I have one main reason for rising to speak at the end, apart from congratulating the Minister on his stand and Dr. Tony Holohan, chief medical officer, and all the officials in the Department of Health who have worked tirelessly in recent years on public health issues, both tobacco, launching Healthy Ireland, which we did many years ago, and this alcohol Bill which started when I was Minister and Deputy Marcella Corcoran Kennedy was Minister of State, who did so much of the preparatory work on the Bill among others. I see also Mr. Eunan McKinney in the Gallery, and he worked with the then Minister of State, Mr. Alex White, when he was working on this Bill. Members from many sides of the House are committed to the Bill.

However, my main reason for speaking is that public health policy is probably the most important part of what we do in the Department of Health. Everybody focuses on the hospitals and general practice, which are essential and important services, but good public health policy can save many more lives over a much longer period than any hospital can in a short period. This is critical legislation. My concern is that lobbyists have a legitimate right to lobby and they do and they will. My call is to all those who are interested in the well-being of our children and people to make sure that this argument does not become just about jobs and that it is not going to be a case of jobs over people's well-being or livelihood over the lives of our citizens. We have a good Bill and we want to defend it when it goes to the Dáil, and I am calling on the bodies such as the Irish Cancer Society, the Children's Rights Alliance, Barnardos and the Irish Heart Foundation to keep advocating to keep the pressure on to make sure the Bill succeeds and to make sure that the work done by all the Senators to make this the Bill it is today is not wasted and that we get a result.

This is but one step on a journey. There is no question or doubt that we will be coming back to these issues to see what more we can do. In the same way that we started to deal with tobacco, we started with a ban that was not just that but also a ban on the sale of single cigarettes or two cigarettes and making the minimum number of cigarettes for sale a packet of 20 cigarettes. That was followed by a requirement for plain packaging, the banning of advertising and all the

other measures. This will all happen in regard to alcohol.

The Minister has done a sterling job. Perfection will always get in the way of the good. This is a good Bill, a good day for public health and a good Christmas present to give our children with the thought that in the new year we will have a law that protects them from alcohol ingestion before they are able for it. It is well proven statistically that the younger a person is when he or she starts to drink, the more likely that person is to develop serious problems with alcohol later in life. That is a fact.

Senator Maria Byrne: On a point of order, I would like Senator Ó Ríordáin to withdraw his comment on the debate on Wednesday. Everybody is entitled to express an opinion. I made my point, he had a different point, and while we might not have agreed, he launched an attack and I would like him to withdraw it.

An Cathaoirleach: That is a political charge. I cannot control everything. If Senator Ó Ríordáin wants to withdraw his comment, he can come in.

Senator Catherine Noone: I spoke earlier. I am concerned about children. Habits are formed when a child is young and the Bill will impact on them. That is a fundamental part of the Bill. The child turns into an adult and adults will be helped by this legislation.
2 o'clock We could have gone further, but I think the Minister, Deputy Harris, has shown himself to be extremely pragmatic and innovative in getting the Bill through the Seanad. For example if the divorce Bill had been presented in a different way, the referendum would never have passed. We are in a situation where we are travelling a distance down the road to protecting our citizens, be they children or adults. There is a bigger picture issue of small retailers in rural areas. We need to think of innovative ways for them to make money which is not dependent on the sale of alcohol.

We need to think bigger and find ways for small retailers to survive. They are generally entrepreneurial and innovative and they are in a difficult position, but we need to devise other ways. If we are to reduce the amount of alcohol that people drink, profits are going to be affected. Many Senators have mentioned below-cost selling. It is the only show in town.

“Lobbying” should not be a bad word. It is a necessary part of a democratic process. Some people are lobbied more intensely by certain NGOs because of their viewpoints. I have not been lobbied much by NGOs on the health side. By whom Members of the Oireachtas are lobbied depends on from where those Members are coming. That is healthy because the NGOs provide information and we have the objectivity to reject or accept as much of it as we like.

Preventative health, which is what this Bill involves, is where it is at. The fiscal space in terms of what we spend on alcohol-related harm, health and so on will be much larger if we prevent people from getting ill. Alcohol makes people ill. Regardless of whether it is consumed in moderate or large volumes, it is not good for us. I drink a bit. Many of us do. It should not be demonised, but the harsh reality for a country like ours whose identity is intrinsically linked with alcohol is that we have to do something about this.

I commend the Minister as well as Dr. Holohan and his officials, whom I have often met. They must be worn out dealing with this legislation. I commend Deputy Corcoran Kennedy.

Deputy Simon Harris: Hear, hear.

Senator Catherine Noone: She was brave in respect of this legislation and did not get the thanks or respect that she deserved in that debate. I apologise for going on.

Senator Paddy Burke: I will be brief. I congratulate the Minister on progressing the legislation. We have all helped to build this Bill in order that it can progress to the Dáil. As Senators Higgins and Ó Ríordáin stated, thousands of people might not be happy with this, but they can make choices. Like Senator McDowell, I hope that the Bill will help to normalise drinking. People can, and should, make choices about drinking. I made a choice about drink a long number of years ago. I also made a choice about cigarettes. I ran a restaurant, which had to make changes when Deputy Micheál Martin introduced the ban on cigarette smoking. I agreed with him. My greatest problem when making a choice about drink was to convince my colleagues and friends that I was not taking a drink.

There are many people who should make the choice to help with what the Oireachtas is doing. The Minister can only do so much with this legislation. Other than banning alcohol completely, he cannot do any more. With Dr. Holohan and his officials, the Minister has shown great cause in progressing this legislation. I congratulate them on progressing it this far, but the people of this country can and should make choices in their own interests as well as the interests of their families and children. I hope that they will go down the road in terms of how alcohol is consumed and should not be abused. We will never get rid of it.

Deputy Simon Harris: I thank Senators for their contributions. I will recap a few points.

Today is significant and what we are doing with this legislation is very significant. This is the first time in the history of the State that we have introduced public health legislation relating to alcohol. Given how people discuss the smoking ban now as public health legislation, one would swear that it had arrived as a *fait accompli*. Changes had to be made during the deliberations on that legislation. I spoke to Deputy Micheál Martin about it. He had to make compromises. He showed great courage and lives have been saved as a result.

I accept that smoking and alcohol are not the same but, from a public health perspective, this is the first time we have ever used public health legislation in respect of alcohol. Let us not ignore that reality. Every item of public health legislation that has been introduced has required debate, democratic input, consultation and changes.

I agree with Senator Reilly that this Bill is an important step on a journey, but it is not the end of the discussion or policy intervention on alcohol. Far from it. We have a dysfunctional relationship with alcohol. I agree that there probably is not a family in the country that has not been impacted upon by alcohol. We have much to do, but this section of the Bill will radically change how our shops deal with alcohol. I have a great deal of respect for Senator Black and her advocacy in respect of this issue and for Senator Higgins and her passion. Not everything they want is in the Bill, but it will change the relationship. We are moving away from a position whereby it was up to shop owners to decide what they wanted to do. Many shops comply with the code but it is voluntary. The nature of the existing code means that the State has no responsibility and shops decide what to do themselves. We are now putting in place in law clear penalties, authorised officers, a clear enforcement process and clear requirements in terms of separation and reduced visibility. That is a world away from an industry code that is voluntary, unclear and unenforceable.

I resolved that we would not have a situation where we would allow the lights to go out in

this Chamber for another Christmas with this Bill left going around in circles and the issues that Senators have rightly highlighted continuing. The phrase about not letting perfect get in the way of good rings clearly in my head. Retailers were concerned about the operationalisation of elements of the Bill. I hope that these amendments bring clarity about what will be expected.

It will be different. Someone will never again be able to walk into a shop and trip over a slab of beer. Everything will either have to be in a separate area or a container. That is significant.

We spent nine hours or more on this Bill on Committee Stage. It was right and proper to give the Bill that airing, but one eventually reaches the point of having to get legislation out of the Oireachtas and into society.

Senator Catherine Noone: True.

Deputy Simon Harris: This has been ongoing for a long time. There is much to do. Everyone is entitled to a view, but I do not accept the argument about watering down. To say that, people would also have to say that I had made changes to the Bill and that I had worked with them to accept more stringent measures relating to cancer, its inclusion in advertising and the size of labels. That is what one does in a debate. We have inserted measures in the Bill today to make it stronger than it was when we entered the Chamber this morning. Getting to this point has been difficult, but section 22 now represents a balanced approach and enables the legislation to progress, which it badly needs to do.

Amendment put and declared carried.

An Cathaoirleach: If amendment No. 17 is agreed to, amendment No. 18 cannot be moved.

Government amendment No. 17:

In page 23, to delete lines 24 to 27 and substitute the following:

“(I) which is separated from the remainder of the premises by means of a physical barrier which has a minimum height of not less than 1.2 metres and through which alcohol products and advertisements for alcohol products are not visible.”.

Amendment put and declared carried.

Amendment No. 18 not moved.

Government amendment No. 19:

In page 24, to delete line 6.

Amendment put and declared carried.

Government amendment No. 20:

In page 24, line 9, to delete “storage units” and substitute “enclosed storage units”.

Amendment agreed to.

An Cathaoirleach: Amendment No. 21 is a Government amendment. If amendment No. 21 is agreed to, amendment No. 22, which was discussed with amendment No. 16, cannot be

moved.

Government amendment No. 21:

In page 24, to delete lines 14 and 15 and substitute the following:

“(III) the maximum height of each of which shall be 2.2 metres and each of which shall, to a height of not less than 1.5 metres from the lowest point of the unit, be made of a material through which alcohol products and advertisements for alcohol products are not visible when the unit concerned is closed, and”.

Amendment put and declared carried.

Amendment No. 22 not moved.

Government amendment No. 23:

In page 24, line 25, to delete “both.” and substitute “both,”.

Amendment agreed to.

Government amendment No. 24:

In page 24, between lines 25 and 26, to insert the following:

“or

(c) advertisements for alcohol products and the exposure for sale of alcohol products are exclusively confined to—

(i) not more than 3 storage units (which shall be adjacent to each other) in the premises to which the off-licence is attached—

(I) that may indicate that it or they contain alcohol products,

(II) that shall not contain anything other than alcohol products and advertisements for alcohol products,

(III) the maximum width of each of which shall not exceed 1 metre and the maximum height of each of which shall not exceed 2.2 metres,

or

(ii) one point of sale area in the premises to which the off-licence is attached which shall contain a storage unit—

(I) that may indicate it contains alcohol products,

(II) that shall not be accessible to members of the public,

(III) that shall not contain advertisements for alcohol products, and

(IV) from which alcohol products shall not be visible to members of the public when closed, and which shall remain closed when not in use,

or to both.”.

Amendment put and declared carried.

Amendment No. 25 not moved.

Government amendment No. 26:

In page 24, line 36, to delete “one year” and substitute “2 years”.

Amendment put and declared carried.

Amendment No. 27 not moved.

Senator Máire Devine: I move amendment No. 28:

In page 25, between lines 33 and 34, to insert the following:

“(e) prohibiting certain marketing practices, including selling an alcohol product by retail, or supplying an alcohol product to, or inviting an offer to purchase by, a member of the public of an alcohol product where part of the consideration to be given to the purchaser is a gift, token, trading stamp, coupon or other document or thing that may be exchanged for or used as payment or payment in part for certain goods,”.

Senator Alice-Mary Higgins: I second the amendment.

An Cathaoirleach: Does Senator Devine wish to speak to the amendment?

Senator Máire Devine: I would like to speak to the amendment. I do not make lengthy, fabulous speeches, although sometimes I do, but brevity is usually my trademark. The Minister will probably give out to me for saying this but it is regrettable that he did not include children’s hospitals as part of the schools, crèches and playgrounds reference. I know three are being built currently. I do not know if the voluntary code would work but it might be accepted and understood that children’s hospitals are included. There are massive billboards advertising alcohol at the Rialto end and the James’s Street end of St. James’s Hospital. I would appreciate the Minister looking into that issue in terms of children’s hospitals.

I want to speak to my amendment No. 28. When one goes shopping, one’s reward card is extremely valuable at times but people who buy trays of alcohol are being rewarded with points, which is essentially, cash. I rang the three main stores to inquire about that. In Dunnes Stores, there is no money back offer or gift vouchers available on tobacco products, medicines, phone cards, lottery tickets, baby milk and vending machine products but there is no mention of alcohol. SuperValu does not offer gift vouchers or money back on lottery tickets, phone top-ups, call cards, GAA tickets, gift vouchers, postage stamps or tobacco products. A representative I spoke to said customers were not rewarded when they bought alcohol but that is not specified in SuperValu’s policies. Tesco does not reward customers on the sale of lottery tickets, stamps, baby milk or medicines but it does allow for that when alcohol is being purchased. This amendment is to discourage and disallow that. It is also about incentives such as customers being offered a glass of Prosecco when they go to a hairdresser. Mothers often have to bring their children with them to the hairdresser, so we are talking about the middle of the day, they have their feet up, the rollers in the hair and a bottle of Prosecco on the side while they are shouting at the children to keep quiet. I hope this amendment will be accepted and I look to my colleagues

to support it.

Senator Frances Black: I second the amendment. I agree with what my colleague said. People might think the issue of being offered a glass of Prosecco in a hairdresser is trivial, but I have worked with many women who would struggle with alcohol misuse. I know of a woman who went into a hairdresser with her three year old child. She was doing her best not to drink wine. She was not what one would call a bad alcoholic but she had an alcohol misuse problem. When she drank she would drink wine in the evening. She wanted to stop drinking because she knew it was impacting her and her children. She was asked if she would like a cup of coffee and she said no, but two minutes later a glass of Prosecco was put down in front of her. She was not asked if she wanted it. She did not have that option. I understand the people in the hairdressers are simply trying to encourage people to come back to their premises, but this was a huge problem for her and she ended up drinking the glass of Prosecco, which means her sobriety had been badly damaged. I agree with my colleague on these amendments and totally support them.

Deputy Simon Harris: I thank Senators Devine and Black for the amendment, which proposes to introduce a new subsection to section 23 on the powers of the Minister for Health to make regulations on matters associated with the sale and supply of alcohol products. As brevity is Senator Devine's trademark, I will try it as well. This amendment proposes to prohibit marketing practices, some of which Senator Devine outlined, but subsection (1)(a) of section 23 provides that the Minister can make regulations to prohibit or restrict a person from selling, supplying or causing to be sold or supplied alcohol at a reduced price or free of charge. Subsection (6) specifies that the sale or supply of alcohol at a reduced price or free of charge includes the direct or indirect award of bonus points, loyalty card points or similar benefits, allowing directly or indirectly the use of any such points or benefit to obtain alcohol products or any other products and allowing directly or indirectly the use of bonus points, loyalty card points or similar benefits arising from the purchase of any product or service to obtain alcohol at a reduced price or free of charge. On the basis of the advice available to me, the proposed amendment is already provided for in terms of a power to make regulations already set out in section 24 and therefore I do not propose to accept the amendment.

Senator Máire Devine: The subsection allows the Minister to make the regulation, but will he make it?

Deputy Simon Harris: It is a question as to whether the Senator believes it is better dealt with in the primary legislation or by regulation. Many promotional offers can pop up from time to time and the idea is that the Minister would have the flexibility to respond through regulations rather than in primary legislation. That is a better place to do it.

An Cathaoirleach: The answer is that there is the regulation to deal with it if the Minister of the day is minded to do so.

Deputy Simon Harris: I can discuss it again before this goes to the Dáil, if the Cathaoirleach wants me to do so.

Amendment, by leave, withdrawn.

Government amendment No. 29:

In page 35, line 17, after "19," to insert "20,".

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Minister for Health (Deputy Simon Harris): I know the Seanad has a lot of work to do today so I will not detain the Members, but I want to express my gratitude to Senators from all sides of the House for the way in which they have engaged with this Bill over a very long period, particularly in my time, taking this Bill through Committee and Report Stages, for the constructive way in which Members have engaged and teased through the issues. It is a good day for the Seanad and it is democracy in action.

I pay particular tribute to my own team in the Department of Health, the Chief Medical Officer, Dr. Tony Holohan, officials Claire Gordon, Siobhán McNamara and Denise Keogh, and to my own political team, Joanne Lonergan and KathyAnn Barrett. All of these people have worked extremely hard on this legislation. I acknowledge also my predecessors, including the former Minister of State, Deputy Marcella Corcoran Kennedy. I agree with Senator Noone. There was an effort in some quarters to demonise Deputy Corcoran Kennedy for having the courage to stand by important elements in this Bill. I stand by her in what she was trying to do and I have no doubt she will continue to make a powerful contribution on the public health agenda. I acknowledge Senator Reilly who, during his time, was the Minister who began this process, my predecessor, the Taoiseach, Deputy Leo Varadkar, Deputy Róisín Shortall, the former Minister of State, Alex White, and any Minister or Minister of State over recent years who worked on this issue. I thank everybody for it. The constructive engagement has brought us to a place where we can have legislation that will reduce the damage done to our society by the harmful use of alcohol.

I pay particular tribute to the public health advocates who have been following this debate very closely. It has been an incredible coalition of organisations. I will not even begin to name them because I might leave one or two of them out if I do. They are an incredible coalition of people with an interest in public health who have kept the pressure on all of us collectively to get to this point. We can never get everything we want in legislation but today we are making a really good start.

The Public Health (Alcohol) Bill has given the House the opportunity to recognise, discuss and attempt to mitigate the damage to our health, society and economy caused by the misuse of alcohol. We in this country have a serious problem. We drink too much alcohol and we drink in a way that is harmful to ourselves and those around us. The statistics can still shock, even if we have heard them before. A Health Research Board report from 2016 found the number of alcohol-related deaths in the period 2008 to 2013 was 6,479. In 2013 alone there were 1,055 alcohol-related deaths, which translates as 88 per month or three per day. They are preventable deaths. More than 167,000 people suffered an alcohol-related assault in 2013. Of the more than 7,000 people who responded to this year's Healthy Ireland survey, one in 20 reported being hit or assaulted by someone who had been drinking and the same proportion had been a passenger in a vehicle with a driver who had too much to drink. Do not tell me we do not have a problem with alcohol in this country. These numbers are a reminder that harmful drinking does not just affect the drinker; it also affects wider society. The Public Health (Alcohol) Bill is landmark health legislation and will be the first ever public health legislation related to alcohol. I am delighted to have been in a position to bring it through this House and I am grateful for the

Seanad's help and collaboration.

The measures we have agreed today and the new ones we have added to the Bill in terms of labelling and cancer warnings, along with the content of the Bill, will make a real and substantial difference. The last time I stood here I said it was my aim to reduce the visibility of alcohol in our shops. The measures we have agreed here will do that for the very first time. Gone are the days of voluntary codes and leaving it up to the shops or industry. With this Bill we have strong, workable enforceable legislation which will reduce alcohol consumption. The Bill contains a suite of policy measures, including visibility, minimum unit pricing and advertising and sponsorship restrictions and there is much more that we need to do on this agenda. I look forward to the other House taking this Bill in the same serious way it has been taken in the Seanad and getting it passed into law as quickly as possible after the Christmas break.

An Cathaoirleach: I will allow the spokespersons to make a brief comment. We have already had four hours of debate.

Senator Gerry Horkan: I will set a trend by trying to do this in less than 30 seconds. Most of it has already been said. Let us work together to see how this works. Hopefully it will do something to affect alcohol harm. It will improve the outcomes for children and adults who have issues with alcohol. Equally, it is a workable solution for everybody involved in the responsible selling of alcohol. We acknowledge that many people do not have an issue with alcohol but many others do. I thank the Minister and his team for the work that has been done and I thank all the Senators who spoke this morning. It has been a very engaging debate with an awful lot of people. It is almost four hours since we started this morning. The work is done at this stage so let it go back to the Dáil and see what amendments it makes. It is important to acknowledge an awful lot of work has been done on this. We hardly talked about minimum unit pricing because it is a given. We talked about advertising and labelling but they were also a given. Structural separation was the issue. I thank everyone and wish them a happy Christmas.

Senator Frances Black: I will start by thanking the Minister, the Chief Medical Officer and the team that worked on the legislation. This legislation is historic and I welcome it with all my heart and soul. I know how hard everyone has worked on it and I hope they understand why I opposed the amendments I opposed. I was excited and thrilled by what was going to be introduced and I am disappointed by the amendments. I hope the Minister understands I had to oppose them and I will continue to oppose them.

I would like to work with the Minister on this and I thank him for accepting my amendments. It was a lovely surprise for me today. It was a really nice start to my Christmas. I am delighted by the amendments concerning children and cancer. I am very grateful to the Minister. I know he is very passionate about this and I know how hard he worked. I look forward to working with him on it in the future. I will continue to oppose the amendments I have opposed but I will do everything in my power to support the Minister. He has done a really fantastic job on working cross-party on the Bill. I will do everything in my power. This legislation is the reason I am here in Leinster House; it is why I wanted to get elected. I was very grateful to be elected. The legislation is very important. I thank the Minister and his team and wish them a happy Christmas.

Senator Máire Devine: Historically, in this country we have been known as demons for the drink. What concerns me, apart from my professional clinical experience of what alcohol does to individuals and families, is when I see the younger generation getting ready to go out for

an evening. Alcohol is topped up and tanked up until they fall into taxis to go out and enjoy the evening. The excess of it has been normalised for a younger generation. We need to stop that. We have a duty to do that as legislators and elders with experience of watching our younger generation fall into taxis. I have fallen out of taxis coming home but they are falling into taxis going out. It struck me that we needed to do something about it. My steer on the issue came from health and that is how I explained it to people who were very sceptical and said things like, "Here you go again", "Nanny state", "What are you up to?", "We cannot enjoy ourselves". All of that showed it was being taken negatively but I explained to people that it is about health and our young children. It is about the protection of children so that it is not normalised and they do not go into the shop with mammy and come out knowing the A to Z of beers, wines and whiskey.

I thank the Minister and Deputy Marcella Corcoran Kennedy. I found her a wonderful advocate who stuck to her guns on the health issue. I thank all the lobbyists in all their forms but especially those who pushed me in the direction of trying to get this Bill through, albeit not as diluted as it is today. It was an education. I thank the Minister and his staff. Let us all have a happier and less alcohol-oriented Christmas. Nollaig shona daoibh go léir.

Senator Colm Burke: I endorse what the Minister has said here today. I thank all the people who contributed to the Bill, in particular Deputy Marcella Corcoran Kennedy for her work in it, Dr. Tony Holohan, all the staff in the Department for the work they have done, and all the people who provided their input on the direction we should take on this issue. There are 2,000 hospital beds occupied by people who are in hospital with an illness directly related to alcohol. It is important we do everything possible to try to reduce the number of people who occupy beds for that reason.

It has been a long road dealing with the amendments. My only experience with such a number of amendments was in the European Parliament dealing with the cross-border directive on healthcare. There were 400 amendments tabled on that directive. The number today was actually quite low compared to what we had to deal with on that issue. People become very emotive on issues related to health care because they have a firm belief their proposals will improve people's health. Everyone who tabled an amendment had a very genuine reason for coming forward with it because they believed it was the best way forward. I thank them for the work and effort they put into it. I also thank and acknowledge the work and effort of the background support team that worked with each Senator. It is important we acknowledge that.

An Cathaoirleach: I thank the Minister. I wish him and his hardworking staff and officials a peaceful Christmas and happy holidays.

Question put and agreed to.

Appropriation Bill 2017 [Certified Money Bill]: Second and Subsequent Stages

An Cathaoirleach: The Minister of State, Deputy D'Arcy, is welcome to the House.

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

Minister of State at the Department of Finance (Deputy Michael D'Arcy): The Appropriation Bill 2017 is an essential element of financial housekeeping that, as Members of the House are aware, must be concluded by both Houses of the Oireachtas before the end of this year.

The Bill serves two primary purposes. First, the Appropriation Bill is necessary to authorise in law all of the expenditure that has been undertaken in 2017. Section 1 and Schedule 1 set out the amounts to be appropriated for supply services. These relate to the amounts included in the Revised Estimates for 2017 voted by the Dáil on 30 May this year, and the Further Revised Estimates and Supplementary Estimates voted by the Dáil last Thursday, 7 December. In aggregate, these Estimates amount to €46.8 billion. The comparable amount in the Appropriation Act 2016 was €44.6 billion. The amount to be appropriated this year, therefore, represents an increase of €2.2 billion, or 4.9%, on last year's net voted expenditure with over 80% of this increase in the areas of housing, health and education.

The second key purpose of the Appropriation Bill is to provide a legal basis for spending to continue into 2018. The passage of the Appropriation Bill allows continued funding in the period before the 2018 Estimates are approved. I refer to social welfare payments from the social protection Vote, Exchequer pay and pensions and other voted expenditure. If the Bill were not enacted before the end of December there would be no authority to spend any voted moneys in 2018 from the start of January until approval of the 2018 Estimates, since this authority for 2018, as contained in the Central Fund (Permanent Provisions) Act 1965, is based on the amounts provided for in the 2017 Appropriation Act. Under the rolling multi-annual capital envelopes introduced in budget 2004, Departments may carry over, from the current year to the following year, unspent capital up to a maximum of 10% of voted capital.

The multi-annual system is designed to improve the efficiency and effectiveness of the management by Departments and agencies of capital programmes and projects. It recognises the difficulties inherent in the planning and profiling of capital expenditure and acknowledges that capital projects may be subject to delays. The carry-over facility allows for a portion of unspent moneys, which would have been lost to the capital programmes and projects concerned under the annual system of allocating capital, to be made available for spending on programme priorities in the subsequent year. The Appropriation Act determines definitively the capital amounts which may be carried over to the following year. The aggregate amount of proposed capital carry-over from 2017 into 2018 is €70.3 million, which represents less than 2% of the total Exchequer capital programme of €4.6 billion for 2017. The amount carried over from 2016 into 2017 was €76.5 million.

The proposed amounts to be carried over by Vote are set out in Schedule 2 to the Bill. The 2018 Revised Estimates Volume, published yesterday, sets out detailed financial and key performance information for Departments and offices. In Part II of the Estimates, for each Vote availing of the capital carry-over facility, a table is included listing the amounts to be deferred by subhead. Certain Exchequer liabilities and social welfare payments, in particular child benefit, are due for payment by electronic funds transfer on 2 January 2018. With the banking system closed on 1 January 2018 funding will need to be in place in departmental bank accounts before the end of this year to meet those liabilities on a timely basis.

In addition, An Post needs to be pre-funded before the end of the 2017 in respect of certain benefit payments due in the first week of January 2018 in order to physically transfer cash to its network of post offices throughout the country. These Exchequer pay and pension and social welfare payments will form part of the supply services for 2018. Consequently the funds to cover these costs will be included in amounts disbursed from the Central Fund to the Paymaster General's supply account as part of the 2018 supply issues. These costs will come under moneys voted in 2018 in respect of which the usual processes and mechanisms for voted moneys in 2018 will apply. In line with last year, section 3 of the Bill includes a specific provision to

allow for an advance not exceeding €200 million from the Central Fund to the Paymaster General's supply account, with this advance then being repaid to the Central Fund in January. The Bill provides that the amounts so advanced shall not exceed €200 million. The signed Act is required by the Comptroller and Auditor General for clearance of the end-year issues from the Exchequer.

Under Article 25.2.1° of the Constitution, the President may not sign a Bill earlier than the fifth day after the date on which the Bill is presented to him. However, there is provision in Article 25.2.2° whereby, at the request of the Government, with the prior concurrence of Seanad Éireann, the President may sign a Bill on an earlier date than the fifth day mentioned. In view of the urgency of this Bill, the provision in Article 25.2.2° is sought, and a motion to this effect is placed before the Seanad. Such an early signature motion has also been sought in relation to the Appropriation Bill in previous years. I remarked at the outset that the Appropriation Bill is an essential element of housekeeping which those of us in both Houses of the Oireachtas are required to undertake. The passing of the Bill will authorise in law all of the expenditure that has been undertaken in 2017 on the basis of the Estimates voted on by the Dáil during the year. Of fundamental importance to those that depend on essential public services, the passage of the Bill will also ensure that payments funded from voted expenditure in 2017 such as jobseeker's allowance, disability allowance, non-contributory State pension, nurses' pay, teachers' pay and all other pay and pensions funded from voted money, can continue to be funded in 2018 in the period before the Dáil approves the 2018 Estimates. I commend the Bill to the House.

Senator Gerry Horkan: I thank the Minister of State for his very comprehensive statement. I welcome the opportunity to speak briefly on the Appropriation Bill. Fianna Fáil will support this very technical but essential legislation, without which many people would be stuck without funds that they would be otherwise expecting. The Bill gives statutory authority for the amounts voted by the Dáil during the year and these amounts obviously include original Estimates, further revised Estimates and supplementary Estimates. The figures involved are substantial. There is almost €47 billion in Schedule 1, which is the sum granted out of the Central Fund towards the proper supply of services. There is another almost €3 billion of appropriations-in-aid, that is, revenues received that are retained by that area for use that do not go to the Central Fund. The Director of Public Prosecutions, for example, might have a gross Estimate of almost €42 million but because of its appropriations-in-aid it does not extract so much from the Central Fund. The Bill also provides for sums deferred into the year ended 31 December 2018. The term "capital supply service and purpose" means supply service voted by the Dáil, the purpose of which is to create an asset intended for the use on a continuing basis within an expected life of more than one year. These are sums for which surrender was deferred in 2017, mostly salaries and expenses of various Departments.

The Minister of State's speech was very comprehensive. This is technical legislation that we will support. We will also support the motion that will enable the Bill to move more quickly through the Houses.

Senator Rose Conway-Walsh: I thank the Minister of State. Sinn Féin will also support the Bill. In terms of the carryover of €70.3 million, I hope that will not be announced as new money and that it will be made clear that it is carried over from what was allocated this year. I understand the need for this Bill and my party will support it.

Senator Kevin Humphreys: The Labour Party will support this Bill. It is interesting to note the distance we have travelled since 2011, in terms of the financial chaos that was left to

the incoming Government. The distance we have travelled has been quite difficult and while there are still many social problems, at least the scourge of unemployment has been alleviated in recent years. Hopefully we will move on to full employment but more than that, to quality employment that pays decent wages for decent work. It is also interesting to note that the State borrowed money this morning at a minus rate of -0.52%. We are now being paid to borrow money which is an interesting turnaround.

Deputy Michael D’Arcy: That is not quite correct.

Senator Kevin Humphreys: I know, but we are getting there, certainly in comparison to the interest rates that we were paying in 2011. The Government that took over in that year was handed a totally dysfunctional economy.

This is essentially a technical, housekeeping Bill. I look forward to the day this Government can increase the amount of money being spent on housing. Not only is there an acute homelessness problem, there is also an acute problem in terms of the availability of affordable housing. We will have to invest much more in the coming years in affordable housing. I will finish on that point and wish Members of the House and the Minister of State a happy Christmas.

Senator Paddy Burke: I welcome the Minister of State to the House and wish him well with this Bill. I also congratulate him on steering his first Appropriation Bill through the Houses. I have seen many such Bills pass through this House over the years. The Appropriation Bill is one of the most important Bills because it covers the expenditure for 2017 up until the end of the year so that we can balance the books. It also gives a legal basis for our spending in 2018 up to a certain limit. That means that we can pay social welfare payments, including child benefit, in January. It is a very important Bill in that sense.

I would like to take this opportunity to wish Senator Buttimer, the Leader of the House, the best of luck in his marriage to his partner Conchobar at the end of the year. I congratulate him and wish him well. I would also like to convey my best wishes to the Cathaoirleach, to the staff of Seanad Éireann including Martin, Bridget and Aisling for the great work they have done throughout the year. They are always so helpful whether one is dealing with a Bill or a motion before the House. I thank them for their assistance and their hard work over the last 12 months. I wish everyone in the House a happy Christmas.

Acting Chairman (Senator Gerry Horkan): As there are no other Senators indicating, I invite the Minister of State to conclude.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I thank Senators for their engagement on this Bill. I point out to Senator Paddy Burke that it is my first Appropriation Bill in this seat. I was sitting where the Senator is now on previous occasions.

While it is not perfect where we are, it is a lot brighter than in 2011 and while we may have different views, ideologies and beliefs in terms of how to handle things, I always accept everyone’s bona fides because I believe that everyone acts in the interests of the nation and the people.

Anyone who has heard me talking about financial services will have heard me talking about moving up the value chain. The Taoiseach shares my desire to see every worker move up the value chain. Higher pay gives people the opportunity to buy their own house, which is really important in the Irish psyche. The Irish and British people are very similar in that we like to

own our own property but that is very difficult for many people in the current market.

This is an essential housekeeping Bill. I thank the Senators for supporting it and for signalling their intention to also support the early signature motion. I wish to take this opportunity to thank the Acting Chairman, Members and staff of Seanad Éireann and the staff of the Department of Finance for being so helpful. I have been in this job for almost six months and have been in this Chamber quite a lot during that time. I thank everyone for their co-operation. I want to thank my good friend Senator Buttimer and wish him well on his upcoming event. I am sure it will be an enjoyable day.

Question put and agreed to.

Bill put through Committee, reported without recommendation, received for final consideration and ordered to be returned to the Dáil.

Appropriation Bill 2017: Motion for Earlier Signature

Senator Paddy Burke: I move:

That pursuant to subsection 2^o of section 2 of Article 25 of the Constitution, Seanad Éireann concurs with the Government in a request to the President to sign the Appropriation Bill 2017 on a date which is earlier than the fifth day after the date on which the Bill shall have been presented to him.

Question put and agreed to.

Electoral (Amendment) (Dáil Constituencies) Bill 2017: Second Stage

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

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): The purpose of the Electoral (Amendment) (Dáil Constituencies) Bill 2017 is to provide for the number of Members of Dáil Éireann and for the revision of constituencies and the number of Members to be elected for such constituencies, in light of the results of census 2016. It also provides for an amendment to the Electoral Act 1997. In broad terms, the Bill we are debating today provides for the total number of Members of Dáil Éireann to be 160 and for the number of constituencies to be 39 in accordance with the recommendations in the Constituency Commission report 2017.

In debating and deciding upon this Bill, the Oireachtas will meet its constitutional obligation to review and revise constituencies with due regard to population change and its distribution around the country. To support the Oireachtas in this task, the Electoral Act 1997 provides for the establishment of an independent Constituency Commission and for that commission to report to the Ceann Comhairle on the conclusion of its work. The most recent commission reported to the Ceann Comhairle on 27 June 2017. Since the report's publication, the Government has given due consideration to the recommendations of the commission and, in accordance with accepted practice since 1980, has agreed to implement them in full and without change. The Bill now before this House provides for this.

The Constitution sets out clearly and distinctly the overarching requirements that apply to the membership of Dáil Éireann. In addition, and complementary to these constitutional provisions, Part II of the Electoral Act 1997 provides for a constituency review following each census of population and establishes, among other things, the terms of reference of a Constituency Commission.

By way of summary, the following constitutional provisions are of particular note. Article 16.2.2° of the Constitution provides: “The number of members shall from time to time be fixed by law, but the total number of members of Dáil Éireann shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population.” Article 16.2.3° provides: “The ratio between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as it is practicable, be the same throughout the country.” Finally, Article 16.2.4° provides: “The Oireachtas shall revise the constituencies at least once in every twelve years, with due regard to changes in distribution of the population.”

In effect, these constitutional provisions require that Dáil constituencies be revised whenever population change, as ascertained in a census, leads to population to Member ratios in individual constituencies that are significantly out of line with the national average or the limits set in the Constitution of one Member to every 20,000 to 30,000 of population. It has been four years since Dáil constituencies were last revised, by way of the Electoral (Amendment) (Dáil Constituencies) Act 2013 which gave legal effect to the recommendations in the Constituency Commission report 2012, which was, in turn, completed following census 2011.

The results of census 2016 show a 3.8% population increase on the 2011 population, distributed unevenly across the country but largely on its eastern seaboard. The population is such now that the ratio of Members to population, at 30,138, is outside the constitutional limit of one to 30,000. While this does not make the composition of the Thirty-first Dáil unconstitutional, since it was formed on the basis of total numbers set with reference to census 2011, there is now an imperative to legislate for revised Dáil constituencies to bring them into line with the requirements of Article 16.2° of the Constitution in good time for the next general election. These constitutional provisions were considered by the courts in two cases in 1961 - the High Court case of *John O’Donovan v. the Attorney General*, and the Supreme Court reference case relating to the Electoral (Amendment) Bill 1961. They were considered again in the High Court case taken by Deputies McGrath and Murphy in 2007 where it was argued that the constituencies on which the general election was being fought at that time did not comply with the requirements in Article 16° of the Constitution.

In his judgment of 2007 in the latter case, Mr. Justice Clarke stated that he was satisfied that there is an urgent burden on the Oireachtas to review constituencies following a census. In effect, he concluded that the Oireachtas must act promptly to bring constituencies in line with population once a census reveals significant population change. The progression of the proposed Bill will now allow the Oireachtas to so act on this occasion.

Part II of the Electoral Act 1997 provides for the review of Dáil and European constituencies by an independent Constituency Commission, upon the publication of the census report setting out the preliminary census results. The terms of reference of the commission are specified in the Act. These provisions are, of course, subordinate to the constitutional requirements set out in Article 16.2°. Following publication of the preliminary census results on 14 July 2016, a

Constituency Commission was established to begin work on the review of Dáil and European Parliament constituencies and to report with recommendations. This was the fifth commission established under the 1997 Act. It was also the second statutory commission established with authority to commence work upon the publication of preliminary census results. This provision was in response to the High Court case taken by Deputies McGrath and Murphy in 2007, to which I referred earlier.

The final results for census 2016 were published on 6 April 2017 with the Constituency Commission report 2017 subsequently finalised and presented to the Ceann Comhairle on 27 June 2017; the report was also laid before both Houses of the Oireachtas on that date. The Constituency Commission recommended that the number of Members of Dáil Éireann should be 160. This figure gives a ratio of one Member to every 29,762 of population which is quite close to the constitutional limit of one to every 30,000. While this is the highest ever ratio in the State, it is within the constitutional limit and, in recommending this figure, the Constituency Commission had regard to the maximum number permitted under section 6(2)(a) of the Electoral Act 1997.

The commission also recommended that there should be 39 constituencies, of which 18 constituencies were recommended to remain unchanged from the previous review completed in 2011. The report by the Central Statistics Office on the final results of census *3 o'clock* 2016 showed the total population in the State as 4,761,865, an increase of 173,613 people or a rise of 3.8% in the population since April 2011, with the majority of that change located on the eastern side of the country. The commission had three months after the publication of those results within which to complete its work and report to the Ceann Comhairle with its recommendations. The report of the Constituency Commission was presented to the Ceann Comhairle on 27 June 2017 and was laid before both Houses of the Oireachtas on the same date. In addition, copies were circulated to Members and the report was published on the website of the Constituency Commission. By now I am sure all Senators are familiar with its content and its recommendations. However, for the information of Senators and for the record of the House, I will outline the main features of the Commission's report in relation to Dáil and European constituencies.

The Commission recommends that the number of Members of Dáil Éireann should be 160; this is the maximum number permitted under section 6(2)(a) of the Electoral Act 1997 and provides a Member to population ratio of 1:29,762.

The commission recommended that there be 13 five-seat constituencies, up from the current 11, 17 four-seat constituencies, which is one more than at present, and nine three-seat constituencies, which is four fewer than now. This gives a total of 39 constituencies, one fewer than at present.

The commission recommended that 18 constituencies remain unchanged. These are, as listed in the commission's report, Dublin Bay South, Dublin Fingal, Dublin South-Central, Dublin Mid-West, Dublin South-West, Dublin West, Meath West, Louth, Longford-Westmeath, Donegal, Cork East, Cork North-Central, Cork North-West, Cork South-Central, Cork South-West, Kerry, Waterford and Wexford.

Prior to arriving at its recommendations, the commission reported that it had given consideration to the possibilities of adhering to county boundaries in the drawing up of new constituency boundaries. However, the analysis showed that, in many cases, breaches to county

boundaries would be unavoidable, having regard to the uneven distribution of population and the constitutional requirement in Article 16.2 that the ratio of population to the number of Members should, as far as practicable, be the same throughout the country. In particular, the constitutional requirements could not be fully met at the two points in the range - 159 and 160 Members - available to the commission under its terms of reference by adhering to county boundaries alone.

To minimise the number of breaches to county boundaries, the commission adhered to the views and practice of previous commissions in joining two entire counties into a single constituency in respect of Carlow–Kilkenny, Sligo–Leitrim and Cavan-Monaghan. Nevertheless, new breaches of county boundaries were considered necessary in Laois, Meath, Offaly, Roscommon and Tipperary while some breaches already in place by virtue of the existing Dáil constituencies have been retained. Overall, the commission reported that it was satisfied, in light of the constitutional requirements and its terms of reference, that the recommended constituencies met the constitutional requirements from the point of view of equality of representation.

The commission recommends changes to constituencies in a number of areas. Dublin Central should become a four-seat constituency, with four electoral divisions totalling 12,394 people transferred in from Dublin North-West and one electoral division with a population of 5,064 transferred in from Dublin Bay North. Dún Laoghaire should be revised to include part of the electoral division of Glencullen - population 1,535 - from Dublin Rathdown. This would improve the balance between the variances in these two constituencies and comprise the entire administrative area of Dún Laoghaire-Rathdown County Council. Cavan-Monaghan should be revised to include the 36 electoral divisions, with a population of 13,150, of County Cavan that are currently in the existing Sligo–Leitrim constituency and seven electoral divisions, with a population of 3,973, to be transferred from Meath East. This ensures that all of County Cavan will be included in the new Cavan-Monaghan constituency, which will become a five-seater.

Sligo–Leitrim should have 18 electoral divisions, with a population of 7,806, transferred in from the north of County Roscommon around Boyle and west of Carrick-on-Shannon from the Roscommon-Galway constituency. Roscommon-Galway should receive the transfer of 8,650 people from Galway East while Galway East itself is to be revised to include an additional population of 4,547 from Galway West. The Mayo constituency is recommended to receive the transfer of 4,893 people from that part of County Mayo that is located in the existing Galway West constituency. This reduces the size of the county boundary breach in Mayo.

Clare is to be revised to include the electoral division of Ballyglass, with a population of 5,994, that is currently in the Limerick City constituency. This will restore the county boundary of Clare. The Tipperary constituency is to receive the transfer of 10,847 people from that part of Tipperary that is currently in the existing Offaly constituency. This will restore the county boundary in that part of Tipperary. However, a transfer of 4,375 people from three electoral divisions in Tipperary to Limerick City is recommended to avoid a high variance in the population-to-Member ratio in the Tipperary constituency. This will create a new county boundary breach in that area. Limerick County is recommended to receive the transfer of 2,008 people from Limerick City to address the high variance in the Limerick County area and to better balance the ratios between the two constituencies.

Laois and Offaly are recommended to become a single five-seat constituency similar to the arrangements that were in place from 1923 to 2013. However, to avoid a high variance, a transfer of 11,854 people will need to transfer to the Kildare South constituency. Kildare South

is to become a four-seat constituency with the transfer in of the 7,892 people from that part of Kildare that is currently in the existing Laois constituency and a further 3,226 from the constituency of Kildare North. These transfers will ensure that there is no longer a breach in the Kildare county boundary. Carlow-Kilkenny is recommended to receive the transfer of the eight electoral divisions, with a population of 4,501, in Carlow that are currently located in the existing Wicklow constituency. This will eliminate the breach of the Carlow county boundary and will ensure that all of that county is now in the same constituency for the first time in 20 years.

The commission was also required to report on the constituencies for the election of Members to the European Parliament. In its report, it recommended maintaining the existing arrangement of constituencies for the election of Ireland's 11 MEPs. Therefore, I will not be tabling any amendment to the Third Schedule of the European Parliament Elections Act 1997, in which the constituencies for European Parliament elections and the number of Members to be elected for each constituency are specified. Should the number of Members to be elected from Ireland change before the next elections to the European Parliament in June 2019, section 5(1A) of the Electoral Act 1997 provides that a committee can be established to make a report in respect of European Parliament constituencies. This was done in 2013.

I will now outline the main provisions of this Bill. The Bill generally mirrors previous Bills providing for the revision of Dáil constituencies following a census of population. Section 1 provides for the definition of "Minister" and for particular references in the Schedule of the Bill. It is in the Schedule that the geography, as it were, of each constituency is described or specified.

Section 2 provides that, once the Bill is passed, there will be 160 Members in the next following Dáil, that is, the Dáil elected after the dissolution of the current Dáil. Section 3 provides for the 160 Members to represent the constituencies specified in the Schedule. There will be 39 constituencies, of which 13 will be five-seaters, 17 will be four-seaters and nine will be three-seaters. Section 4 provides that each constituency shall return the number of Members specified in respect of it in the Schedule.

Section 5 provides for the amendment of section 6(2)(a) of the Electoral Act 1997 to provide for the total number of Members of the Dáil to be no less than 166 and no more than 172 following the next review of Dáil constituencies. That would be due after census 2021. One hundred and sixty is the maximum number that the Constituency Commission could recommend and that is what is provided for in this Bill. Having regard to projected increases in the population, it is likely that the limit of 160 Members that is provided for in the Electoral Act 1997 would not provide for the total number of Members to be within the constitutional limits at the next constituency review after census 2021.

Section 6 provides for the 2013 Act to be repealed on the dissolution of Dáil Éireann that next occurs after the passing of this Act. This effectively means that the existing constituencies will continue in force until the next general election. For example, the constituencies in the 2013 Act will be in force for any referendum and the presidential election to be held in 2018 or for any Dáil by-election held unless there is a general election in the interim.

Section 7 is a standard provision for the Short Title and collective citation.

The Bill continues the long-established practice of implementing the recommendations of independent constituency commissions in full and without amendment, which has been an im-

portant factor in supporting the independence of the review process. While it is a matter for the Oireachtas to revise the constituencies, this practice was upheld in the Dáil when the Bill passed All Stages last Tuesday. I look forward to the debate on the Bill and commend it to the House.

Senator Jennifer Murnane O'Connor: I welcome the Minister of State. As he knows, I will support the Bill. As a Carlow woman, I welcome the return of my constituency.

Nationally and locally, populations must be represented fairly. These recommendations may see changes that some of us welcome and some of us do not, but we have to see it all clearly. In order to represent the people fully, there has to be the right number of representatives. Otherwise, some voices will fall silent. Many areas of Ireland are suffering because of the electoral boundaries, finding themselves in the heel of a county and forgotten for funding, services and resources. Even though the Bill does not go far enough, it is a great opportunity. I have worked in my constituency for years, including as a councillor, and I have seen people in the tail heel of a constituency. Some in my county vote in Wicklow, for example, yet they must approach Carlow County Council for services in terms of housing, roads, grants, etc. This has to be sorted and that is why I welcome it.

I can only speak for my own area. I believe that recommending the return of east Carlow to Carlow-Kilkenny is good news for Carlow. I know many of these people. I work for these people. I see them in Carlow at events and celebrations. I know their hearts were always in Carlow even if their polling booths were not.

I look forward to welcoming home those from east Carlow. They have been away for far too long. They are gone almost 21 years. Over 4,000 people in eight electoral divisions have lived, worked, socialised, earned, spent and enjoyed themselves in County Carlow, yet they had to vote in Wicklow. Many will relish the opportunity to vote in Carlow-Kilkenny. Carlow needs them and we are stronger together. We can work together for the good of the county and the people in it. That is why I welcome the report. I believe in everyone working together. Since I have worked so long in the various areas, I know the needs that must be met. This is better for the people of Hackettstown, Rathvilly and the surrounding areas. I welcome it.

Senator Kieran O'Donnell: I welcome the Minister of State to the Chamber as a distinguished former Member of the House.

We have a census every five years and we revise the constituencies based on the changes in population. Perhaps there is a need to look at how we do it. While I welcome the independent review I wish to discuss the area I am most familiar with, Limerick City and the area nearby. I will make some general observations.

Recommendations are based on whether the change in constituencies is plus 5% or minus 5%. That is a crude measure. The problem is that it has led to a situation whereby we can have shifts in constituencies. Limerick City, as a constituency, is probably as good a constituency as any to look at the changes that have taken place and their impact. Limerick City was originally called Limerick East and it was a five-seat constituency from the foundation of the State up to the 2011 election. It took in all of Limerick city and east Limerick as well. It was probably three quarters urban and one quarter rural. Then, there was a small hiatus. To keep Kerry with two three-seaters, virtually all of west Limerick was annexed to Kerry. Limerick had had eight seats overall but suddenly it had gone down to seven. One consequence was that the constituency of Limerick West had to stay as a three-seater - it is now called Limerick - and Limerick

East became Limerick City, a four-seater. The latter lost virtually all the rural area it had. One consequence was that the areas of Cappamore, Bilboa and Doon West moved. They comprise a rural area on the Tipperary border, which was taken out in 2011. Suddenly, it returned. When the constituency review came about, the area was returned for the 2016 general election. Now, it has gone back out again for the next general election. The people of Cappamore, Bilboa and Doon West feel disenfranchised. Traditionally, their association would have been with east Limerick. One reason for this was to ensure Limerick could continue to have the population. We took Cappamore, Bilboa and Doon West across to the constituency of Limerick. It is too crude a measure.

There were changes in the Clare areas of Westbridge, Shannon Banks, Carrig Meade, Ardnacrusha and Parteen. Effectively, these are suburbs of Limerick city and have been in the Limerick City and Limerick East constituencies for years. Now, suddenly, they have gone back into Clare. The people living in these areas go to school in Limerick and would naturally gravitate towards the city. Cappamore, Bilboa and Doon West went to the constituency of Limerick. Suddenly, Limerick City was short in population.

It is ironic that the Minister of State referred to not breaching county boundaries. He said that Clare was to be revised to include the electoral divisions of Ballyglass, which includes Westbury. These are suburbs of Limerick city. That would restore the county boundary in Clare.

Then we come to Tipperary and we find that to ensure Limerick City has sufficient population we have to take Newport, Birdhill and Ballinahinch into the Limerick City constituency. They are near us geographically and many of the people living there would be from the Limerick area. Nevertheless, people living in the Newport, Ballinahinch and Birdhill believe they have always been in the Tipperary constituency. Many there believe this has happened as an unintended consequence of the areas of Clare that are suburbs of Limerick going back to Clare.

The 5% measure may be a little too crude. Perhaps we should look at the socioeconomic trends in the sense of areas that are very much linked. The matter should be taken under advisement in terms of the next terms of reference.

I wish to speak about my constituency. Cappamore, Bilboa and Doon West are rural towns on the Tipperary border. The area has been in the Limerick constituency since the foundation of the State. The people there see it like "Lannigan's Ball". They were taken out in 2011, they were brought back in 2016 and now they are gone out again. I was elected as a councillor to the area in 2004. I have always represented them and I will continue to do so. Numerous phenomenal projects are under way. A voluntary housing scheme of 12 houses is going into the village shortly. A new library was built in recent times. No doubt they will get good representation in the constituency of Limerick, but their natural affinity is to the city.

The Clare villages of Westbridge, Shannon Banks, Carrig Meade, Ardnacrusha and Parteen are large suburbs of Limerick city. This is a big change for these people. I have represented these areas for many years. People were not aware this would happen.

Newport, Ballinahinch and Birdhill are geographically close to Limerick but the arrangement breaches county boundaries and it is a major change for people living there. I live near the area but I am conscious of the changes for people living there. Geographically, we are close to them - I am only 7 km or 8 km from them - and I trust that people will look to us to deliver the

service. Nevertheless, I believe the 5% margin may be too crude a measure. We should look at other ways to manage it. The problem is that the border areas in constituencies will become the variables. The area comprising Cappamore, Bilboa and Doon West is a classic example. We will have had three elections in which the people will have had different candidates calling to them in each time. That is not fair to the people living in those areas.

I welcome the report. I am sorry to see the people of Cappamore, Bilboa and Doon West going from Limerick City constituency and the same goes for Westbridge, Shannon Banks and Ardnacrusha. However, I am looking forward to continue representing the people in Newport, Birdhill and Ballinahinch with whatever issues they have. If people from Cappamore, Bilboa, Doon West and the Clare areas wish to come to us, we are still there to represent them. The measure of 5% may be a little too crude and does not take into account the socioeconomic consequences for people in these areas.

Senator Fintan Warfield: It is amusing that given the political reform of Deputy Enda Kenny's democratic revolution amounted to reducing the number of Deputies and a referendum to abolish the Seanad, here we are talking about the number of Members of Dáil Éireann.

I welcome the Minister of State to the House. Sinn Féin will be supporting the recommendations set out by the independent Constituency Commission within the Bill. That commission has the difficult job of adhering to the democratic requirements under the Constitution and attempting to keep constituencies within agreeable boundaries and county boundaries - an impossible task in many ways. Given the views outlined in this debate about different constituencies, perhaps Members should be given more scope to feed those views into the commission and have them taken into consideration.

There is irony in this House debating boundaries of constituencies in the Lower House. Our electorate is not structured by geographical area, despite what many Senators might claim. Furthermore, the Seanad's electoral system has been awaiting significant reform for years. Elections to this House are elitist in nature and need a complete overhaul so that the Seanad is relevant and accountable to all members of the public. I ask the Minister of State to encourage the Taoiseach to establish the working group on Seanad reform. The delay is becoming somewhat embarrassing.

In that spirit, I would like to see more debates in this House on electoral reform. The Government and its institutions have the responsibility of informing the electorate and encouraging active citizenship by making voting as accessible as possible. There is huge scope for active citizenship to become transformative with simple legislative amendments. I have two Bills on the Order Paper, one to lower the voting age to 16, which is due to reach Committee Stage in the new year after it was delayed by the House. I look forward to that debate. The second proposal has the potential to widen the electoral register by about 500,000 for citizens who have been resident in the State for over five years.

On behalf of Sinn Féin, I commend the Constituency Commission. There is huge value to all of us in its work. I look forward to the prospect of an electoral commission that can do further work in this regard that would be tasked with maximising citizenship through accessible voting rights and in turn making these Houses more accountable and more outward-facing with increased engagement with the wider public.

Senator Grace O'Sullivan: I welcome the Minister of State. I will speak to my amend-

ment on Committee Stage.

Senator Jerry Buttimer: I welcome the debate and the Minister of State. I compliment him on his stewardship of the boundary issue in Cork city and county. I congratulate the city and county councils on reaching a conclusion.

My initial reaction was that I would love to vote against this legislation. It is time we had a serious discussion on electoral reform and how we do our business through having an electoral commission. There has been too much tinkering and not enough substantive reform of our electoral process.

I do not mean these remarks to be personal to any member of the commission, but I believe this is the most disappointing electoral Bill I have seen in my time in politics. No change is proposed in Cork city or county even though every constituency has a variance which makes a mockery of the outcome. The members of the commission looked at various proposals for Cork and they farked it; they bottled it.

If we are serious about representation, we cannot disenfranchise people, which is what we are doing. Senators Kieran O'Donnell and Murnane O'Connor referred to people becoming disenfranchised in their areas. They are right in saying that the power of the people is diluted. They may not know those who represent them or may have no affinity to them. In some cases people do not know where to go to for service provision and in some local authority areas they might be passed from A to B. Senator Murnane O'Connor is right that they are losing out in the allocation of funding.

Despite all the talk about new politics, our task in tandem with being Members of the Oireachtas and legislators is to represent the people, and advocate and lobby for them. This Bill does not allow us to do that. It prevents people from being represented in its totality. It makes no sense in the Cork South-Central constituency for Bishopstown, Glasheen, Togher, Wilton, the Mardyke, Sheares Street, the Middle Parish, Grattan Street and Barrack Street to be diluted at the stroke of a hand. We are breaching boundaries all over the place. I am very fond of the Minister of State and I have great respect for him. He is one of the most sincere people in the House, but this is serious. This is not about me or electoral gain or loss or whatever. It is about people.

An Cathaoirleach: The Senator has two minutes.

Senator Jerry Buttimer: I will take as long as I can.

Given the number of new breaches, we are not serious about giving people representation and a voice. Maps are being drawn by people who have no idea and who do not care, which is not good enough. That is why we need meaningful electoral reform. Let us tear it all up and begin again.

Senator Fintan Warfield: The Senator is a serious disappointment.

Senator Jerry Buttimer: We take our seats in here and represent the people for whom we will advocate. I am serious. I have a very simple view. It is not about me, Senator Murnane O'Connor, Senator Kieran O'Donnell or whoever, but about the people. I have always said this. We have too much tinkering. The terms of reference for the commission were wrong from day one.

I would love to vote against the Bill, but because I am duty bound to support the Government, I will do so. We really need serious reform of our system, whether it is by the single transferable vote in single seats constituencies or the list system. Let us do that, but let us not cod the people and cod ourselves that we are doing this because of whatever. We cannot breach parish and county boundaries and expect people to be happy, and they are not.

Senator Kevin Humphreys: I find myself in agreement with Senator Buttimer. Irish people have a strong sense of place and have strong affiliations with their village, town or city. Often they are torn apart or lines are drawn and they cannot understand it.

Senator Kieran O'Donnell gave me a fantastic tour of Kerry, Limerick and Clare.

Deputy John Paul Phelan: And Tipperary.

Senator Kieran O'Donnell: We aim to educate the Dubs.

Senator Kevin Humphreys: Many of them were towns in which I worked over the years and so I know them extremely well. I spent three to four months in each of them at different times. In 2011 when the previous Government was formed, it was a very different time and we showed leadership in reducing the number of Dáil Deputies, as the Taoiseach of the day said we would.

Senator Jerry Buttimer: That was wrong, too.

Senator Kevin Humphreys: Let me develop the point.

Senator Jerry Buttimer: No.

Senator Fintan Warfield: Revolution.

Senator Kevin Humphreys: It reflected what was going on in the country at large. We were asking public and civil servants to do more for less. We also had to ask ourselves to do more for less. It was correct at the time and I still believe that was the case. The problem is we have now moved to the outer limits of population representation and it means that every census will result in another change to boundaries which will not allow people to settle with their public representatives, or public representatives to make strong connections with the people. Time has passed and we should reflect this on this point. The population is growing and we can project forward and say every census will probably result in a change to boundaries, whether county, town or parish boundaries. Therefore, we have to be realistic.

What we really need at a very early stage is a debate on boundaries and the terms of reference to take the matter out of the political sphere. I will not stand here and criticise the commission which is independent. It was given terms of reference and did a job with them. We may or may not like it, but we must have a proper discussion with the Minister of State on the terms of reference. We must strengthen the importance of the city, parish or neighbourhood. I have seen lines being drawn through housing estates, such that people on one side of the road are in the area of Dublin City Council, while those on the other are in the area of Dún Laoghaire-Rathdown County Council. I cannot get to areas in my former constituency by staying within its boundaries. Only last week I was told by people that they had never seen anyone in their estate representing Dublin Bay South and that they felt isolated. This is a problem in cities, but people also feel isolated in counties Limerick, Tipperary and Donegal.

Senator Jennifer Murnane O'Connor: The heel of a constituency.

Senator Kevin Humphreys: As the Senator said, people are in the heel of a constituency. We have a responsibility to make sure people are able to associate strongly with their constituency. I would like the Minister of State to come back to the House - perhaps the Leader might facilitate this - in order that we can have a serious debate, not a party political one, on the issue. We want what is best for the people and to build a strong relationship between public representatives and the communities and areas they represent. If we are for the foreseeable future to see a change to boundaries following each census, there will be a disconnect. There is already a disconnect in the local government system because we have vast local electoral areas. I was part of an electoral system that approved and voted in favour of them and I was wrong. I say loudly and clearly that I was wrong. I also was wrong about town commissions. I voted in favour and say openly in the House that I was wrong. When one is wrong, one must go back and fix one's mistakes. I, therefore, ask the Minister of State in all seriousness to remove the issue from the census cycle. Let us talk about it early next year in a calm and rational manner and possibly refer it to a committee. Let us work out a better system under which citizens would feel they were represented and would not be jumped every three or four years into either a different local government area or Dáil constituency. We have a responsibility to do this.

On the Bill, we almost had an accident a couple of weeks ago when a general election could have been called and it would have been based on the results of the previous census. In all seriousness, Joe Costello went to the courts and I know that the matter will be before the High Court in the new year, but this should not happen. The results were laid before the House on 27 June. We should not be passing the resulting legislation at the beginning of December. The delay is unacceptable. We could have had a general election that would have been legally questionable. The Minister of State had a responsibility to act and I believe he failed in that responsibility because of the delay in bringing forward legislation.

Senator John O'Mahony: I welcome the Minister of State. I very much agree with Senators Jerry Buttimer and Kevin Humphreys. I realise the Bill is a *fait accompli*, but more of a dog's dinner could not have been made in providing for the new boundaries. The commission was given the rules and had to make them up based on the criteria it had been given. I experienced this at the last general election and, again, it is not about me. This time I will not be in the same constituency, but it is not about that. Senators are welcoming new constituencies, which is fine. Sometimes in one revision the commission seems to correct the mistakes made in the previous revision.

The idea that population size supersedes everything is one about which we need to talk in a calm debate. Is it suggested there be 150 Deputies on the east coast in 20 years' time? We speak about rejuvenating the concept of regional development. We also need to do this when it comes to people representing their areas. It should not be the king over everything else. Challenges are faced by representatives in rural areas in having to travel 30 or 40 miles to visit a house on a mountain or in the middle of a bog. This issue needs to be looked at calmly and without being under pressure to pass legislation as we are today. People feel disenfranchised. They do not feel connected to their constituencies because the boundaries are changing so much. In the 2016 general election I knocked on hundreds of doors and people had no idea that the constituency boundaries had changed.

Small things make a huge difference. Senator Kevin Humphreys referred to a sense of place. As a Kilkenny hurling fan, the Minister of State must realise this.

Deputy John Paul Phelan: We used to win.

Senator Kevin Humphreys: That was then.

Senator John O'Mahony: The big strength of Irish society is its sense of place and these boundary concoctions will do everything to eliminate it. The number of seats in the Mayo constituency was reduced based on population size. Hundreds of people told me on the doorstep that even if the number of seats was reduced to four, the county boundaries should be kept. This is hugely important. As I said, hundreds of people did not vote as a result of the changes. The response to correct the mistake - moving part of the county back into the Mayo constituency - will further isolate those who will be in the Galway West constituency. This will compound the problems resulting from the previous division. I know that I am preaching to the converted. I remember a little dispute the Minister of State had with Senator Paudie Coffey when people in Waterford wanted to include a bit of Kilkenny in the constituency. I remember very robust debates taking place on various platforms. I appeal to the Minister of State, not because it is a *fait accompli*, to ensure people's sense of place is protected. Population size should not be the only criterion. Otherwise in years to come there will be huge areas in which there will be a total disconnect.

Senator Alice-Mary Higgins: Others have spoken about the need to have a wider debate. It has been well acknowledged that we have been waiting for a wider debate and hoping one would be held. It is unfortunate that because of circumstances the Bill is being seen as a formality to implement a set of recommendations rather than have a wider debate. We should take any opportunity we get to examine democracy in its deeper sense. Some of the changes, such as the abolition of town councils by the previous Government, were most regrettable. If we want to inspire and encourage engagement with democracy it is important to ensure people have the experience of voting, of affecting a decision and of seeing the impact at the most local level. Some unfortunate decisions were made in that respect which have perhaps made things a little more distant in terms of the relationship between a person's vote and action and he or she being an agent within one's town or community. That is something we must look at as part of the wider debate.

I wish to speak very briefly to highlight one issue. I hope we will see the Minister of State return here early in the new year with the electoral reform agenda for Seanad reform. In respect of electoral reform, there is a clear and explicit commitment in the programme for Government to the implementation of the Manning report. Unlike other areas of reform, we do not need to start from scratch as we have a report that was agreed across the Oireachtas that sets forward very clear proposals. The debate is now simply around its implementation. This is an issue on which we do not need to go back to the drawing board but where we can move ahead very soon. I emphasise to the Minister of State that this is something which I believe many of those who voted to retain the Seanad want. I am always conscious that all Senators are here as a privilege because people across the country who do not have the right at present to vote for the Seanad, nonetheless voted to retain the Seanad as a signal that they wished it to exist to serve a function. I believe that was a signal that they want to be involved in the Seanad. To keep faith with that wider constituency we need to step up and say we are here on sufferance and a promise of reform and we need to deliver that.

An election was almost called before Christmas and it would be unfortunate if we were to go back again to the electorate without having moved forward in any meaningful way on Seanad reform. I hope we will have a wider debate about local democracy, which is important,

as well as a specific debate about the implementation of the Manning report. There are some other measures in terms of the electoral process at which we might look. It is most regrettable that there is no supplementary register for the Seanad. It is unusual in that regard and very different from either referenda or the Dáil election. If, for example, an election had been called before Christmas, those who would vote in any of the university or other panels would have had to register 18 months ago. That is not right. We need to have a system in place. Practical measures are required. I am just highlighting the issue in that context and I look forward to the rest of the wider debate. My colleague will debate other points on specific amendments on Committee Stage.

An Cathaoirleach: This Bill is specifically about the Dáil. It is nothing to do with the Seanad. Members should not get confused because that is a totally different debate although it might be very worthy. I was indulgent in allowing Senator Higgins to mention it.

Senator Paddy Burke: I will be very brief. I welcome the Minister of State, Deputy John Paul Phelan, to the House. Like my colleague Senator O'Mahony, I welcome Ballinrobe back into the constituency of Mayo. I was hoping that all the parts of County Mayo which are in the Galway West constituency would have been brought into County Mayo under the new boundary review. Be that as it may, we welcome that more than 4,000 votes in the Ballinrobe and Kilcommon area back into Mayo.

Senator Jerry Buttimer: Senator Paddy Burke must be running.

Senator Gerald Nash: It is a declaration.

Senator Kevin Humphreys: When is the selection convention?

Senator Paddy Burke: I wish to raise two issues. People have to state where they are on the night the census is taken. People say that favours Dublin constituencies because all of the hotels, guest houses and other such accommodation in Dublin are full on the night of the census. Is that taken into account for the constituency boundaries? If it does, it surely militates against rural constituencies. I would like clarification on that point because it has been brought to my attention on a number of occasions that it could well be the case.

In some city constituencies the number of people per Dáil seat is much less than in some rural constituencies. In County Mayo, for instance, the number of voters per Dáil seat is 30,000 plus while in some cities, it is as low as 28,000. The number of voters per seat in the cities could be greater and it could be reduced in rural areas. I urge the Minister of State to take that issue into account the next time the boundaries are being examined.

An Cathaoirleach: I am reminded of the last two times I filled in a census form. On one occasion I was in Glendalough as I was canvassing for the Seanad and I had to fill it in there because that was where I was on the night. The last time I was in Sandyford. The census had nothing at all to do with the beautiful place I come from. It is an interesting point. Perhaps the Minister of State can respond to it.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I thank Senators for their contributions. I join Senator Murnane O'Connor in welcoming back the good people of Hacketstown, Rathvilly, Clonmore, Ticknock-----

Senator Jennifer Murnane O'Connor: Clonmore.

Deputy John Paul Phelan: -----and a few other such places. I look forward to visiting them but hopefully not too soon.

Senator Kieran O'Donnell gave examples of places in his constituency that have moved out and other places that have moved back in. Pretty much every speaker touched on similar points. The terms of reference under which the commission must operate are such that to avoid such situations, we would have to change the Constitution. Senator O'Mahony mentioned a sense of place. I feel the county boundary structure is worth considering, should we have a constitutional amendment. Senator Warfield also made valid points about further protection for identity, therefore allowing for greater variance in population. There is a lot to be said for that. However, I disagree with Senator O'Mahony's point about population not being paramount. The Lower House must be representative population-wise but there are other factors that need to be weighted more heavily. Senator Kieran O'Donnell mentioned the 5% margin of error. I am inclined to agree with him. Some Senators acknowledged in their contribution that the commission produced a report in the most extraordinarily tight circumstances. Hence, there are a lot more small breaches of county boundaries. Some breaches have been solved, for example, in Carlow-Kilkenny and in Clare. Other breaches have been partly solved, for example, in Mayo, but others have been created. There was no way they could have been avoided. I did not say it in the other House but I commend those who did it because they get a lot of stick. They got some stick here today for the job they had to do. They could have come up with no other result given the terms of reference that were set out.

Senators Warfield and Higgins spoke about Seanad reform. I am not really in a position to say anything yet other than watch this space. It is my intention to act in that particular regard in the near future.

Senator Buttimer launched a vicious attack on the commission. He listed out the names of streets in Cork that should have been in different constituencies. I looked at the changes in Cork myself. It appears that wherever a commission starts its work has knock-on effects on other parts of the country. It is a fact that there were changes that might seem obvious to some people in Cork that did not happen. Something that has been missed by most speakers in the Second Stage debate is that there is an amendment in section 5 to section 6(2)(a) of the 1997 Electoral Act, which will mean that the next terms of reference will be looking at a Dáil of between 166 and 172 Members. That was the reason for the delay in implementing the result of the census and therefore this commission report. That change had to be made.

I commend the franchise section who are here almost en masse today because there are only nine people in it. When there is a referendum or a presidential election the franchise section becomes the electoral commission for the country and they are remarkable people. Like me they are nerds for statistics and figures but they do a very good job in difficult circumstances. I think I am correct in saying there are only nine people. That is one reason why this has been a bit slow but also we want to ensure the legislation stands up, not just in terms of the next Dáil to be elected but that the parameters for the next terms of reference will be such as to allow leeway along the lines we have discussed.

Senator Higgins and others spoke about the need for a debate on electoral reform in general and I would very much welcome it. If the Leader wants to have one in the new year I will be ready, willing and able. I have addressed the issue of a sense of place being important.

On the question of town councils, the Cathaoirleach is familiar with the nature of the multi-seat constituency that we all occupy in the Lower House and often the greatest competition is internal to our parties. My great competitor for most of my political career was the present Commissioner Phil Hogan.

Senator Kevin Humphreys: He saw Deputy Phelan off.

Deputy John Paul Phelan: Many of the issues we fought on went on for years.

One of the best decisions he made was to abolish the Victorian system of town councils, which ensured that in some towns there were two ballot papers and someone could be elected on 40 votes, while in the rest of the country there was one ballot paper. An urban focus on those electoral areas has to change and that is included in the terms of reference for the revision of the local electoral areas. Towns with a population of 15,000 will now have an electoral area based on the town and its immediate hinterland. The smallest, for example, is Killarney, which has a population of 14,500. Under the terms of reference, hypothetically, it will have a five-seat electoral area which will be called Killarney town district. There is no reason we cannot avoid the duplication in a ridiculously outdated and antiquated system where the town boundaries were so small and at variance with the towns we know now. We are modifying those and focusing on towns for the upcoming local elections. The good example I was given was Ennis in County Clare. It used to have a nine-seat town council and elected seven county councillors. In the eight-seat area that it is now, only three councillors live in the town. After the next revision it will be a six or seven seater in the town but six or seven councillors will be in the town of Ennis. It will be the same in other towns across the country.

The other issue that arose was the question of communities being divided. What is included in the local election terms of reference, which I would encourage Senators to also study is the need to keep communities together, that sense of identity. The southside of Dublin has historically been good at this because the urban villages are generally in individual electoral areas. The northside of Dublin is horrific. I think Drumcondra is almost in four different electoral areas but it is included in the terms of reference this time, that urban villages, as well as rural communities, should be kept together in the same district, in so far as that is possible because it is not always possible. Lines drawn on a map have to reflect population but there may be some wiggle room to ensure that logical communities, such as Senator Buttimer mentioned in the southside of Cork city, would be in one constituency. I fully concur with those sentiments.

In response to Senator Paddy Burke, the figure the commission operates from is the place of usual residence on the census form.

Senator Higgins mentioned the supplementary register. The register of electors for the educational institutions is administered by them. They have the responsibility. I do not think they are prohibited from having a supplementary register.

Senator Alice-Mary Higgins: I can discuss it another time with the Minister of State.

Deputy John Paul Phelan: The Senator should feel free to email me with details but as far as I know each institution is responsible for its own register.

Question put and agreed to.

Electoral (Amendment) (Dáil Constituencies) Bill 2017: Committee and Remaining Stages

Sections 1 to 5, inclusive, agreed to.

NEW SECTION

Senator Grace O’Sullivan: I move amendment No. 1:

In page 4, between lines 7 and 8, to insert the following:

“Amendment of section 6(3) of Electoral Act 1997

6. Section 6(3) of the Electoral Act 1997 is amended by the substitution of the following paragraph for paragraphs (b) and (c):

“(b) There will be one national constituency for the Republic of Ireland in the election of representatives to the European Parliament.”.”.

My amendment is simple but significant. With Brexit approaching, the make-up of the European Parliament is due a shake-up, with the UK’s 73 seats up for redistribution, either as extra seats for the other member states, or as transnational seats to be elected across the EU. Either way, change is coming, and we need to be ready for it. Last week, President Macron of France indicated that he would scrap France’s regional approach to European elections and create a single national constituency. This would bring France in line with 22 of the 28 EU member states that have a simple national constituency. This leaves just Belgium, Ireland, Italy and Poland as the only member states that do not approach these elections with a single constituency.

Part 3 of the Electoral Act 1997 established the existing constituency commission and extends its oversight to reviewing the Dáil and European Parliament constituency boundaries after every census. Currently, Ireland has three constituencies for the election of members of the European Parliament, MEPs, the three seater of Dublin and two four seaters of south and north west. These constituencies are the smallest of any in the entire EU, apart from the national constituencies of Malta, Luxembourg and Cyprus, and the small German speaking region of Belgium. They make little sense as regions, with Bray and Bantry sharing the South Constituency, for example.

The existing regional constituencies in large member states, such as France and Italy, are all larger than the entire combined population of Ireland. We are very far outside the mainstream on this issue already. This matters, for several reasons. First, the current constituencies lower the fairness and proportionality of our European election results. In the last election, for example, Fine Gael got 22.3% of the first preference vote, and 3 MEPs. Fianna Fáil got 22.3% of the vote, but merely one MEP, the Minister of State might be glad of that.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): We got four, not three.

Senator Kieran O’Donnell: Worse again. That reinforces the Senator’s argument.

Senator Grace O’Sullivan: It does, absolutely. Far be it for me to be arguing for the electoral fortunes of Fianna Fáil but this outcome is clearly not proportional or fair. In our elections, all votes should matter, and proportional representation with a single transferable vote,

PR-STV, is a system that we are rightly proud of but it can only work when constituencies are fair, and that is not possible under our current constraints.

The Green Party has repeatedly made submissions to the constituency commission as it reviews the European boundaries but the suggestion of a national constituency can never be accepted as it is outside the terms of reference, which are set by the existing Electoral Act 1997. I noted with interest that in the last constituency review, no less than a former Minister of State with responsibility for Europe, Lucinda Creighton, agreed with us. She pointed out that our small constituencies are unfair and outside the norm. We might not agree with her on much but we can agree on that. Second, a single national constituency will allow us to participate in a changing European Parliament as the UK leaves and a new reforming French presidency joins Germany in driving greater modernisation of the Union.

If this includes a transnational slate of candidates, I do not see how that can work with our current system. How can such candidates participate in a PR-STV election across multiple regional constituencies? I cannot see any way for them to do so. We are going to have to face up to this issue sooner or later.

Finally, and perhaps most importantly, a single national constituency would change the nature of these elections in a fundamental way. Political scientists all agree that European elections in Ireland are too often “second-order” elections that are used to punish the Government of the day and focus on local issues. This is not what elections to the European Parliament are meant to be. In a turbulent world, a strong European democracy is more important than ever before. Since the Lisbon treaty, the European Parliament has never been so important to the healthy functioning of the EU. The day on which our MEPs are elected should be serious and focused in a way whereby we, as a nation, come together to decide the future we want to see for the EU. A national election in one national constituency will go very far to changing the nature of these elections and ensure that policy, and not personality, will be the determining factor in voters’ decision-making. It is a simple and smart change that would Brexit-proof Ireland for the future.

Senator Kevin Humphreys: This amendment needs careful consideration. The importance of Europe is coming home to the Irish electorate. More than ever before, the forthcoming European elections will see a fantastic and renewed engagement with such elections. There will be a really informed decision in those elections. Many of the groups that have come from Ireland - some of which have been part of fringe groups - and the amount of influence they have in Brussels and Strasbourg are really marginal. In the months since the Brexit vote, the contacts and engagement we have had with our sister parties across Europe has helped Ireland greatly in its negotiations and has built friendships across the Union.

I am not sure that I buy into the single constituency idea. There is merit in having a real conversation. That is why I said earlier that if we take it out of the cycle and have a real and in-depth discussion about terms of reference relating to the boundaries, that is the place to have it. It might mean that we miss out on the next European elections but there is probably a strong case for two constituencies for the island of Ireland. We would have to talk about that and expand on it because we are going to have a small number of MEPs in Brussels and they will have to, pardon the phrase, punch way above their weight. We must, therefore, start taking this matter seriously. We need to get our structures right. In respect of the idea of having a maximum urban-rural vote, there may be a strong argument for drawing a line between north and south with regard to how we elect our MEPs. Would the Senator consider withdrawing her amend-

ment if the Minister of State gave a commitment to come in early in the new year and have that conversation on the terms of reference? Coming so soon after the conclusion of the census, matters are slightly rushed because the Minister issues the terms of reference and - bang - we are in the middle of the process. In the context of most of the issues that have been raised, we really need that interrogation of the terms of reference. We cannot blame the people who are doing the job. They do a good job with the terms of reference they are given.

Something is drastically wrong with our register of electors. I have been out and about recently and have found that the number of people not registered is between 20% and 25%. I do not know what happened. I have the new register. These people are not new to their areas. They have been living there for between eight and 12 years and seem to be quite surprised when I inform them that they are on the register. The turnout in Dublin Bay South was approximately 50% but that figure does not reflect the register. Something has gone askew in recent years. I may come back to the Minister of State at another stage as I delve further into it and ask other colleagues whether they are experiencing the same thing. I know this is an aside but I just wanted to put it on the record.

Senator Kieran O'Donnell: I have reservations in an Irish context. I will explain why. First, if we go for a single national constituency, there is a likelihood that - in terms of the shift of population to which Senator O'Mahony referred earlier and using a PR system - candidates would be elected from the major centres of population. There might be large swathes of Ireland with no representation. All politics is local. In that context, if someone based in Dublin is contacted by a person here or an individual in Limerick, whose call will he or she take first? That is the first point.

Second, it would probably mean that we would then be looking at a list system as well. I would have reservations about such a system. For all its imperfections, our system is fair. It is a PR system and members of the public get to have their say. The public has the electoral system it likes. It likes having its public representatives close at hand. It likes to know them and to keep them grounded and informed. It probably makes us better legislators. If we move to a list system, there would be a perception among the public that it had become an elitist system. We must look at whether our electoral system encourages people with a range of talents to come forward and run. In particular, does it encourage women to run? I argue that it does not. We need to look at how we can create an environment where women can run, which extends into the workplace as well. We must think outside the box and we are not doing so in Ireland. It is not just about gender. It is about creating an environment where people will look to run for public office and where women can have families if they want. It is about finding that methodology.

Ireland is a country on the periphery of Europe. If it was based purely on our population, we would not figure. We box way above our weight. One of the reasons for this is because our MEPs are so conversant with the constituencies they represent whether the matter concerns fisheries in the northern region, agriculture in Munster, urban tourism in Dublin or matters relating to Leinster. I would be of the same view as Senator Humphreys that it is worthwhile putting into the lexicon in terms of having it as part of a debate. I am not sure that this country would gain from such a system in terms of representation at European level and, more particularly, what the public likes.

This has been tried on many occasions. The Minister of State made reference to his great political opponent being in his own party. If we are being honest, that is the nature of our multi-seat system. Two referendums on having single-seat PR have been held since the foundation

of the State. I think they were both brought forward by Éamon de Valera. On both occasions, they were resoundingly defeated by the public. We have all gone before the public. The public is sacrosanct. Its members have more common sense than any politician. They like the system that is in place, despite all its imperfections.

I hope that we can move forward, while still reflecting the independence of the commission. The amendment is worthwhile and I welcome the fact that the Senator tabled it. However, I cannot support it.

Senator Paul Daly: I also see the merits of the amendment but I must agree with Senator Kieran O'Donnell. As a rural representative, I would have the terrible fear that all our representatives would be urban. I could envisage that having an all-Irish constituency could lead to most, if not all, of the representatives coming from the more densely populated areas. I would be very fearful of that.

The biggest problem with the European election is that it is held at the same time as the local elections. The foot soldiers, of all political parties and none, are the people who canvass in elections. Human nature being what it is, however, on that particular day and for the three or four weeks to that election, they are out canvassing for their own bacon. It undermines the ethos of the European election terribly. The people on whom we all depend, be it for a general election or a referendum, are the councillors and their foot soldiers, the people who are at the coal face. They are out canvassing for their own futures, and one can understand why they are not too bothered about handing out the literature that they are given for the European election. That dilutes, undermines and demeans the process more than the constituency set-up.

Deputy John Paul Phelan: Looking around, I am the only one in the Chamber at the moment who has ever stood in a European Parliament election.

Senator Grace O'Sullivan: I did.

Deputy John Paul Phelan: Senator O'Sullivan did. I apologise. I think at the same time I was probably canvassing with her sister in the local elections.

Senator Kieran O'Donnell: That is really pulling it from the bottom drawer.

Senator Kevin Humphreys: The Minister of State should withdraw that.

An Cathaoirleach: Do I take it that the Minister of State will accept the amendment?

Deputy John Paul Phelan: As Senator Humphreys pointed out, I think we should have a discussion on it. There has never been an amendment accepted on a constituency commission Bill to the best of my knowledge, and I am not in a position to accept amendments today, but it is worth having the discussion.

Irish people are wedded to the single transferable vote and the multi-seat electoral system, but that is not to say we cannot or should not look at it in the future, for other elections. I am perfectly open to having that discussion. A Senator spoke about Ireland being outside the mainstream. We are outside the mainstream in the system that elects people to our Lower House, and the system that elects people to this House is completely outside of every mainstream. That is not necessarily a bad thing in and of itself. I understand the motives behind what the Senator is suggesting, but I wonder if the public would be prepared to go that far. A Member mentioned the word "elites".

Senator Kieran O'Donnell: I did.

Deputy John Paul Phelan: Yes, it was Senator O'Donnell. A sense that the men in grey suits who run the political parties would effectively choose the MEPs would be a very potent argument in any national referendum or campaign against a change in the current system. A point that Senator Humphreys raised earlier concerned the electoral commission. He went on to speak about the register of electors. The drafting of legislation to establish an electoral commission is ongoing. It is a slow and huge piece of work that is continuously going on in the background in the Department when referendums and other pieces of legislation, like the requirement to act promptly, come into play. It tends to get shoved to one side, but it has not gone off the radar. I want to reassure the House that it is still on every list of legislation that is being prepared, at every meeting that we have within the Department. I will certainly bring up the issue of the register of electors as well.

Senator Grace O'Sullivan: I appreciate what the Minister of State says. The issue does merit a discussion in the House as part of discussions of general reform, with regard to Brexit, the development of Europe and our position within it. I absolutely appreciate what colleagues have said about the Irish context. However, it is sometimes good to expand on who we are and where we are going, and look a little towards the long term. I agree that there is a chance that there would be more options in areas of high demographic density, but that would not necessarily be the case. That is why the discussion would be welcome. On that basis, I will not press the amendment. I will leave it to the Minister of State to come back with a date.

Amendment, by leave, withdrawn.

Sections 6 and 7 agreed to.

SCHEDULE

Senator Gerald Nash: I move amendment No. 2:

“2. In page 14, to delete line 32 and substitute the following:

Louth and East Meath	The county of Louth;	Five
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Thank you very much, a Chathaoirligh. I thought for a moment that you might have forgotten about me, Heaven forbid. The Minister of State said in his response that it is the convention, custom and practice for the Government not to accept any amendments that might be suggested to propose changes to legislation giving effect to a constituency commission report. I understand that convention and practice, but I am obliged to ask the Minister of State to change his mind. I request that he accept the merits of my argument for changing the name of the Louth Dáil constituency to reflect the fact that it includes a very large proportion of County Meath, as has been the case since the 2007 boundary review.

Members have spoken very eloquently about the place of identity, county affiliations and townland affiliations in this country. We have heard of its importance to our sense of ourselves and our sense of place, which is, if not uniquely Irish, certainly an extremely important sense of community.

Ten years ago, the 2007 Constituency Commission report was introduced and reflected in

legislation, making the new extended Louth Dáil constituency, which included areas like Laytown-Bettystown-Mornington, a reality. There was some considerable resistance, understandably, from a significant number of residents in that area, who were used to voting in the unitary Meath constituency, for want of a better description. Meath was then broken up into Meath West and Meath East. A significant part of what we colloquially refer to as “east Meath” is now in the Louth Dáil constituency. That includes, Laytown-Bettystown-Mornington, Donacarney, Julianstown and other areas that would be known as “Drogheda, County Meath”, leading to all kinds of confusion.

I think we accept that if there is no radical reform of our electoral system, county boundaries are going to have to be breached to allow us to satisfy the constitutional requirements for the design of constituencies and the allocation of numbers of seats proportionate to population. We are now approaching the third election where we will have this very significant part of County Meath in the Louth Dáil constituency. Interestingly, back in 2007 the Constituency Commission said that it was including the Laytown-Bettystown-Mornington area and other parts of east Meath into the Louth Dáil constituency because of the area’s very clear affiliation and connection with Drogheda, Ireland’s largest town that is not a city, or at least, not yet.

When we speak of identity and the description and definition of Dáil constituencies, we are kidding ourselves if we do not look seriously at meaningful local government and electoral reform. While there has been an interesting debate in this Chamber this afternoon, it is not the type of debate that we should be having at the tail-end of a Dáil session in the run-up to Christmas. We are all democrats and committed parliamentarians, many having served a number of functions in these Houses over the years, and as such we really need to have a much more serious debate about electoral reform in this country. I would support the Leader if he does propose to have such a debate in the House in the new year. It is exceptionally important. I would ask that the concerns of the people of east Meath, whom I have represented since 2011, around the description of the constituency be addressed.

There is nothing preventing us accepting an amendment of this nature here today because this has nothing to do with the structure or the substantive issues that the Constituency Commission is generally asked to consider. It has fulfilled its constitutional role that we have asked it to fulfil within the terms of reference it was provided with by the Minister and these Houses. There is nothing preventing the name of a constituency being changed. If there is, I would like to know. Nobody has told me that there is anything preventing this amendment from being accepted and this change being reflected in this legislation.

It is something that would be appreciated. It is something that would be valued. If we are to have situations, as I stated, where county boundaries will continue to be breached, then we must ensure that the geographic reality of the area that is covered by a Dáil constituency is reflected in the title of that constituency. If we are serious about county affiliations and if we are serious about identity, we should take that on board and take action to reflect that.

Senator Kevin Humphreys: I second the amendment. It is something I feel strongly about. Names matter because with the names comes the sense of place. Dublin South-East was changed to Dublin Bay South following the previous census and when the commission. “I come from the bay area,” sounds like a person is from somewhere like San Francisco. All the submissions at that time to the commission were about bringing Terenure back into Dublin South-East.

Deputy John Paul Phelan: And Harold's Cross.

Senator Kevin Humphreys: That was a small piece, but all of the submissions were for Terenure to be reunited as a town as part of Dublin South-East. The people of Dublin South-East still associate with it. They still call it that. If I knock on a door and say I am canvassing in Dublin Bay South, people ask: "Where is that? Are we in the States? Are we in America? Are we in San Francisco?"

There is a sense of place because Dublin South-East has historical connections, such as with Garret FitzGerald and Noel Browne, and those connections really matter to people.

Senator Gerald Nash: Kevin Humphreys.

Senator Kevin Humphreys: It is to be hoped, in future years. It really matters to people that there is a real history, and that is not given in the terms of reference to constituency names. We should be careful about how we name constituencies. People can build up an affinity with them and have the sense of history of who represented those areas. If they want to look at the history, they look at the names and connections.

When we change it to something such as Dublin Bay South, it should be remembered that it is not possible to see the bay from Terenure or Harold's Cross either. It should mean something. We should keep that sense of history. It would be like taking the name of Cork out of a constituency in Cork or taking away the name of Limerick. People make associations. Dublin South-East was made up of the villages of Ringsend, Sandymount, Terenure, Rathmines and Harold's Cross. They knew where it was. They knew where their place was. They knew the name of their constituency. Then, on the last occasion, it changed.

I very much support Senator Nash. I will not labour the point. It is something we should examine. Otherwise there will be a disconnect with the people and that is not good for democracy.

An Cathaoirleach: Senators Buttimer and O'Mahony have indicated.

Senator Jerry Buttimer: I am actually in very good form. This is an important matter. Let us be honest about it. I know we cannot support the amendment that Senator Nash is putting forward-----

An Cathaoirleach: I did not realise that this business is due to be completed by 4.35 p.m. at the very latest.

Senator Jerry Buttimer: I accept that.

An Cathaoirleach: There are three or four others who want to speak.

Senator Jerry Buttimer: The important point, as Senator Humphreys stated, is it is a pity we did not have this debate before we had the review back.

Are we seriously saying that the constituency of Cork North-Central is adequately or properly named when one looks at the southside parts of it that are included, such as Bishopstown, Gilabbey, Glasheen-----

Senator Gerald Nash: That is south-side.

Senator Jerry Buttimer: ----- and the Mardyke? For those of us who have a sporting

GAA background, Watergrasshill is east Cork, Dripsey is mid-Cork, and Matehy is Muskerry division.

Deputy John Paul Phelan: Ma-what?

Senator Jerry Buttimer: Matehy. If I move north-central, I can do the placenames as well.

Senator Kieran O'Donnell: Senator Buttimer is sitting on the fence nicely.

Senator Jerry Buttimer: Mourneabbey is in Avondhu-----

Deputy John Paul Phelan: It is in north-central.

Senator Jerry Buttimer: -----but it is in north-central. I missed a few, such as Barrack Street, the Middle Parish, the Marsh and the inner city. What happened to the river in Cork city being the dividing line?

An Cathaoirleach: It got flooded.

Senator Jerry Buttimer: It did, and it is this Government that will put in the flood defence system.

Senator Kevin Humphreys: It is a serious point.

Senator Jerry Buttimer: It is. There is another point that Senator Nash did not reference and which may not apply. Why is it that we always, in the case of Cork, go north-west rather than south-east and we affect the same communities all the time? It is not Carrigaline or Monkstown that are affected but rather Bishopstown, Glasheen, Barrack Street, Gratton Street and the Middle Parish. It makes no sense at all.

The argument put forward by Senator Nash gives testimony to the fact that this report is flawed. In fact, we should tear it up and start again. It makes no sense. Why did we dilute the voice of the people? The people, for example, in Bishopstown, did not know on the previous occasion who some of the candidates were. They never heard of some of them. We are continuing that.

I would like to know why the river is not used as the divide. Why are we always going north-west rather than south-east and why do we not change the names in Cork? I am aware that the commission looked at different issues in Cork, and I accept that. However, it came back with zero change when the variances are profound. Then we could not change the names.

On a poignant note, given that Senator Humphreys mentioned San Francisco in America, I pay tribute to and sympathise with the people of San Francisco on the death of Mayor Lee, who was a great friend of Cork and whom I had the pleasure of meeting on his last visit to Cork as part of the UNESCO learning cities event.

Could somebody in the Department, if there are nine or ten staff, look at this? I accept the officials are independent and are doing a great job, but it is called Cork North-Central when some of the places are no more in Cork North-Central than the Minister of State is in-----

Deputy John Paul Phelan: Waterford.

Senator Jerry Buttimer: -----Waterford. Exactly.

Senator Kieran O'Donnell: They certainly will not allow that.

An Cathaoirleach: There are seven minutes and then I must pull the string.

Senator Jennifer Murnane O'Connor: I agree with Senator Nash's amendment. Identity of one's area is crucial and there is massive confusion. I am here today thanking the Minister of State, Deputy Phelan, and delighted that we have Clonmore, Hacketstown and Rathvilly back into Carlow. There has been so much confusion there over the years with their identity. When canvassers went to the doors, whether it was councillors, Deputies or Senators, they did not know who they were voting for because they were in the Wicklow constituency and yet every service they wanted was from Carlow. This is about the people knowing that they can go to their local councillors, their Deputies and their Senators to represent them. That is what it is all about.

While we are on the subject, the Minister has set up a committee on town councils. I am a firm believer in town councils. I believe funding in my own area of Carlow has stopped since we lost the town council. The municipal districts are not getting funding. They have to go back to local authorities if they have to make any big decisions. I ask the Minister of State to ensure that this is about people. We are here to represent the people. I am here to represent my constituency, Carlow-Kilkenny, and I want to get the best I can for the constituents.

Senator Kevin Humphreys: Senator Murnane O'Connor is not. She is a Senator.

Senator Jennifer Murnane O'Connor: I am, indeed.

An Cathaoirleach: Senator O'Mahony has five minutes and he will be asking why he did not get in.

Senator John O'Mahony: I support the thrust of what Senator Nash has put so articulately. Surely it is no insult to the commission if the name of the constituency is changed. I am gobsmacked. The Minister of State's former constituency colleague, the then Minister and now European Commissioner, refused to include the name Galway west-south Mayo for the previous election. We are accused of not being flexible or not having common sense in politics. Here is an example of how we could very easily show flexibility at the stroke of a pen and it would not cost anything, yet there is some reason it should not be done. We argued about the population situation and about how boundaries had to be moved and so on, but we should at least throw out some fig leaf to suggest that we recognise the people in the areas being brought into a new constituency.

An Cathaoirleach: Senator Kieran O'Donnell may come in if he is brief. I am sorry, but I did not set the goalposts.

Senator Kieran O'Donnell: The Limerick City constituency crosses county boundaries and goes into County Tipperary. It is very unfair that people in Newport, whose children wear Tipperary GAA jerseys, have to vote in a constituency named Limerick City. Something practical should be done. The Minister of State should ask the Minister to see if there was some way to ensure that the names of constituencies incorporate all the areas they include, particularly when they spread into other counties. The constituency of Limerick City includes a good portion of the south western part of north Tipperary - Newport, Birdhill and Ballinahinch. The people of that area are Tipperary in name and nature and they want to retain that identity. At the very least that should be reflected in the name of their constituency.

An Cathaoirleach: I believe Deputy O’Dea is well familiar with that situation already.

Senator Kieran O’Donnell: He is not the only one.

Senator Paul Daly: I totally agree that it is all about identity, but on a lighter note, part of Westmeath is in the Meath West constituency. A little thought needs to be put into that name because a name like Meath west-east Westmeath would be a bit confusing.

An Cathaoirleach: The Minister of State has three minutes to wrap up.

Deputy John Paul Phelan: On the point Senator Daly has made, I understand where the amendment comes from. I am not in a position to accept it because the commission’s reports have been implemented in full since 1980.

Senator Jerry Buttimer: They should not be.

Deputy John Paul Phelan: There is a lot to be said for implementing the report of an independent commission in full. I understand that that the terms of reference can be changed, as we spoke about earlier, but, to be perfectly honest, I do not think it is the place of this House to decide willy-nilly to implement certain parts of an independent commission’s report on electing people to the other House. The naming has been the responsibility of the commission but there is nothing to prevent us changing the legislation in the future to ensure that the name is more reflective of the areas covered.

The problem is as Senator Paul Daly said, because of the amount of county boundary breaches, Meath west-east Westmeath would be the logical name for that constituency. Cavan-Monaghan-north Meath would be another example. That would probably be the biggest example, in terms of population, of a constituency which has not had a name change but equally I am very familiar with the Sligo-Leitrim constituency. There is a huge chunk of Donegal in that constituency and now there will be a big chunk of Roscommon. Should we call it Sligo-Leitrim-south Donegal-north Roscommon? This is a question better suited to the fuller discussion on electoral reform which we should have and which would set out the parameters. I am not in a position to accept the amendment.

Senator Jerry Buttimer: Will the Minister of State answer my question as to why, in the case of Cork, it is always in one direction rather than the other?

Deputy John Paul Phelan: I cannot because it is a matter for the independent commission which does its own work. It accepts submissions. I am sure the Senator made such a submission.

Senator Jerry Buttimer: In my opinion, the submissions are not read at all.

Deputy John Paul Phelan: It seems to have accepted a submission in the case of Carlow. The best example was the previous time in Leitrim. There was a big effort to get Leitrim back together to get a Deputy elected for the county and it worked. Most submissions this time were from Carlow and it got a response. Senator Buttimer should get writing.

Amendment put and declared lost.

Schedule agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

An Cathaoirleach: We were bang up against the clock. I thank the Minister of State and his staff. I also thank our own staff here, the very hardworking Martin and our assistant from Kerry. The time is out but I am-----

Senator Jerry Buttimer: I thank the Minister of State.

An Cathaoirleach: I thank all my colleagues for their patience and indulgence with me, including Brigid Doody. Before we adjourn the House I will allow the Leader to say a cúpla focal.

Senator Jerry Buttimer: I thank the Minister of State. This is the first legislation he has had passed in his office. I congratulate him on that and lest people think that I was being critical of the commission in my remarks, I was not being personal. I was being generic in my remarks. It is important that, in passing this Bill, we take note of the fact that in the case of Cork submissions were put in from sporting and community groups, independent of all of us, on the basis of sense of place and community. Notice must be taken of that.

I congratulate the Minister of State. He has done a sterling job in his first few months as Minister of State. He has brought the boundary review in Cork to a successful conclusion and is working hard on behalf of the councillors to improve their lot. I wish him well in his term. Mar fhocal scoir, I wish everybody a very prosperous and happy Christmas.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I thank the Senators for their contributions. I really would like to have a broader discussion on these issues because I am interested in the area of political reform and I am glad to be responsible for it. I thank the Cathaoirleach, the staff of the Houses, my two officials, the ushers and everybody else. I wish everybody a happy, holy and peaceful Christmas.

Question put and agreed to.

An Cathaoirleach: When is it proposed to sit again?

Senator Jerry Buttimer: Wednesday, 17 January at 2.30 p.m.

An Cathaoirleach: Have a lovely Christmas.

The Seanad adjourned at 4.40 p.m. until 2.30 p.m. on Wednesday, 17 January 2018.