



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

An tOrd Gnó - Order of Business	761
Teachtaireacht ón Dáil - Message from Dáil	768
Planning and Development Act 2000 (Section 181) Regulations 2020: Motion	769
Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2020: Motion	769
An Bille um Bearta Éigeandála ar mhaithe le Leas an Phobail (Covid-19) 2020: An Dara Céim	769
Emergency Measures in the Public Interest (Covid-19) Bill 2020: Second Stage	769
An Bille um Bearta Éigeandála ar mhaithe le Leas an Phobail (Covid-19) 2020: Céim an Choiste agus na Céimeanna a bheidh Fágtha	790
Emergency Measures in the Public Interest (Covid-19) Bill 2020: Committee and Remaining Stages	790
Emergency Measures in the Public Interest (Covid-19) Bill 2020: Motion for Earlier Signature	834

SEANAD ÉIREANN

Dé hAoine, 27 Márta 2020

Friday, 27 March 2020

Chuaigh an Cathaoirleach i gceannas ar 12 meán lae

*Machnamh agus Paidir.
Reflection and Prayer.*

An tOrd Gnó - Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, motion re Planning and Development Act 2000 (Section 181) Regulations 2020, to be taken on the conclusion of the Order of Business without debate; No. 2, motion re Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2020, to be taken on the conclusion of No. 1 without debate; No. 2a, Emergency Measures in the Public Interest (Covid-19) Bill 2020 – all Stages, to be taken on the conclusion of No. 2, with the proceedings at the debate on Second Stage to be brought to a conclusion after 90 minutes with the contribution of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes, time can be shared and the Minister to be given no less than eight minutes to reply to the debate, the proceedings on Committee and Remaining Stages shall be brought to a conclusion after three hours if not previously concluded, the proceedings on Committee Stage shall be brought to a conclusion within the following timetable by one question in each case which shall in relation to amendments include only those set down or accepted by the Government and the question shall dispose of all amendments addressed to the Part or Parts of the Bill to which they refer, or to the Preamble or Title, as appropriate, provided that if a Part concludes earlier than indicated the next Part shall immediately commence - Parts 1, 2 and 3, 55 minutes; Parts 4 and 5, 50 minutes; Parts 6, 7, 8 and 9, preamble and Title, 75 minutes; and No. 3, motion re earlier signature of the Emergency Measures in the Public Interest (Covid-19) Bill 2020, to be taken on conclusion of No. 2a without debate.

With the Cathaoirleach's indulgence, I echo his remarks of last week that on the Order of Business we are discussing important legislation and I believe it is in all of our interests, in particular, those of the people who this Bill affects, that we get our business done on the Order of Business as efficiently as possible, and ask Members to respect that.

I ask at the beginning of the Order of Business that Members of the House, in tandem with the Dáil last night, would stand to applaud to our front line and health workers and those who are providing essential services in appreciation and thanks as Members of the Upper House.

An Cathaoirleach: Would that be at the end of the Order of Business?

Senator Jerry Buttimer: Or at the beginning - whichever you prefer. At the end is fine.

An Cathaoirleach: We have a special sitting today in the most extraordinary and unprecedented circumstances. Insofar as I can as Cathaoirleach, I urge Members to respect the Order of Business and just deal with the substantive debate. Members can expand. Most Members have eight minutes in which to speak unless they share time while second speakers have five minutes. I was probably too lenient on the last occasion and was criticised for it - appropriately. The Tánaiste is waiting so I ask Members to deal with the Order of Business efficiently and swiftly and to be very much to the point.

Senator Catherine Ardagh: I will be brief but I wish to raise a few issues relating to the legislation we passed last week. First, I extend my condolences and those of the Fianna Fáil group to the ten families who lost loved ones yesterday, as well as to those who lost loved ones in the past week due to Covid-19 and to those in intensive care. Ar dheis Dé go raibh a n-anamacha. I also commend the Leader of the House on suggesting we clap front-line workers. Many of us stood outside our houses yesterday at 8 p.m. and witnessed the clapping for the front-line workers. It was very emotional. It felt like a very small gesture but I think it was appreciated. Obviously, the best thing we can do is stay at home and not encourage the further transmission of this virus.

Another thing we have all witnessed in the past while is the fact that many hospital workers on the front line are lacking personal protective equipment, PPE. If we look at other countries, we can see doctors and nurses fully kitted out in hazmat suits and really high-end PPE whereas in Ireland, we see bibs and masks. There is a significant order coming in but I urge the Minister for Health to do everything he can to get this PPE to those who need it on the front line quickly and expediently.

Dr. Gabrielle Colleran from the Irish Hospital Consultants Association said this morning that she wanted people to know that those with non-Covid-19 symptoms should still go to hospital, particularly those with heart attack or stroke-like symptoms, because they have a pathway for care for those people and want to look after them.

I have three points to make about the legislation passed last week. I understand that the Covid-19 payment is for those aged between 18 and 66. As there are people over 66 who, although they are in receipt of the contributory pension still rely on their income from their jobs, which they have lost, the Minister for Employment Affairs and Social Protection should look into this. We would also like to find out whether the wage subsidy scheme applies to company owners and directors. We were told that the Covid-19 payment scheme would apply in full to part-time workers but now we understand they will only get €203. Could we get some clarification on that?

Finally, nursing homes are crying out for help. There are 25,000 highly vulnerable people in nursing homes. We know they are the most vulnerable. Once this virus gets into a nursing home, it is very serious. Nursing homes are looking for support, PPE, staffing and funding so I ask the Government to look into this as well.

Senator Ian Marshall: I am cognisant of the time today. Like everyone in here today, I begin by paying tribute to all those committing time, energy and resources to combatting the Covid-19 pandemic. Whether one is a front-line salaried worker or a volunteer, support teams

27 March 2020

composed of employees and volunteers and tens of thousands of people are giving of their time, energy and money to navigate their way through this crisis and all must be commended. Furthermore, in an era of information overload exacerbated by the global pandemic, it is critically important to disseminate credible, trusted and validated information and the Government must be commended on the publication of the public information booklet on Covid-19. Truth and transparency are central to collectively tackling this scourge.

I fully support this Bill and its capacity and additional mechanisms in exceptional circumstances to underpin an overall multifaceted strategic plan to deal with coronavirus. There is no silver bullet. This legislation will assist in the interim to protect tenants, landlords, medical staff and healthcare workers; support the re-engagement of Defence Forces; support employees and employers; and ensure the State can function through these challenging circumstances. I applaud those behind the testing strategy and I support any initiative that can expand or accelerate the testing regime. Testing and tracing, in conjunction with isolation and social distancing, can defeat this threat. Testing in the Republic has been more advanced and broader than in the North and this must be acknowledged with 15,000 tests a day carried out here compared to around 1,150 per day by next week in Northern Ireland but we can never test enough. In addition, it must be noted that for testing to be effective it must be faster, engaging earlier and driving results quicker to really impact on containing the spread of the virus. We need to continually follow the advice of medical experts and be led by them because testing has limitations around resources and time and therefore, when the case definition has changed we must support expert opinion about utilising resources to best effect. This is in all our interests.

We have good companies in Ireland working flat out to assist in this battle, for example, companies such as O'Neills, who are better known for the manufacture of sports gear and clothing, which is now redirecting resources to the manufacture of protective clothing for medical staff. A number of companies are working hard to develop tests and test kits for coronavirus, something we should support and assist to fast-track the development and supply of test kits. In fact, a reference was made to this yesterday by a Deputy in the Dáil who suggested that contact should be made with Randox, a company in Northern Ireland that is already developing test kits. The interesting point for me is that one does not need to go to Northern Ireland, Randox is already operating in the Republic of Ireland.

I received a phone call on Wednesday evening from Senator Billy Lawless who is in Chicago. He is grounded in Chicago as a consequence of Covid-19 and is unable to return to Ireland for the Seanad sittings and asked me on his behalf to wish all the candidates the very best in the upcoming election, but that was not the purpose of his call. He called to apologise for his inability to vote to support any candidates in the upcoming Seanad election because even though he was able to present himself to an official to mark his ballot paper as supervised, he was unable to vote. This issue was made all the more frustrating by the fact that his wife, Anne, and his daughter Clodagh were both able to vote, unsupervised, on the NUI panel. It was not for want of trying. The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, sent a personal note stating that he was unable to propose any amendment to the law or make an exception for any individual. Furthermore, Senator Lawless also asked me to thank Martin Groves for "his Trojan efforts exploring all avenues to enable him to exercise his right", something, unfortunately, he was unable to do. This is a further example of an issue concerning the functioning of the Seanad that must be addressed in Seanad reform to ensure this House remains fit for purpose and can operate along robust protocols and principles in an appropriate manner in the 21st century.

An Cathaoirleach: Each of the first two speakers has doubled their time. I am trying to be lenient and fair but there are serious issues to be dealt with today. There is a Minister waiting. I urge Members to bear in mind that they have a maximum of two minutes and they should try to respect that. I do not want to bang on the bell and dictate but I ask people to please respect the rules. I remind all that the big issue of today is the emergency legislation. I call Senator Máire Devine next and also urge her to be brief.

Senator Máire Devine: I usually am, a Chathaoirligh. This is an extraordinary human and economic crisis that we are going through. I express sympathy and solidarity with people across the globe, especially those at the epicentre at present. This is the first disease outbreak in generations and it is also the first since social media has become a main form of interaction. I caution the deliberate spread of disinformation. Risk communication is so important that all of us need to focus on providing authoritative information to ensure accurate data drive our actions, unlike that idiot across the Atlantic whose gung-ho attitude is promoting lethal medicine as a cure. A witch doctor is the last thing health science needs.

I welcome student nurses who are effectively on the front line now. We need to look at paying them and all other staff, including student radiographers and others. Medics are effectively performing wartime triage, facing many ethical and traumatic challenges in the national and international arena. I am sorry but this is quite upsetting, as I know how the situation is for them. The solidarity displayed last night in my neighbourhood at 8 p.m., the surge of kindness and the atmosphere of altruism were delightful. Long may it last. The call from all workers in front-line services is “Stay at home because they can’t”. People should please stay at home. We have no idea where this will go or how long it will last. We are focusing on bending the curve. The exceptional disruption to the economy will need bold policies for recovery but let us never forget that money is meant to serve and is precisely for moments such as this. As we recover physically, mentally and economically, we cannot fixate on what markets demand over and above people. We must treasure what is valuable and boldly tackle inequality and climate crisis. While world scientists and researchers work on a cure and a vaccine, it is the basics of personal hygiene and physical distancing which will hold the line until the weakness of Covid-19 is exploited. Wash your hands. Stay at home.

Senator Lynn Ruane: I join with everybody in thanking our front-line staff, both in our hospitals and care homes, as well as in addiction services and homeless services who are struggling right now to maintain staff and get crisis staff in. I would urge again, as I did last week, to remember there are other services outside of our traditional health services which also need relief staff. This should be communicated with anybody we know in the social care setting.

I also send my sympathies to the families of the ten people who have passed away so far. I know from attending my own nanny’s funeral this week that it is a hard time to lose someone, especially when one cannot hold and embrace others through that grief.

I thank the Minister for Education and Skills, Deputy McHugh, who two weeks ago quickly agreed to meet me in the Department of Education and Skills, along with the Taoiseach’s office, to look at plans to ensure vulnerable families and communities still had access to school meals. I made a proposal and the night before yesterday the Minister rang me to say they had now completed their plans to put it in place. It extended much further than any proposal I made. I thank the staff in the Department for acting quickly to ensure that all the families affected still have access to school meals.

27 March 2020

If this is the last time that I stand here to speak after next week's elections, I know the communities like mine and the families I have aimed to support will be struggling massively. They have been struggling massively since our last economic crisis. We will struggle going forward into the future. If it is not within these walls, it will be in some guise that I will continue to support the families I have aimed to support for the past four years in this House. I thank everybody for the learnings but also for supporting me in being able to bring a message of change to the communities that I care most about.

An Cathaoirleach: May I express my sincere condolences on the death of your nanny. I know you were very close to her.

Senator Ivana Bacik: I would like to join with the Cathaoirleach in extending sympathies to Senator Ruane on her loss. I am very sorry to hear that at such a difficult time. On behalf of Labour Party Senators, I would like to express condolences to the families of the ten people whose deaths were so sadly announced last night, to the 19 families who had been bereaved so far in this jurisdiction and the 29 on this island. I extend my sympathies to all those who have been affected either directly through illness themselves, the illness of loved ones or through job losses or other economic hardships.

I join with others in commending all our front-line workers. I was glad to participate last night on my own street in the applause in which we all took part. I also thank the Leader for suggesting we would do the same today at the end of the Order of Business. That is commendable.

On the Bill today, Senator Kevin Humphreys will be leading for us. We will be welcoming it as my colleagues, Deputies Duncan Smith and Nash, did in the Dáil last night. Several issues have been raised with me – I am sure with other colleagues too – which I have raised directly with the Minister concerning the procedures, for example, of the Mental Health Commission during this crisis. It is important to ensure there is not too onerous a regulatory or administrative burden put on those trying to operate those procedures now, particularly for inpatients.

I wish to raise one other issue concerning the operation of the Seanad which has been reported on by Marie O'Halloran in *The Irish Times* today, namely, whether an incoming Seanad can validly sit before the nomination of the Taoiseach's nominees. Our clear advice in the Labour Party, and my own considered view having looked at the Constitution and Standing Orders, is a view shared by my Trinity College Dublin colleague, Dr. Oran Doyle, and by Tom Hickey in Dublin City University, both of whom wrote a piece in *The Irish Times* yesterday expressing the view that the Seanad can be lawfully constituted without the Taoiseach's nominees. That is based on our reading of Article 18 of the Constitution. Article 18.8 gives the Taoiseach a power that cannot be confined or contradicted by Seanad Standing Orders. That power allows the Taoiseach to advise the President on the first meeting of the Seanad after a general election, regardless of whether Seanad Standing Orders require the nominees to be appointed first. If one looks at Seanad Standing Orders, one can see that Standing Order 190 gives a power to suspend Standing Orders for a sitting. Therefore, I do not even think it is necessary for us to amend our own Standing Orders to enable a newly constituted Seanad of 49 Senators to sit and validly pass legislation after next week's election before the Taoiseach's 11 nominees have been appointed. I am aware a different legal view is being expressed in Government circles, apparently on the basis of the Attorney General's advice but a reading of Article 18 of the Constitution clearly implies that the Seanad would be lawfully constituted. I say this in aid of the Government and, indeed, of all our efforts to ensure we can continue to operate through this crisis and address all

the challenges that may arise and to ensure any further emergency legislation that may have to be passed may be passed. I commend all those who are working so hard to prevent the spread of this virus.

An Cathaoirleach: There are different views on that. Ultimately, it is a matter for the Government to resolve. I am sure the Government will be relying on expert legal advice also. I, as Cathaoirleach, will stay out of that one.

Again, I want to be brief because the Minister is waiting. Senators seem to want to contribute now because it is the last day, but since we will be here until 6 o'clock or 7 o'clock this evening, there will be loads of time. I wonder who will be here at 6 o'clock this evening debating the important issues.

Senator Tim Lombard: I realise time is tight. I support colleagues' views on the great effort being made to tackle this unfortunate virus. We have spoken about the economy, education and the health service but the agriculture service and agriculture community also need a mention. I want to talk about the genuine mental stress farmers are under. The Cathaoirleach produced an important report many years ago on farm safety. This is the new farm safety issue. Farmers have been very isolated and are very much by themselves. I participated in a farm discussion group conversation on Monday, using a call-in centre. That is the kind of scenario we need to start talking about.

Farmers are also experiencing financial stress. The closing of the marts last Wednesday has had a major impact on the agriculture community. Farmers realise there is no need for gathering at marts but there has to be flexibility so marts can do farm-to-farm sales, which are not allowed currently under the legislation. The legislation is allowing the movement of animals only for export. Farm-to-farm movement through the mart system needs to be looked at again so farmers will have the ability to survive. One of the issues the Cathaoirleach was so strong about years ago was farm safety. The new farm-safety issue on farms is mental health. We need to start talking about it and promoting it. It is one of the key issues for all who are trapped and need a little support.

Senator James Reilly: As I know for certain this is my last Order of Business, I certainly want to speak. I commiserate with Senator Ruane on the loss of her nan and with all those who have lost loved ones to this virus. It is probably the most difficult set of circumstances in which to lose a loved one, as the Senator so eloquently pointed out.

I praise my colleagues for all the work they have done. Having been working in my surgery every day, I am cognisant that every time there is a change, confusion can result. The telephones never stop ringing. I am referring to our reception and administrative staff, not just in general practitioners' surgeries but throughout our healthcare system. The staff are handling a large number of calls. I thank the public and, in particular, my own patients. They have shown such restraint and understanding over recent weeks in what is clearly a very worrying time for them.

There are many issues that need to be clarified. We will do so when considering the Bill so I will not delay. What I do want to say, however, because I feel very strongly about it, is that anybody who coughs or spits at somebody is guilty of an offence at the same level as the offence committed by somebody who threatens somebody with a syringe full of blood. What will dictate the outcome for this country and the number of people we will lose is not the behaviour

27 March 2020

of this virus but our behaviour as a society and as communities. I ask those who think that this is fun and that it is all right not to maintain social distancing to please think of the people in their lives whom they love, such as their grandparents, the vulnerable in their households who may have underlying conditions, and indeed the 21 year old girl who died in England with no underlying conditions. This is as serious a situation as we could have. We could have a really good outcome if we all obey the rules for safe social distancing, covering one's mouth with a hanky or elbow when coughing or sneezing, and staying at home as much as possible. I saw one YouTube video of doctors holding up a sign stating that they are staying at work to keep people safe, and to please stay at home to keep the doctors safe.

An Cathaoirleach: Senator Reilly is a medical doctor. I got a call from Senator Swanick from Mayo, who is anxious to be here today, but he rang me yesterday to say that his priority and first duty was to stay and look after the people of Mayo and Belmullet. He got his priorities right, so he decided not to come. I understand where Senator Reilly is coming from, from a medical point of view.

Before I call on the Leader to respond, I want to offer my sincere thanks to the Leas-Chathaoirleach for his indulgence during the term of the Seanad, and wish him the very best in his retirement. I thank the Leader, Senator Buttimer, with whom I had a very good working relationship, and the leaders and whips of all the groups here. I thank the temporary chairpersons for their assistance during the 25th Seanad, Senators Wilson, Ned O'Sullivan, Horkan, Coffey and O'Mahony, both of whom I wish well in their retirement, Senators Mulherin, who is here today, Gallagher, Conway, Noone, Paul Daly, Craughwell, Feighan and Neale Richmond, who are now elected to the other House, and Senators Lombard, Byrne and O'Reilly. I hope I am leaving nobody out. Without the acting chairs, we could not operate. I wish all on the Seanad election trail every success. We are in uncertain times and hopefully we will be back in this Chamber in the not-too-distant future. There are tough times ahead for us all and I urge Senators and their families to stay safe in light of Covid-19. Listen to the HSE and medical advice. Stay at home if at all possible. I thank the front-line workers. I commend the Leader for his suggestion that at the conclusion of the Order of Business, we will have a replica of what happened in the other House to show our appreciation to people on the front-line, including doctors, nurses, emergency services and all staff on the front.

I thank the Clerk, Martin Groves, who has done an excellent job as Clerk over the last four years. He has accomplished himself and I wish him well. I thank the Clerk-Assistant, Bridget Doody, and the staff of the Seanad Office, including Ilinca, Carol and Eden, my girl Friday, Aisling, and my secretary, Sheena, who are also particularly helpful. I thank the people in the Bills Office, Journal Office, Debates Office, the Superintendent and the Captain of the Guard, the ushers, service officers, stationery stores, cleaners, ICT unit and all the staff of the House without whom this Chamber would not function. I want to offer sincere thanks as this is the last sitting of this Seanad. I owe them appreciation. I should not forget the people who looked after me, my drivers, Bart and Kevin. There were days that I would not have made it here but for their indulgence.

I call the Leader to respond.

Senator Jerry Buttimer: I send our deepest sympathies to the families of the ten people who died. On my behalf and that of the Fine Gael group, I extend our deepest sympathies to Senator Ruane on the death of her grandmother, Maureen Lotsy from Finglas. Death and bereavement is a very difficult time but it is even more so without a hug or ability to say goodbye.

The legacy of Senator Ruane's grandmother will live on in her work and I offer my deepest sympathies to Senator Ruane and her family. None of us ever envisaged the situation in which we find ourselves. I pay tribute to all those working in our health system. I thank them for their work, commitment and dedication. At the end of the Order of Business, I wish to acknowledge and thank them most sincerely. At a time when our food supply chain is so critical, I also wish to thank those who work in retail, those in our shops who make sure that our shelves are full of food, those who produce and supply food, those who clean our streets and those involved in tasks we take for granted. We extend our thanks to all of these people.

Senators raised the issue of the Covid-19 Bill. I am happy to defer to the Cathaoirleach's pronouncement to the effect that Members should engage on this matter during discussion of the Bill. I ask Senator Ardagh to reflect on what Mr. Liam Woods said on "Morning Ireland" this morning. We are running low on protective equipment and clothing but we are not out of it and there is more to come. Ministers will address that issue during the course of the debate.

I thank those in the education system for their innovation in educating our young people today. As the Cathaoirleach has said, the Twenty-Fifth Seanad comes to an end today. As Leader, I thank the Cathaoirleach for his courtesy, fairness, good humour and impartiality at all times. I pay tribute to him and thank him for his work as Chair. I also pay tribute to the Leas-Chathaoirleach, who is retiring, for his unfailing courtesy to all of us. We wish him well at this time. I am sure he is anxious to be here next week for the count. We thank him as well.

We offer our thanks and compliments to retiring Members on the work they have done not only in this Seanad but in previous Seanads. I wish all who are contesting the election good luck and every success next week. Only 49 of us can be elected. I hope that as many as possible of those 49 will be Members of this outgoing Seanad. I wish all candidates well.

I thank all members of the staff. The Cathaoirleach has listed them so I will not go through them all but I thank them most sincerely for their courtesy and commitment. I particularly refer to the staff of the Seanad Office, the Bills Office and the Journal Office and to our recording people who are here today who have to endure us, often at unsocial hours. I pay tribute to Orla Murray in my office for her efficiency, courtesy and professionalism at all times. Senator Marshall made reference to Senator Lawless's predicament with regard to voting. We need to address that issue in the future.

Today is not a day for a long Order of Business. It has been a privilege and a huge honour to serve as Leader of the Seanad for the past number of years. I thank all group leaders and whips for their courtesy and professionalism. I now ask all of us to thank and salute those who have worked so tirelessly for us over recent months.

Order of Business agreed to.

An Cathaoirleach: We will now honour the Leader's proposal.

Members rose and applauded.

27 March 2020

An Cathaoirleach: Dáil Éireann has passed the Emergency Measures in the Public Interest (Covid-19) Bill 2020 on 26 March 2020, to which the agreement of Seanad Éireann is desired.

Planning and Development Act 2000 (Section 181) Regulations 2020: Motion

Senator Jerry Buttimer: I move:

That Seanad Éireann approves the following Regulations in draft:

Planning and Development Act 2000 (Section 181) Regulations 2020,
a copy of which has been laid in draft form before Seanad Éireann on 25th March, 2020.

Question put and agreed to.

**Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2020:
Motion**

Senator Jerry Buttimer: I move:

That Seanad Éireann approves the following Regulations in draft:

Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations
2020,

a copy of which has been laid in draft form before Seanad Éireann on 25th March, 2020.

Question put and agreed to.

**An Bille um Bearta Éigeandála ar mhaithe le Leas an Phobail (Covid-19) 2020: An Dara
Céim**

Emergency Measures in the Public Interest (Covid-19) Bill 2020: Second Stage

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

Senator Máire Devine: A Chathaoirleach, will we get a hard copy of the proposed amendments?

An Cathaoirleach: They are available in the ante room. I welcome the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, on this unprecedented occasion. Thank you for your patience and courtesy in waiting for the Order of Business to conclude.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): We are here today to take part in one of the last acts of the 25th Seanad. It is extraordinary that the legislation this Seanad will pass in its final hours will be among the most important ever passed in this House.

The provisions before the House could never have been imagined as necessary even a few months ago. Who could have predicted that we would be challenged to legislate in the face of a global pandemic that is sweeping the world and killing tens of thousands of people? Yesterday, Ireland lost ten people. It was, by far, the darkest day of this emergency so far for us. Altogether, Covid-19 has taken 19 lives to date and 29 lives on this island. Families and friends are in our thoughts and prayers but, in truth, we know we must brace ourselves for much worse to come. This is not nearly over. As was outlined by the Chief Medical Officer, CMO, last night, this invisible enemy is just beginning its spread through our country and people. We know from the experience of other countries and the mathematical predictions available that a great deal is still to come. We also know from the experience of others that we can act, and those actions can make a huge difference to the spread of this virus and save thousands of lives.

We are far from helpless in facing the virus. We continue to prepare our hospitals and healthcare settings through the heroic work of healthcare professionals ranging from doctors and nurses to cleaning staff, management, scientists, carers and caterers. The message that can be most effective and that should be reinforced every day is that everybody must play their part in this national effort. We know what we must do. Social distancing, washing hands and staying at home matter. Following the clear instructions of authorities and the HSE matters. That will save lives. We can all play our part, and we must.

We have seen emergencies in recent years in Ireland. I have been in this Chamber many times as we faced the legislative and policy challenges of Brexit. Yesterday the Taoiseach spoke about how the emergency laws we passed for the prospect of a no-deal Brexit gave us some level of provision to take off the shelf in the early days of this emergency. That is very true. However, while Brexit was in many ways a fight for our citizens' identity and livelihoods, this is a fight for our citizens' lives. Circumstances now are far from ideal for legislating. We are being confronted with a once-in-a-century crisis in the aftermath of a Dáil election with no clear winner and in the midst of new Seanad elections, in which many of the Senators present are involved. The public are not interested in excuses, however, nor should they be. They expect us to do our jobs and to do everything in our power to protect them. To tackle Covid-19, Ireland needs, from our politicians, the legislation before us and may need more in the weeks ahead. It also needs a Government that is strong and stable; one that is realistic, ambitious and diverse; one that can last with the authority, mandate and majority to make decisions quickly, to pass legislation through the Houses at short notice if necessary, and to provide the leadership needed in the times ahead; one that not only makes the right decisions now, in the face of a global pandemic, but is also planning for a recovery that can inspire hope and confidence that we will emerge stronger and more united as a country; and one that is able to look to the future with optimism, based on a clear path forward that a Government needs to design.

Everything the Government is doing is shaped by prioritising the most effective response possible to combating Covid-19 and the impact it is having throughout society. In light of the

27 March 2020

challenges that lie ahead, part of the priority for me must now be finding a way to work with others to design a basis for a Government that can command a lasting majority in the Oireachtas. It is possible to get this done, and I believe it is possible to get this done quickly. Fianna Fáil and Fine Gael are working together through our negotiating teams to shape a process that, I hope, will encourage others to join us in designing this diverse yet stable Government with a credible mandate, not only to lead us through this emergency but also to focus on reimagining and reshaping Ireland for the better as we emerge on the other side. I invite others to play their part in these efforts. Ireland needs you.

Ireland's Government, as well as its civil and public service, has worked night and day to be as ready as we can be for the weeks ahead. I again thank all parties and Independents for the responsible role they have played in this House and in the Dáil, and I know we will see the same again today. We have before us a suite of laws that cross multiple parts of government and that will impact multiple sectors of our society. I will now outline some of the provisions for Senators and later, I hope, respond to some of the issues they will want to raise.

We are protecting renters and that important feeling of security in our homes, which is so vital for all of us at this time. The Bill will amend the Residential Tenancies Acts 2004 to 2019 to prevent both the termination of residential tenancies and rent increases for the duration of this crisis. The termination prohibition relates to cases where a notice of termination has been issued, including where the notice period has expired, and to future cases where a notice of termination might be issued. The rent increase prohibition will prevent any rent increases during this crisis, a period that may be extended. If any landlord in Ireland thinks he or she can ignore the law we are passing, he or she is very much mistaken. Part 3 contains measures that will give the Minister for Housing, Planning and Local Government powers for disregarding certain periods during the crisis to avoid breaching statutory deadlines relating to planning and building development. This is modelled on similar provisions in the planning laws that cover the Christmas period and is designed to avoid deemed decisions, or financial penalties where decisions are not being made within the statutory limits, and judicial reviews, where individuals contend that the process was not in accordance with statute.

Part 4 contains amendments from the Department of Health. The Bill contains a number of amendments to the Mental Health Acts 2001 to 2018 designed to facilitate the important ongoing operation of the mental health tribunals for the duration of the exceptional circumstances caused by the pandemic. It will broaden the list of consultant psychiatrists available to the tribunal and extend the period in which the tribunal must make decisions. It will allow for reduced physical contact by allowing a second psychiatrist to examine a patient remotely and it will allow for one-member, paper-based tribunals, minimising personal interaction.

The Bill is allowing the fast-tracking of recruitment to bring back those who have answered the call to help the health service in the front line. It facilitates the re-employment of retired health sector workers by empowering regulators to adopt a more streamlined and simplified restoration process to the register of their profession for individuals who wish to respond to this emergency. This includes doctors, nurses, midwives, dentists, pharmacists and other health and social care professionals, such as social workers, physiotherapists, radiographers, dietitians, opticians and occupational therapists. With staff shortages in the health sector, possibly exacerbated by health professionals becoming ill, as many have, it may be necessary to redeploy staff to positions where they are carrying out functions outside their normal role. We are enormously grateful to all of those who are answering the call.

The Defence Forces and gardaí will also play a vital role in the challenging period ahead. Part 5 enables the re-enlistment of former enlisted members to fill certain critical technical positions in the Permanent Defence Force. This provision to enable re-enlistment will support the Defence Forces in responding to the current crisis and more generally thereafter.

We are ensuring that the most vulnerable communities in Ireland are being reached and supported. The Bill includes measures from the Department of Employment Affairs and Social Protection. Part 6 of the Bill includes provisions to amend the Civil Registration Act 2004 and Part 7 amends the Redundancy Payments Act 1967.

Part 8 contains provisions for a temporary wage subsidy scheme and demonstrates how we are all working together during this crisis. The scheme, operated by the Revenue Commissioners as that is the most efficient way to do it, will see the Government contribute to eligible firms' wage costs by paying them a wage subsidy to be passed on to the employee on a temporary basis. In simple terms, this is about keeping employees and employers together through this period. It is a little like trying to freeze-frame what we have created over the past nine years in terms of an economy that is growing and functioning, with almost full employment, and trying to protect what has been created for a three-month or four-month period, with three months the period to which the legislation applies. This is so that when we come out the other side, many of these companies, which will have been put under huge strain in getting through this from a cash flow and business perspective, will be able, we hope, to start from where they left off, or at least close to it, and not have to start a whole recruitment process, building a skillset across their businesses all over again. From an employee perspective, there is the importance of job security through all of this, when the alternative would be effectively to be on a jobseeker's allowance, not knowing whether they will or will not have an employment opportunity in the autumn. This makes sense for everybody. Yes, it is hugely expensive, but this is an investment to get us through an emergency and out the other side, and to keep an economy and people's income intact and stable through that period, or at least as stable as we can deliver.

The scheme is targeted at all sectors and employers will be expected to top up the wages of employees, if they can afford to do it. The wage subsidy to be paid shall be determined by reference to the weekly wages paid by employers to specified employees. The payments are liable to income tax. However, the subsidy is not taxable in real-time through the PAYE system during the specified period for the Covid-19 pandemic, although it will be taxable by review at the end of the year. In conclusion, time is not on our side today unfortunately. If we cannot get this legislation passed, people will not get paid today and in the next few days. It is as simple and blunt as that. Politicians and civil servants are often accused of getting tied up in red tape, but the speed at which this complex legislation has been drafted is extraordinary. I thank everyone who has made that happen.

If we have made mistakes, we will correct them in the weeks ahead and we will expect the co-operation of others in doing that. This may not be perfect, but as we have been advised by the World Health Organization, WHO, if we try to design something that is perfect we delay for far too long to be able to put comprehensive responses in place in a timely manner so as to respond to emergencies such as we are facing. If there are problems, we will look at them and try to correct them in time, but we need to get this legislation passed today. We are asking for everybody's co-operation in doing that.

I thank everyone. I will have a chance in another couple of hours to speak for perhaps five minutes. In case, however, I do not get the opportunity, I thank those in the House today for

27 March 2020

the last time for their service. To all those facing the uncomfortable wait for the election results next week, I wish them well. All else, however, needs to be secondary to what we are doing today. Hundreds of thousands of people are relying on us to get this done.

An Cathaoirleach: I remind Senators that group spokespersons have eight minutes and all others have five minutes. I call Senator Ardagh.

Senator Catherine Ardagh: I am sharing time with Senator Clifford-Lee. I thank the Tánaiste for coming in. Fianna Fáil supports this Bill and the regulations brought in earlier in the week, especially concerning childcare. As the Tánaiste pointed out, the legislation to be passed is far-reaching and there are many sweeping measures that, at other times, we would have contemplated and scrutinised for much longer. I also thank the parliamentary drafters and the officials behind this legislation who spent hours, I presume, putting it together and putting in our amendments.

The Fianna Fáil group has many amendments. We do not want to delay the Bill, but we hope they will be taken on board in the future. We might push some, but we probably will not, given the legislation has to pass today and the reality of the situation. We will be going through our amendments and putting them on the record of the House. Regarding many of the provisions in this emergency legislation concerning the health system, we are seeing our health system work in a unified manner now. We hope that in a post Covid-19 Ireland we can take from this experience and that many of the measures which are transitory will become more permanent in the future. I refer not just the healthcare system working in unison, but also giving tenants more rights and security of tenure. We also saw a State-funded childcare system in the last few days. That is something we should look at on a more permanent basis in future so that people will live in a better society and have a better quality of life. We have also seen income supports, more of a living wage and, as was mentioned, fast-tracked recruitment. Many of these measures should have been taken before this crisis. It has taken a crisis to put them together in this legislation. When a Government is formed, and I hope that is soon, I hope we are going to be in a different Ireland. I hope there will be a different landscape and that it will be for the better of everybody.

I thank our communities, our neighbours and especially the front-line staff for their resilience. They are continuing to go into work every day in the knowledge that healthcare workers are the most vulnerable. They are falling sick with Covid-19 in disproportionately high numbers. Personal protective equipment, PPE, is *en route* and I hope it gets here as fast as possible so fewer healthcare workers get ill. That is worrying and it must be so worrying for them, for their families and for their loved ones because they are putting themselves on the front line.

I want to say some words of thanks. This could be my last day in the Seanad although I hope it will not be. I thank the Cathaoirleach, the staff, the Ministers and all of my colleagues especially for being so kind and supportive. It has been a pleasure to work with them over the term of the Seanad.

Senator Lorraine Clifford-Lee: I want to make a few comments briefly because I know we have urgent and important work to do here today. As was pointed out, hundreds of thousands of people are relying on us to do our work in as expedient a manner as possible. We hope the Minister will take on board some of our suggestions and some other amendments from other Members of the House. We want to work in a collaborative fashion and do the best job possible for the people of Ireland here today.

It is worth making the following point again and again until the message seeps through. The worst is yet to come. I am saying that without trying to take hope from people but we will face into much more difficult times and we need to hammer home the message that people need to stay home. It is okay for people to go out for a short form of exercise during the day, within their family unit, but it is not okay for people to meet up with their friends to go for walks or runs together, which I have witnessed. This is not okay. One can go out to get food or medicine but they should stay at home otherwise. This is to protect our front-line workers, who we have applauded and paid tribute to but the best tribute we can pay to them is to stay at home. It is also the vulnerable and older people within our communities who need to be protected by our actions. I want to remind people that these people often bore the brunt of the last economic collapse. They are the ones who kept the show on the road in a lot of families. They looked after grandchildren, they kept the heads of their own children above water and they kept families together in the face of massive crises. These are the people we need to show solidarity with by staying at home.

I look forward to debating the legislation but we are mindful in Fianna Fáil that it needs to go through as quickly as possible and that a stable Government should be formed. As was said, there may be issues with this legislation that we need to just put in place tonight and then we can deal with any issues that arise as quickly as possible.

Senator Gerard P. Craughwell: I want to allocate some of my time to Senator Marshall. I thank the Minister for coming to the House. As this Bill passes through the House, I am mindful of the words of Dr. Michael Ryan of the World Health Organization that: “Speed trumps perfection.” As such, I am sure none of us here will want to impede the passage of this Bill at this time.

First, I extend my sympathy to the families of those who have lost loved ones. To read some of the stories from people in the medical profession of people coming into hospital alone and dying alone is heartbreaking. In fairness to the Minister, he has put on the line for all of us what we can do to avoid that. I express my sincere gratitude to all who are working to keep this country going, including everybody from utility workers through to those packing shelves, collecting dustbins and working in front-line medical care. Without all of them, the country cannot continue.

Some things need to be put on the record today and hopefully the lessons we are learning will stand to the Oireachtas in the future and we will not make the same mistakes a second time. It is amazing how some matters that were deemed unconstitutional a mere few weeks ago are suddenly possible, such as rent freezes. It is amazing how these things can happen in a crisis but I am not here to cast stones. I compliment the Government and the Minister for Finance on getting the main banks to agree to the terms they have agreed to for the duration of the crisis. There are some questions still to be answered such as, for example, whether someone who is not making mortgage payments for three months and who must pay those payments at the end of the crisis should not have them added on to the end of the mortgage instead.

I congratulate the Garda Commissioner for the speed at which he acted to get members of the Garda out of Templemore and onto the streets. When we see what has gone on with people spitting in the faces of elderly people and shouting: “Covid-19” as they run away, we clearly need a high Garda presence.

I want to deal specifically with the Defence Forces, which I am sure comes as no surprise to

27 March 2020

the Minister. The chickens clearly have come home to roost.

1 o'clock

The neglect of the Defence Forces and the failure to have proper retention policies in place have caused the situation whereby we are now looking for veterans to come back.

I have always had some difficulty with the fact that the Secretary General of the Department of Defence and the Chief of Staff were not regarded as peer equals when it comes to the development of defence policy. When it comes to military advice, the Chief of Staff alone should be the person offering such advice.

The members of the Defence Forces have once again shown that, regardless of the crisis and personal danger, they are ready, willing and able to stand up to the plate. I thank the Chief of Staff and wish him and his charges luck as they go forward. I congratulate the crew of the *LÉ Samuel Beckett* in Dublin, the *LÉ William Butler Yeats* in Galway and the *LÉ Eithne* in Cork for their speedy reaction in getting into place. I thank the Army for supporting the Naval Service in these three areas. In particular, I am mindful of my former colleagues in An Céad Cath at Dún Uí Mhaoilíosa, Galway, who are spread throughout the country.

I have tabled several amendments on how decisions will be made with respect to this legislation. I am mindful of the fact that the legislation has to get through today and I will not be pressing the amendments to a vote. However, I am putting several points on the record. I note references to how the Minister will make a certain decision or to the Minister's opinion. Surely, the Minister's opinions or decisions should be based on advice from the Chief of Staff. Most of my amendments relate to the advice required by the Chief of Staff. We cannot have politicians making decisions about operational issues within the Defence Forces.

The military service allowance was discussed yesterday in the Dáil. Currently, we have recruits, apprentices and cadets operating in front-line services in the military. I am calling on the Minister today to take them out of service and put them back into training, where they belong, unless we pay them the military service allowance. Student nurses have been paid and there has been no difficulty. Let us treat the Defence Forces with the same esteem accorded to the health services.

I have referred the pension abatement issue to the Minister and the Taoiseach. We cannot expect veterans to come back and abate their pensions at the same time. A pension is a property right - that has been established for Members of this House many times. We cannot continue to penalise members of the Defence Forces who put themselves forward to serve the country at a time of crisis.

I heard the Minister yesterday refer to re-enlistment for a six-month period up to three years. The period of re-enlistment can be for no longer than the crisis requires it. Veterans who return to the uniform at the request or need of the State need to be able to leave immediately the crisis is over and go back to their jobs. More important, they need their jobs protected. Yesterday, my colleague in the Dáil, Deputy Berry, protected the employment of those in the Reserve Defence Force with the amendment passed in the Dáil. I call on the Minister to make a statement today to the effect that those who return to the Permanent Defence Force and who then wish to go back to civilian employment will have that employment protected by the State.

The Reserve Defence Force is available to the State 24 hours per day, seven days per week.

I would like to see the Reserve used in this crisis. Many highly-skilled people are ready, willing and waiting to come back. I am sure that decision is with the Chief of Staff and I am sure he will take it.

Senator Ian Marshall: I support the Minister in his work with the Bill. Ultimately, it is about protecting tenants, landlords, medical staff and healthcare workers. It is about those people being redeployed in front-line action against Covid-19.

No section of society escapes this crisis and agriculture is no exception. Many employed and self-employed people in agriculture will be impacted. The agricultural industry is often faced with crises and, though it is not directly impacted by infection to animals, it will feel the knock-on effects. People in agriculture are overwhelmed by the volume of information they are taking on board at the moment. There is a great deal to digest.

It should be stated to avoid any doubt that food and food supply chains will not be impacted by Covid-19. Farmers will continue to produce food to the highest standards to feed the nation through the crisis. However, those in agriculture are potentially citizens and employees who could and may succumb to the coronavirus. They could struggle to manage small and medium-sized businesses through illnesses and in the absence of support mechanisms or human resources to keep the wheels turning on a daily basis.

Credit must be given to farming organisations that have moved quickly to assist farmers and to engage. Organisations such as the Irish Farmers Association, IFA, with more than 940 branches across the State, have produced guidelines and advice for dealing with Covid-19 on the farm. It has produced *Have You a Plan B?*, which is a step-by-step document to assist with planning in the event of contraction of the virus, if that should happen.

Beef markets are under pressure. International buyers are nervous like never before. Carcass balancing demands will present huge challenges, which are compounded by the closure of hotels, restaurants, catering outlets and the cancellation of functions, dinners, weddings and celebrations, as well as the depleted market for the prime cuts of beef.

Multinational fast food chains have closed their doors and even though we all hope this is a temporary disruption, we should be alarmed that this would create upset in the market, albeit hopefully very brief.

Livestock marts have closed. This will present huge challenges for many because the mechanism to deliver cash in a timely manner has been lost, where the ability to sell livestock at whatever stage of growth can stave off the threat of mounting bills and debts incurred in the normal process of running the business.

The social fabric of farming in rural areas is often around livestock marts. The absence of the marts presents another problem, with the ever-present issue of social isolation. Some less social-media savvy individuals depend on the marts for social interaction with friends and neighbours.

There is also the issue, which I believe has not been truly recognised, whereby as currency fluctuates with the impact of Covid-19, on an island that currently imports some 80% of feedstock and raw material from international markets, we could face increases in the prices of feed and fertilizer, putting even more pressure on profits and margins in these very much unforeseen circumstances.

27 March 2020

I put it to the Minister that the past few weeks have highlighted even more the necessity to work together North and South, east and west. The last few days have demonstrated that even though we have differing approaches, we are all working to the same objectives. Even though timing and technicalities have not always been the same, the objectives have always been to protect life and to manage the people and the economy through a common foe. As the pendulum swings back and forwards with regard to who is performing best, North or South, this is only a distraction. What matters is who will perform best to save lives and protect people. There are no winners or losers.

This is a unique moment in history, an aspect of which we in Northern Ireland are overlooking. It is the first time since the Great War more than 100 years ago that the people on the island of Ireland, North and South, have a shared ambition. Whether nationalist or unionist, republican or loyalist, people have united to fight a common enemy. The last time this happened was the First World War, with nationalist and unionist soldiers fighting shoulder to shoulder. Then the 1918 to 1920 flu pandemic killed 50 million to 100 million people globally. It was not discerning on creed or colour.

These are truly unique times and when we emerge from this crisis, as we will, we must capitalise on our ability to work together for the common good, to park differences and to strive to build a better economy together for all. This pandemic is undoubtedly uniting people North and South, east and west. I ask the Tánaiste to ensure that this momentum is maintained.

Senator Michelle Mulherin: As we deal today with another suite of emergency measures in the midst of the Covid-19 pandemic, I want to address some specific items. My colleagues will deal with other items in the Bill later on.

On the planning legislation, the proposal to give the Minister the power to extend statutory deadlines or to pause deadlines is, obviously, common sense. There are many reasons for this but above all we could put our whole planning system in jeopardy if the public cannot fully participate in the planning process and decisions going forward could face judicial review. This would bring further problems to the planning system.

With regard to the current state of play in the planning system, the briefing note referred to the consideration, and the basis for the amendment of the legislation, that if public offices have to close at some point, the ability to view information and make submissions by the public will be constrained. Can we take it that these public offices are open at the moment and that people can go in to view planning files as normal? I would say that many people do not know that. If it is the case, and if some change is envisaged, is it coming soon? Perhaps this is a difficult question to answer, but I believe it is important. Obviously, when we pause our whole planning process and our deadlines, we are pausing future development in the country because the basis of any development we see is a planning permission or some other consent given by the State and this applies across the board.

There is another point referred to in the briefing which I could not get clarification on. It states that the powers being provided to the Minister under this Part would address these matters by pausing processes for a time so that the decisions are not made but other work can continue to be progressed where possible in the interests of managing the overall economic aftermath of the emergency. I wonder what is this other work that can proceed under the planning and development code because I do not know of anything that can proceed absenting any consents or permissions that are required. This is not in the legislation *per se*, but it is to provide clari-

fication of the underlying considerations. The Minister might be in a position to clarify that.

Another matter is the temporary wage subsidy scheme, the fundamentals of which are good. It is to keep the employer-employee relationship even though a business may not be trading owing to Covid-19. However, I am sure the Minister will be aware that employment law practitioners and insolvency practitioners - in particular, Mr. Richard Grogan whom the Tánaiste may have heard on the "Today with Sean O'Rourke show" - say that they would not advise any employer, especially somebody trading as a company, to avail of this scheme. They point out that there are difficulties with the scheme. In order to avail of this, the paperwork would see an employer de facto making a declaration that he or she is insolvent and in the case of a company, of course, if one is insolvent and one continues to trade, this is a matter of fraud on the part of the company directors.

Other issues were pointed out as well. On the notion of a 25% drop in turnover, it is not clear what is the relevant turnover period that the comparison should be made with. There are numerous issues. Another that stood out for me was that where an employer is in a position to pay a top-up over and above the €410 - it is a *pro rata* proposal - the wage the employer would pay would not be deductible as an expense of the business in the normal way that wages would be. Normally, when an employer is trading, he or she pays wages to an employee and that is deductible before profit. They seem to have a plethora of issues. The bottom line, without going into the detail, is that there is a body of experts in this field, such as employment lawyers and insolvency practitioners, stating they will not advise their clients to avail of this. I accept that is not the intention of it but perhaps the Tánaiste can give us some clarity and reassurance on those various concerns that have been raised.

Senator Alice-Mary Higgins: I welcome the Minister to the House. As I stated when we met last week, I am conscious that, as Minister for Foreign Affairs and Trade, the Minister is also playing a key role in the global response to this. If at an appropriate point in the debate there is an opportunity to speak to that, I would appreciate it because this is a global pandemic and we must be in international solidarity now. Particularly, I am concerned for those in developing countries who Ireland has supported. At a time when universal healthcare has been a demand from the global south for many years, this is surely a moment. I note the proposals, for example, in relation to debt forgiveness for countries in the global south that might allow them to build their services and health and social services at a time of extraordinary global threat. Those are proposals Ireland should support.

I note the Minister has spoken about the fact that this is a collective challenge. We all agree that this is a collective challenge. He has asked us to trust, and we have. We have seen collective trust being placed in the Government, Ministers and our public services. However, part of that trust must be a mutual trust that the Government: trusts members of the Opposition and other parties, all of whom share the common goal of the public good and public health at this time; really engages and listens to the proposals put forward; and trusts that all those elected here who are bringing forward ideas are doing so in good faith and with good intentions, not for their personal or political success but for the good of the country - that we are each other's collective watchdogs and agents in trying to do this work. That is really important. Trust is one of the most powerful currencies we have at this time along with that common consideration that flows from it. Regarding that trust, I would also urge the Government, which has been very good in giving clear information in the early stages of this process and taking some very robust and responsible actions, to ensure that this same clear and forthright communication continues and is increased. I know that many of us have written to Ministers seeking answers on issues.

27 March 2020

I know they are overwhelmed but it is important that we can get those answers to pass on to others to keep social trust in place.

Regarding PPE, we saw a real concern where there was a question of people being able to identify the problem and the lack of essential protection for those who protect us and those in our hospitals. We must make sure we never seek to silence or obscure those voices but listen to them and that this listening is very palpable and heard. Now we see that there is a response and I am very glad to hear that the shipments for our hospitals and health services are coming in from Sunday. In terms of the community and voluntary sector where many are engaging and working with extraordinarily vulnerable people, the priority must be those who are working in situations where Covid-19 is known to be present but we must take into account asymptomatic transfer between extremely vulnerable people if we do not have face masks for those doing vital social and community care. It is something we need to address soon. Perhaps the Tánaiste could comment with regard to that issue.

In terms of trust, there are certain areas that have shown that they cannot be simply trusted but must be regulated. We have seen those sectors such as horse and greyhound racing and the betting industry, which had to be told to shut down. I urge the Tánaiste to take action in respect of shutting construction sites. In respect of the planning elements in the Bill such as where we need planning exemptions and exemptions in terms of building work that will be necessary as part of our collective national response to this crisis in terms of building health facilities and adapting premises, I ask him to address how we can ensure those will proceed in this planning hiatus and how we produce a climate where we permit what is necessary rather than assuming that all good practice is happening on building sites because everybody, including SIPTU, is telling us that it is not.

I am concerned with regard to employers and will table amendments relating to the language of “good intention”. I would much prefer if we were clear, and I think it has been called for from the other side, around clarity on inability to pay, for example. What is the rationale for keeping or not keeping staff on? We need clarity of language. I am concerned that some of the language is a bit ambiguous in that regard and I urge the Tánaiste to clarify and tighten that up. It will be important.

Many Senators have spoken about Dr. Michael Ryan. We are all extraordinarily proud of the work that he has done in the WHO. We have heard many people quoting the fact that he said that speed sometimes trumps perfection. However, the other thing he has told us is that, and he said it in the past two days, human rights, privacy rights and human dignity are also important considerations. He said these must also be factored in and that we cannot put them aside in pursuit of public health because part of public health depends on respect for that rights-based approach to health. That was something echoed by a number of UN rapporteurs in a letter they published yesterday where they spoke about ensuring that the public health response supports all of the public, including the most vulnerable - those with disabilities, the homeless, migrants and refugees. That is part of our public health response. It is not something we add in later. It is how we do it. In that regard, there have been requests to move the vulnerable out of direct provision centres. We cannot simply allow for persons to be moved out to intensive care units or to hospitals because we did not take the opportunity to put protection in place and to ensure safety. We also need to look at moving the vulnerable, in terms of those who are homeless in Ireland. We need to ensure they have a safe place to be during this crisis. We will all work together.

I appreciate the very good points made by Senator Bacik on how we may constitute the next Seanad. If 11 Senators are necessary, let them be 11 who can serve this national interest and not simply the interests of parties. They could possibly be selected from parties but with that national collective interest in mind. If not, then could we ensure that in the next stage of legislation in the months ahead, we build in three Stages so that we have the power and opportunity to amend or improve legislation in this House for that collective good? Many of us will make points today but I do not believe we will be pressing amendments. I hope the Tánaiste will be able to answer us and that he can recognise that collective project we are in and that we are all mandated parts of that.

Senator Paul Gavan: The Tánaiste is very welcome. It was very strange travelling up to Dublin today from Limerick to find there were no cars on the road during rush hour. Obviously, that is a very good thing in that it shows that people are listening. What we are facing though is still shocking.

I commend people from all parties for the effort they have made, in particular the Government for its response to the recent crisis. Sinn Féin is determined to play a constructive role. We will demonstrate that today in the amendments we have tabled. We will not push any amendment to a full vote, although we may put a couple of them to a voice vote. We will withdraw some amendments too because we do not want to, unnecessarily, prolong this debate. We want to deal with the business that needs to be dealt with, see the Bill through and get the support people badly need.

I begin by expressing my sympathy to the families who have already lost loved ones to Covid-19. It was very shocking to hear the figure of ten and yet, as has already been acknowledged, we know there are worse figures, unfortunately, to come. I pay tribute to all of our healthcare workers who are responding so magnificently to this crisis. They are truly in the front line, putting their own health at risk in order to care for and save the lives of our loved ones. The statistic that one in four persons who have contracted Covid-19 is a healthcare worker tells us all we need to know about the bravery of those people, especially those coming back into the service, like my colleague, Senator Devine, whom I know has volunteered already. They deserve not only our respect and admiration but real delivery in terms of the issues on which they need support. I refer in particular to the provision of personal protective equipment, PPE. I listened to “Morning Ireland” this morning and I am glad to hear the shipment is coming in on Sunday. I am also glad to hear that we have not quite run out of PPE but Senator Higgins’s point about making sure we listen to workers on the front line is particularly pertinent in that regard. Of course, it is not just healthcare workers, it is retail workers, power workers, transport workers, truck drivers, workers in factories such as Medtronic, which makes ventilators, where I used to serve as a union official, pharmacy workers, and the Defence Forces.

I was very struck by the quote from Jeremy Corbyn and I want to read it into the record of the House. On his last appearance as leader of the Labour Party in Britain he said:

We can all now see that jobs that are never celebrate[d] are essential to keep society going. Think of the refuse workers, the supermarket shelf-stackers, the delivery drivers, the cleaners. [He said, those grades of worker] are often dismissed as low-skilled. But I ask, who are we least able to do without in a crisis – the refuse collector or the billionaire hedge fund manager?

He asked who is doing more for our society at this very moment. I think it was a very pow-

erful quote from Jeremy.

I want to address the issue of safety. I welcome the statement from SIPTU yesterday. It is very significant because SIPTU is by far the largest union when it comes to construction workers. SIPTU put out a clear statement calling for the immediate closure of workplaces and building sites where workers are at risk of Covid-19. The key point is that trade unions cannot close these sites. Employers cannot close these sites as they are contractually bound to deliver. We need the Government to shut down those sites. Having given the Tánaiste credit for so many good things this Government has done in recent weeks, I ask him not to dodge this because it is difficult. Workers are at risk. They are obliged to go to work until those sites are closed. The only organisation which can close these sites is the Government. There are 30,000 workers involved. We all know that they are not safe. We need the Government to act in exactly the same way it has on other issues. We cannot delay on this particular issue.

The proposed changes to the operation of the Residential Tenancies Act, specifically the decisions to adopt Sinn Féin's proposals to halt evictions and freeze rents are welcome. I was disappointed, however, to hear those changes characterised by the Taoiseach yesterday as representing bad policy in the normal course of events and only being acceptable because of the current emergency. Clearly our Taoiseach still remains unaware of the emergency in housing that has been ongoing for the past five years and more. The Government should go further and ensure renters who do not have a tenancy agreement are also protected.

A provision was added by my colleagues in People Before Profit yesterday to protect people on licence. We are not clear as to whether it does or not. It would be helpful to know whether that amendment added to the Bill gives legal effect to protect people on licence in terms of their accommodation.

There is an issue with provisions to ensure people do not rack up a crushing level of debt in rent arrears. We know this is a problem that will be happening. We are asking the Government to consult with landlords, tenants and mortgage organisations to come up with a report on how this issue can be dealt with. That is a reasonable request. We will not push it to a vote today but under our amendments are looking for a commitment in this regard. I ask other Senators who believe this is sensible proposal to give it verbal support today.

The proposals on a temporary wage subsidy are welcome. Significant credit should be given to the trade union movement for its work on coming up with this model, alongside ourselves. I share some of the concerns that Senator Mulherin referred to concerning Richard Grogan's article. I do not know whether the Tánaiste saw this article on the scheme. My concern is simple. The scheme has to work. Employers have to buy into it. Workers need to be engaged through it. Then we can see a better status for our economy, as well as for working people and families. Richard Grogan expressed particular concern in terms of fraudulent trading. I would like to see those concerns addressed when the Tánaiste responds.

The wage subsidy proposals do not go far enough, as noted by Deputy Pearse Doherty yesterday. There is a danger that they could be open to abuse by unscrupulous employers. Sinn Féin proposes a model that will guarantee 100% of income up to €525 a week for workers and the self-employed who are laid off due to this crisis. My union, SIPTU, brought out a similar proposal. Employers should have to make up the rest of the 30% of workers' salaries in our view. Under the Government's proposals, employers can just pay 1% towards employees' pay and still avail of this scheme.

People naturally talk about the concerns regarding the cost involved in these proposals. Can I remind Members that only ten years ago, we spent €64 billion bailing out the banks? By my reckoning, at €300 million a week, that gives us a good four years to bail out people. Surely people are more important than banks in this whole process.

Senator Kevin Humphreys: I welcome the Tánaiste to the House. Like many speakers before me, I compliment him and his ministerial colleagues on the speed and response so far to this crisis. It has been excellent. Behind the Ministers are the dedicated public servants and civil servants who have worked extremely hard to draft the Bills we have seen come through so quickly. I thank them. I take at face value what the Tánaiste said about the legislation we are facing today, that is, that if there are problems they will be fixed in the coming weeks. It is the Labour Party's intention to support the legislation today to ensure it passes speedily without amendment. That is the only way we can get the legislation on the Statute Book quickly to support people in dire circumstances.

The Tánaiste is quite right that we have not seen the peak. Unfortunately, we have already seen many people with serious illnesses pass away. I offer my sympathy to the families who have lost loved ones in very tragic circumstances.

At the end of the Order of Business, we applauded the front-line workers, whom I call the real risk-takers, namely, the staff working in the hospitals, stacking the supermarket shelves, manning the tills and driving the lorries to make sure there is a food supply for the vast majority of us. Those are the true risk-takers. While we have not reached the peak and circumstances will become more difficult, we have to have hope and look to and plan for the future. The Tánaiste referred in his speech to planning for the recovery after the crisis. After the crisis is over, we will really need to do more than stand outside the hall door and applaud the risk-takers, the people who have put their lives on the line, the very people who have suffered the worst over recent years, including nurses, supermarket workers, supermarket suppliers, those who work from day to day and the bin men and bin women who collect domestic refuse. They have not been able to afford to buy their own homes or the super rents we have seen in recent months. We have to plan to reward the real risk-takers to ensure that, when this is over, they will have the right to a home of their own, a place where they can rear their families. We must reward them.

In many ways, when we talk about risk-takers, we talk about businesspeople and tax incentives to bring businesses to Ireland but we now know who the real risk-takers are. It is the nurses, who are probably looking after somebody we love, who cannot afford to buy homes of their own. When we get through this, I would like us to apply ourselves in the same manner to ensure that everybody, including every citizen, will have a right and entitlement to a home of their own.

I acknowledge the work the Government has been doing. I acknowledge the Tánaiste's statement that if there are mistakes, they will be fixed. It is a matter of speed over perfection. I acknowledge everything that has been done to produce legislation that is as perfect as it can be but since we need it passed speedily, there will be risks. I wish the Government and the country every success because we need to get this right to reduce the number of loved ones who will be lost in the coming weeks.

I am not standing for re-election to the Seanad. I extend to my colleagues who will be re-elected my very good wishes. I am aware of their hard work and of their diligence in considering legislation. In this manner, in this time, speed trumps perfection. We must move quickly to

27 March 2020

put in the supports our society badly needs. I will not delay the legislation and will be supporting it as it passes through the House. I hope the peak will not be as bad as we fear and that we can start planning for a good future for all our citizens.

Senator Paddy Burke: I welcome the Tánaiste to the House. I congratulate him, the Taoiseach, the other members of the Government and all the political parties and Independents on the very constructive proposals put forward and on demonstrating the speed at which the legislation can pass through both Houses of the Oireachtas. I express my sympathy to the people who have died in these trying times. They are difficult times for families and for people who are waiting for results or waiting to be tested. There is an eerie feeling. As Senator Gavan said, when he drove through Dublin, there was very little traffic and very little movement other than people walking around town. One thing that this has done is made everybody the same. We are all in the one boat. We are all walking around with our hands in our pockets. It does not matter whether one is high and mighty or an ordinary person. Everybody is the same. They will get the same treatment. That applies the world over. This has brought the world to its knees. I believe that there will be a solution and that we will find a way out of this.

The Government is to be complimented on the way and the swiftness with which it is dealing with the issue. I believe that the present Government is the best to deal with this for the number of weeks that it will take to get on top of things. If there was a change of Government right now, there would be new Ministers, with different people in different portfolios. I think the people who are there at present are the best to deal with it at this time. They know what is happening in their Departments and they know the people who have the responsibilities, rather than having new people trying to get their feet under the table. While it is very important that a strong and stable Government would be put in place, and all of the negotiations should rightly take place, the present Government should be left in place until we get out of this crisis.

I am delighted that there is a sunset clause in this legislation and in the legislation that was passed last week. It is very important. It is also important that the Tánaiste said that if wrongs are done, they will be righted. I believe that when this is over, we should look at the legislation again to see where things went wrong and to see what can be made better. We passed emergency legislation during the crash. It had to be emergency legislation. We never looked at things that went wrong or that may have been done better in any great depth afterwards. We should have. I will give an example. In 2003 and 2004, legislation was introduced such that a redundancy payment of two weeks per year would be paid to employees, and rightly so. The people who came out worst from the crash were small sole traders. They had to pay for two weeks per year to all their employees, whether they went bust, downsized or whatever happened. Where some of those were not able to pay some or all of the redundancy to their employees, in some cases, they pleaded inability to pay, but Revenue is coming after them now. The only way out for them is that there will be a charge on their private house when they die. This does not happen to big companies. They have the option of going into liquidation and they can fold up. It is different in the case of the ordinary individual or sole trader. A number have contacted me. They have been left with substantial bills. In some cases, the State paid for the redundancy for the employees that they had employed. When they die, their houses will be sold and the funding that was paid to the employees on behalf of the employer will be taken out of the estate of that person. That is unfair. There was an anomaly in the legislation when it was brought in. There was a clause under which 70% could be clawed back for the two weeks. Michael Noonan, as Minister for Finance, got rid of this 70% claw-back in 2013 or 2014. It has left some of the people I have mentioned in a very precarious position.

I am delighted that the Minister has said that he will correct any mistakes that have been made. I am sure that means we will look at the legislation we are passing today and at that which we passed last week. Things will never be the same again. Work practices are going to change. More and more people will be working from home and from hubs. The way in which work is done will be changed forever. We will have to adapt and adopt new measures. I presume new legislation will have to be drafted in respect of all of these different things that will take place.

I wish the Tánaiste well in his endeavours over the coming weeks. I also wish everybody in this House and the front-line staff, whom numerous speakers have mentioned, well. These staff are a credit to the country. They are putting themselves on the line and we owe them a great debt of gratitude.

Senator Pádraig Ó Céidigh: Gabhaim buíochas leis an gCathaoirleach as ucht a tacaíochta le ceithre bliana anuas. Cuirim fáilte roimh an Aire. Ní hé sin an chéad uair a raibh sé anseo. Bhí sé anseo go minic cheana ag plé go leor leor rudaí. I wish the Minister every success in what he is doing. When things get tough, real leaders are needed. I am not a member of any political party but I see that leadership in the Minister, the Taoiseach and the Government. I wish the Government, Fianna Fáil and whomever else Fine Gael is having discussions on forming a new government with every success. The sooner a Government is formed, the better. The Minister has made decisions and taken action. As he said at the beginning, Government may not have got it 100% right, but it has at least taken decisive action and shown decisive leadership.

To move to another front, I will not repeat what others have said but to get really good followers, one needs good leaders. The Minister, the Taoiseach and their colleagues are showing such leadership, as are all the parties. They are all rowing in and putting on the Irish jersey to make this happen and to make it work. This is not about politics but about people's health. The Minister and the Government have to perform a number of balancing acts. The fundamental one relates to our health. My sincere sympathies go out to the families of the ten people who recently died as a result of this coronavirus and to my colleague, Senator Ruane, on the passing-----

An Cathaoirleach: Is the microphone picking up the Senator's speech?

Senator Pádraig Ó Céidigh: Is it not?

An Cathaoirleach: The Senator might get closer to it.

Senator Pádraig Ó Céidigh: I hope my colleague, Senator Marshall, does not mind me standing behind him. I extend my deep sympathies to Senator Ruane on the passing of her nan. I know they were very close. In my time here, Senator Ruane has been an absolutely fabulous Senator and it was a pleasure to work with her during these four years.

I will focus on the issues facing SMEs, if I may. What has been said already is very true. I will not go back and repeat all of it. Senator Mulherin made a point which relates to section 28(3) or 28(4) and to company law and companies or small businesses acting fraudulently. In order to get this funding one must sign a declaration stating that one's business's turnover has fallen by 25% and that it cannot keep going. From a legal and company law perspective, that is a significant challenge. Senator Mulherin is well placed to comment on that area because she is a lawyer and understands that space. There are a couple of other areas of interest as well. There are a couple of issues with the model. One big issue is what is happening with many companies

27 March 2020

whose costs of operating are increasing significantly. It should not be measured on sales but on sales minus cost to achieve this. One might have many sales or the same number as last year, but that does not mean one is making a profit or that one's cash flow is positive.

I spoke to the Tánaiste a couple of weeks ago and I greatly appreciate the interaction he and the Taoiseach shared with me regarding small and medium-sized businesses. There are 250,000 of them in the country, employing almost 1.2 million people. I asked at the time, and am asking again now, if we could set up an urgent SME task force with SME people who are on the front line in the task force to offer the knowledge of what it is like to do this. SMEs want to employ people and to keep their businesses going. As the Tánaiste said when I spoke to him earlier, there are two parts to this. We have to keep our head above water now, which is primarily about liquidity. However, what happens when this finishes and we are back to some sense of normality? Those companies and businesses must get up and running again rather than continue in survival mode. Another slightly different strategy is required in that regard.

Two policies are being adopted by the ECB, Europe and other countries throughout the world, including Ireland. One is a monetary policy that is focused on the Central Bank and what it is doing, which is decreasing interest rates. That is fine, but interest rates are low anyway. It is increasing money supply by buying Government and corporate bonds. The ECB has relaxed the rules under which national central banks must operate to create greater monetary flexibility. Then there are the fiscal policies that governments are introducing. I must conclude, but I ask the Tánaiste to ask his colleagues to set up the SME task force as soon as possible. I was on a webinar this morning with approximately 100 SMEs. They employ over 300,000 people. Some of the issues they raised were extremely interesting and important. They are wearing the jersey as much as everybody else. They are as passionate about their employees and our country as are employees and everybody on the front line. Gabhaim buíochas leis an Aire as a bheith ag éisteacht liom.

Senator Rónán Mullen: Cuirim fáilte roimh an Aire. Go n-éirí leis an Aire agus leis an Rialtas agus iad i mbun a ndualgais sna seachtaine agus míonna atá romhainn. This is a time when every dimension of our civic, civil and economic life is being subjected to a sustained, unprecedented and profound series of shocks. Our language and discourse, both public and private, is now dominated by idioms of virology and disease containment measures and our naturally fluent manner of interaction with each other is now shaped by a cautious and necessary distance. We have been returned once again, reluctantly and through no fault of ours, to the economic language of emergency fiscal measures and possible recession.

It is fair to say, however, that we are experiencing a surge of the right type, not the one we hope and pray will not overtake our health system. Communities have dug deep and displayed their resilience. There has been a surge in compassion, bipartisanship and humanitarian outreach. In the starkness of our predicament the ethos best expressed in the gospel of John, that greater love nobody has than he who lays down his life for his neighbour, is also on view. Of course, there is sadness. There is also the best and worst in human nature. It was troubling to see the case in Spain, although I do not know the detail of it, where elderly people were abandoned in nursing homes and some of them were found deceased. Even here some members of our community have still to wake up to the need to be selfless in their behaviour in terms of coming together and so forth. We must bring out the best in each other. There are great exemplars. There is the story of the old priest in Italy who gave up his ventilator so a young person could have it. There are also our healthcare staff who are doing wonderful things. They risk laying down their lives when they knowingly go into a more risky situation on our behalf. It

makes all of us wonder what we as individuals can do. We are all in different circumstances and will all have different ways in which we can play our part in being patriotic and good, responsible and caring members of community. We need to see the best side of our nature now.

I compliment the Tánaiste, the Taoiseach, the Minister for Health, the Chief Medical Officer and all the experts for giving the country the leadership it needs at this time. We have disagreed on matters, some of them serious, but it is good that they are effectively bringing people together. With only one or two exceptions in all the discussions and debates I have heard, the language and the examples given have always sought to unite people by emphasising what we all in society believe in and are on board with. I urge them to continue giving the leadership they are giving and not to be afraid to speak out strongly to any group or section of the community about the need to avoid modes of behaviour that may be unthinkingly selfish or not sufficiently heedful of the impact they might have on others.

We are all most certainly our brothers' and sisters' keepers now. The institutions of the State have demonstrated their capacity to respond with speed when the common good is threatened and when the architecture of our national and international financial system was moving towards collapse. That gives us all hope that a pathway through this suffering and discomfort is possible. We as a Legislature can scrutinise legislation only in a limited way compared with what we would normally be called on to do. We depend on the Government and Civil Service to get it right as much as possible, as often as possible, in these fast-changing circumstances. The Tánaiste will understand, therefore, that there will be issues we will wonder about, and we will wonder whether certain aspects are being covered, although we know that some aspects will not be.

In recent days, I spoke to an elderly person who receives a limited State pension and is dependent on the small income they receive from a small rental property in a rural town. That income will be gone, of course, because the tenant can no longer pay the rent and they are not in a position to get any kind of relief from their bank. I was not able to give an answer to that person and it would be difficult for the Government to give answers on such cases in the short term. One thinks in particular of people in the disability sector, who have asked whether disability service workers might be prioritised for testing alongside hospital workers, a forceful argument. They hope that the costs arising for section 39 employers with regard to Covid-19 will be met equally to those of the HSE and section 38 agencies. They are all legitimate claims from people coming from different areas of social contribution.

To touch briefly on a fraught issue, I heard the Minister for Health's response on the workings of the abortion legislation in respect of remote consultations. All I would say in that regard is that we should think carefully about the matter. There were debates on the issue in the UK House of Commons and House of Lords in which it was confirmed that a physical meeting would continue to be necessary as a safeguard for the woman and to protect her health and well-being. I acknowledge that given that the situation is moving fast, there will be issues on which we might agree or disagree, but in whatever measures are taken, I ask that the Government think carefully about unforeseen consequences of a kind that none of us would want.

It is our job as legislators to urge the Government to consider all such matters. We accept that not everything will be got right and that mistakes will be made that will have to be undone as soon as possible. For now, however, I thank the Government for what it is doing. It will have our support in getting the legislation through today. Go gcuidí Dia linn uilig sna laethanta, míonna agus seachtainí atá romhainn.

27 March 2020

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I thank all the Senators for their constructive comments. Even when concerns are expressed, it is constructive criticism. I appreciate that and we will take it on board. Like others, I express condolences to Senator Ruane in respect of her loss.

On the issues raised by Fianna Fáil and others relating to the availability of PPE, there is a global shortage of PPE for healthcare staff. There is a competition, if one likes, that is intense to try to get contracts in order to get large volumes of PPE into different countries. We have been planning for quite some time to ensure that we would have sufficient stocks. We have effectively done a deal with Aer Lingus, which is going to fly charter flights in and out of Beijing - dozens and dozens of them - to bring back PPE that is being purchased with a contract that involves Ireland spending well over €200 million. My understanding is that this is buying what would normally be considered about 13 years worth of PPE for our health system all at the one time, potentially to be used in the next three to five months. The start of those shipments will come through in the next few days - it is expected on Sunday - and, of course, other PPE is being made available from other sectors of industry and other sources in different parts of the world. However, the bulk of what will come into the system in Ireland is expected to come from China, in particular the initial stocks in the coming days.

I congratulate and thank Paul Reid and his team for the extraordinary work they are doing, not just in Ireland but also in other parts of the world, to make sure that our healthcare staff get what they need in terms of clothing, equipment and protection. I want to thank all of our hospitals, healthcare institutions, nursing homes and so on, which are managing with the stock they have right now, which will be bolstered very shortly, I am glad to say.

I also want to thank the many Members of the House who indicated they are not going to push their amendments. We will read all of the amendments carefully and if there are real issues behind those amendments that we need to respond to, the Government has a responsibility to do that. I want to give Members that very strong signal today. However, we need to get this done today. That is why I want to thank all of the parties here for indicating they are not likely to push amendments or, if they do push them, it may just be to a voice vote. There is enough experience in this Chamber to understand the consequences of amendments being accepted here, and the need to go back to the Dáil to get this legislation concluded, which would delay very significant volumes of payments for people who need them shortly.

Senator Craughwell raised the issue of the Defence Forces. As a former Minister for Defence, I understand a number of the points he raised quite well. In the medium term, we need to commit to setting up a separate commission for defence in regard to pay and conditions, and so on. They are a different category to every other worker in the country. They are our last line of defence and they are a resource that needs to be always there. That needs to be taken into account in the context of ensuring we have the capacity to recruit the numbers we need and, obviously, the consequences for pay and conditions that flow from that.

I want to deal with the issue of those who are coming back to re-enlist in order to assist in a national effort, particularly when many of them may be in other employment that is inactive right now. We need to ensure that people who leave the Defence Forces in a few months time, having come in to assist during this emergency, will, of course, have jobs to go back to. I will raise that issue directly with the Minister for Finance, Deputy Donohoe, who will be here during Committee Stage to answer Members' questions.

With regard to the points raised by Senator Marshall, as always, he is a rock of sense in regard to the need for North-South co-operation. In an emergency, we all have the same objective. Regardless of political background, ideology or identity, we are neighbours and friends on this island, who should be working together to save as many lives as we can, and we will. I got a letter last night from Colum Eastwood, asking questions around whether an employer south of the Border, which was employing employees who are travelling from North to South, could get the subsidy. That is something the Senator can clarify with the Minister for Finance in a few minutes.

2 o'clock

My understanding on that is clear. The Revenue is not making wage subsidy support payments based on the address or nationality of a person. This is about supporting and ensuring the connection between employees and employers remains intact. That should also apply to companies close to the Border.

Regarding employment law practitioners raising issues that may well be relevant to this legislation, this is a time for people to have a can-do attitude and to try to ensure this legislation works, and not to try to undermine it. We will make it work. The Revenue Commissioners last night issued new guidance. I got correspondence this morning from several business people which stated the guidance has been greatly helpful in clarifying some of the questions they may have had yesterday and that are being answered today. We are asking all employment law practitioners and experts advising companies to ensure that this works for their clients so that they are not excluded from the benefits that will flow from it. We can do that if we work together and if we ensure companies seek their advice from the Revenue Commissioners, and not from politicians. If important questions that need answers come from advisers and employment law practitioners, let us look to the Revenue Commissioners to provide clarity, flexibility and assurance on those questions so that this emergency legislation works for as many people as it possibly can to protect jobs and incomes. That is what we are about here.

Regarding the contribution from Senator Higgins, she is correct. I am the Minister for Foreign Affairs and Trade and, believe me, I am spending much time trying to get Irish people home from other parts of the world right now.

Senator Paddy Burke: The Tánaiste is doing a good job.

Deputy Simon Coveney: I am glad to say we are making good progress in Australia and Peru, two of the pressure points so far. Senator Higgins is right, of course. Whatever challenges we face here in protecting our citizens, reinforcing the health infrastructure and the staff behind it, we have to ask the question as to how on earth some countries, with extremely limited resources and effectively no health infrastructure, are going to have the capacity to respond to the pressures they will face in the weeks and months ahead. That will certainly be to the fore as we prioritise and decide how we will spend the hundreds of millions of euro that we spend in development aid, assistance and the partnerships we build in doing that.

I take the points made regarding direct provision centres and homeless people. I give the assurance that we are working on that. Several Senators raised concerns regarding construction sites. In respect of everything we do, it is important to say that the decisions we are making on guidelines for employers and employees all originate from our public health emergency team, led by the Chief Medical Officer. The advice they give is that if a workplace can comply with

27 March 2020

the social distancing guidelines, if employers can ensure they are protecting their employees and their workforce, and if they are not in the categories we have named to close temporarily, then the responsibility is there for an employer, interacting with employees, to ensure a safe workplace is provided. If that cannot be provided, then those workplaces should close. We want to link the Health and Safety Authority, HSA, and others that are going to be working with employers, to ensure the guidance is being respected on site so we can maintain employment where it makes sense safely. Nobody, however, is contending or making the point that we should be requiring people to work in an unsafe environment through this emergency. There is no economic justification for that and this Government will never attempt to justify a workplace staying open on that basis. I want to make that very clear.

I also want to make sure that I answer everybody's questions. I take the point that some wanted to go further with wage subsidies and some wanted to require employers to make sure workers get 100% of their salaries. This is an emergency and there are some employers that will not be able to pay. There are others that will be able to pay. We need to do everything we can to make sure that those companies that can pay do pay but we also need to ensure that those companies that cannot pay are not essentially pushed into insolvency unnecessarily. This is about protecting a work environment and as many SMEs as we can through this crisis so that they can grow, expand, employ people and pay good salaries when this is all over.

On the SME task force, I will speak to the Minister for Business, Enterprise and Innovation, Deputy Humphreys about that again. I reassure Senator Ó Céidigh that the Minister and her Department have a stakeholders group where they listen to employers, trade unions and many other stakeholders that are linked to employment and SMEs. That being said, maybe there is a case to go beyond that and to allow people who understand and have lived through what it takes to build an SME successfully and survive through good times and bad to give a more direct and detailed input. I will come back to the Senator on that. For those working in SMEs who are listening today, there is updated guidance on the Revenue Commissioners' website and I encourage people to look at that.

On Senator Mullen's contribution, this is about bringing people together and that is what we are trying to do. This House has made a significant contribution to that. Politically, we come from different places in this House but we are working together to ensure we act quickly, if not perfectly. The assurance I can give Members on behalf of the Government is that for the issues they raise that are relevant and that need answers, we will endeavour to do all we can to provide those answers and to correct mistakes if they are made during this process of bringing through legislation quickly.

I thank Members for continuing to work with us.

Senator Gerard P. Craughwell: I refer to the issue of abatement and military service allowance. Why not treat the military the same as student nurses?

An Cathaoirleach: We are well over time and I was going to advise the Minister that he is over time as well.

Deputy Simon Coveney: I do not want to give an answer on the hoof here that I cannot follow through on. I have heard what the Senator has had to say and I will try to come back to him on it.

An Cathaoirleach: Maybe the Senator could raise it on Committee Stage later.

Deputy Simon Coveney: I know the Minister for Finance and Minister for Public Expenditure and Reform, Deputy Donohoe, is here now and we can move on to both Committee and Report Stages without further delay. I thank Members for their contributions.

Question put and agreed to.

An Bille um Bearta Éigeandála ar mhaithe le Leas an Phobail (Covid-19) 2020: Céim an Choiste agus na Céimeanna a bheidh Fágtha

Emergency Measures in the Public Interest (Covid-19) Bill 2020: Committee and Remaining Stages

Acting Chairman (Senator Gerry Horkan): I welcome the Minister for Finance and Minister for Public Expenditure and Reform, Deputy Donohoe, to the House.

SECTION 1

Acting Chairman (Senator Gerry Horkan): Amendment No. 1 is in the names of Senators Ardagh, Clifford-Lee and Horkan.

Senator Lorraine Clifford-Lee: I move amendment No. 1:

In page 6, lines 24 and 25, to delete “such day as the Minister for Housing, Planning and Local Government may by order appoint” and substitute “the 30th day of March 2020”.

I will not labour the point but this amendment seeks to give clarity that the commencement date is 30 March. I hope the Minister will accept that.

Minister for Finance (Deputy Paschal Donohoe): The proposed amendment relates to section 1(2)(a) of the Bill, which is the commencement provision for Part 3 of the Bill and relates to planning and building control matters. The amendment seeks to control the Bill so that rather than the emergency provision being commenced by order of the Minister at an appropriate and effective time when it is needed, the emergency planning provision would instead lose this flexibility and it would automatically commence this Monday, 30 March 2020. I ask the Senator to consider that this proposal and this date could be premature as our building and planning control systems are still functioning and carrying out their statutory duties, as they will be on Monday. This is because our building and planning control systems are still functioning and carrying out their statutory duties, as they will be on Monday. This is despite Covid-19-related work practices, including social distancing, naturally having an effect on local authority working arrangements. The proposed amendments would have the unintended effect of undermining the currently functioning operations of planning and building control authorities throughout the country by activating an emergency provision before it is necessary.

27 March 2020

While I thank Senator Clifford-Lee for putting forward the amendment and I entirely understand her reason for putting it forward, I am appealing to her to defer the amendment and not to press it because while it is conceivable that at a point in time this provision will need to be triggered and we will need to change the operation of how our building and housing control services work, at this point it is not necessary to do so on Monday. The flexibility included in the current draft gives the Government the ability to make the decision at an appropriate time. Our current judgment is that time will not be on Monday.

Senator Lorraine Clifford-Lee: I thank the Minister for that explanation. It does bring clarity and I wanted that clarity put on the record of the House. I will not be pressing the amendment.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 2 to 4, inclusive, are out of order as they are not relevant to the subject matter of the Bill.

Amendments Nos. 2 to 4, inclusive, not moved.

Section 1 agreed to.

Sections 2 and 3 agreed to.

SECTION 4

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 5 and 9 are related and may be discussed together by agreement.

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

In page 7, line 32, to delete “Health, and” and substitute the following:

“Health,

(b) subject to a vote of approval by both Houses of the Oireachtas, and”.

I am keen to put our concerns relating to flexibility on the record of the House. Perhaps the Minister will explain if he going to take this.

Deputy Paschal Donohoe: I can tell the Senator that during normal times this is exactly the kind of provision that should be contained in legislation. I will draw an analogy to the rainy day fund, which is meant for use at times of great risk. The operation of the rainy day fund has the kind of steps and checks built in that Senator Clifford-Lee is proposing. What makes the times we are in so different is that it is entirely possible that a decision might be needed to change the guidance we are giving to various Departments and local authorities. We may need to make it quickly at a point when it is simply not possible to trigger sittings of the Houses of the Oireachtas, let alone gain their consent.

If this were not an emergency, it is likely that what Senator Clifford-Lee is looking for would already be contained in the legislation. Given the exceptional circumstance that we find ourselves in, however, it will be a decision made by the Minister for Housing, Planning and

Local Government in consultation with the Minister for Health and the Minister for Public Expenditure and Reform. This is emergency legislation and it is due to lapse. I do not believe it would become the norm for these kinds of powers to be triggered in a way that did not require the consent of the Seanad and Dáil. For these reasons I appeal to the Senator to consider not pressing the amendment with the expectation that something like this would be contained in other legislation that we will see in future.

Senator Lorraine Clifford-Lee: It is a draconian measure, as the Minister has acknowledged. I know we are in an emergency situation but as we approach the three-month lapsing period I imagine we would have sufficient notice to facilitate both Houses being recalled at short notice to do the necessary work. I would be apprehensive about letting something like this go out of the legislation. I understand the time pressure we are under today and the urgency of this legislation, but to give such powers solely to the Executive is concerning. I call on the Minister to reconsider it.

Deputy Paschal Donohoe: The Seanad is asked that the Bill stay as it is because of the speed at which it may be necessary to change public health guidance. It is entirely feasible that a decision could be taken in a morning, for example, that needs to be implemented that afternoon. This is why authority in this resides within the Executive. I emphasise again to Senator Clifford-Lee that I believe it is incredibly unlikely that this would set any kind of a precedent for use in legislation at a normal time. Even during our economic crisis all emergency legislation in that period required either consultation with the Dáil and the Seanad, or required engagement with both Houses. An example is the FEMPI legislation, whereby there was a requirement each year to lay a formal report with regard to where we stood, and if any change needed to be made with that legislation it had to be done through the Houses of the Oireachtas. If legislation crafted during an economic emergency required the role of the Oireachtas, the only reason it is different here is because this is a public health emergency in which a decision could be taken that requires action within hours. That is the only reason the legislation is drafted as it is.

Senator Lorraine Clifford-Lee: I appreciate the Minister's explanation on that. I hope the Executive would act in good faith and only use the legislation in extreme emergencies, as the Minister has outlined, where a decision needs to be made in a matter of hours, not days. On that basis I withdraw the amendment.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 6 to 8, inclusive, are related and may be discussed together by agreement.

Senator Alice-Mary Higgins: I move amendment No. 6:

In page 8, to delete lines 3 to 6 and substitute the following:

“(i) the nature and potential impact of Covid-19 on individuals, society and the State,

(ii) the capacity of the State to respond to the risk to public health,

(iii) the need to restrict the movement of persons in order to prevent the spread of the disease among the population, the making of such order is in the public interest,

(iv) the policies and objectives of the Government to protect the health and wel-

fare of members of the public, and

(v) the role of adequate housing in protecting public safety.”.

Amendments Nos. 6 and 7 are, effectively, two alternate proposals. I note that certain other provisions in the Bill have wider descriptions in how they might be extended, whereas the description around the extension for the stay on evictions, for example, is a lot narrower. For the other areas there is quite a number of iterations and explanations of the public health emergency and the form it might take, which would allow for extension as necessary. I concur, of course, with Senator Clifford-Lee that, whenever possible, we want this to be in public consultation with the Legislature, which is important.

On the core issue of the emergency period and the measures for safety that are taken under that time, I am concerned that the framing in the Bill is quite narrow. The framing is specifically on the threat to public health as related to Covid-19, it is contiguous to the Covid-19 disease and not to the after effects or consequences, and on the need to restrict movements of persons. Those are the narrow bases. The Minister has heard articulated very well on the Order of Business in the Seanad and in Dáil Éireann that we were already facing a crisis in housing. There are many public health emergency consequences that will flow from this crisis that may affect a person’s ability to pay, a person’s ability to respond to an eviction order, and whether or not persons can find suitable or other alternative housing within a period of time. I am concerned about the framing of this. Consider the rationale in a stay of eviction, similar to the rationale in the stay of a rent freeze, both of which were pushed for as measures for the common good in the past. If, however, we have an extraordinarily narrow definition of those, and which is too narrow in this case, I am concerned that the common good that may be served after a period of time when contiguation is not explicitly a risk but where persons may have lost income, lost livelihoods, have other underlying conditions, have other health concerns, and do not have anywhere to go to. I am worried that the Minister might not be giving enough flexibility to allow, for example, an extension of a stay on evictions to cover those related public health and common good concerns.

When we come out of this, there will be other very serious consequences. We certainly do not want to reach a point where we see large-scale evictions or a number of stayed evictions all being enacted at the same time creating a different and related kind of health crisis.

That is the spirit of amendments Nos. 6 and 7. I have tried, in the case of amendment No. 6, to echo the language that we have elsewhere in the Bill. If we are providing for all of these kinds of criteria elsewhere in the Bill, why make it so narrow when it is the bit that protects vulnerable citizens and protects people from evictions? Why is that a harder bar than those applying to some of the other protections?

Amendment No. 8 is to insert these other issues which are recognised as concerns elsewhere in the Bill, specifically, the policies and objectives of the Government to protect the health and welfare of members of the public, and the role of adequate housing in protecting public safety. Both of those are good reasons when the Minister may need to extend a protection against eviction or extend a rent freeze. That is my concern. That is the basis for these amendments. I hope the Minister can address it.

Lastly, I refer to the role of adequate housing in promoting public safety. I have mentioned that direct provision is not adequate housing in this time in terms of public safety and well-

being, not only of the individuals in direct provision, whether or not those with symptoms are isolated. Simply in terms of congested dwelling, it raises safety concerns. I note that as part of a public safety concern.

Acting Chairman (Senator Gerry Horkan): Before I bring in Senator Ruane, I pass on my own condolences on the loss of her granny this week. I am very sorry about that.

Senator Lynn Ruane: I thank the Acting Chairman and welcome the Minister. It is probably the first time we have had the Minister, Deputy Donohoe, in here. Am I wrong?

Deputy Paschal Donohoe: I am afraid Senator Ruane is. That will be, I am sure, the only time the Senator will be wrong.

Senator Lynn Ruane: The Minister is very welcome.

Acting Chairman (Senator Gerry Horkan): Is it the Trinity graduates fan club today?

Senator Lynn Ruane: It is the first time I have had the pleasure of an exchange with the Minister in the Chamber, unfortunately, under these circumstances.

My amendment No. 7 is similar to Senator Higgins's amendment No. 6. I welcome the Bill and the provisions relating to housing which implement a ban on evictions and a rent freeze for the period of the Covid-19 emergency. This will initially be a three-month period that can be extended by the Government under section 4. However, I am concerned about the criteria that will be used to decide whether such an extension is in the public interest.

While I recognise this is emergency legislation in nature and focused on Covid-19, it cannot be ignored that it is being implemented in the context of an extreme housing crisis. The Government should be looking to use and extend this power to provide relief to renters and families. In light of the amendment passed in the Dáil yesterday, it now also includes local authority tenants, Traveller communities and approved housing body dwellings which encompass some of the most vulnerable in the State.

It is in the public interest to keep people in their homes during and following a public health crisis and to prevent greater homelessness where people are at the greatest risk of spreading the virus. However, this section only lists the nature of the virus itself and the need to prevent the spread of the disease as criteria for the extension. It includes no recognition of the wider social impact of an eviction and the disproportionate damage that would do to the public good and public safety during and following the current crisis. This is why I am tabling amendment No. 7, which contains the vital recognition on top of the Government's own criteria. This amendment is also needed because this section is not aligned with other provisions in the Bill such as the extensions to the Mental Health Act which are extended to November whereas these provisions for the vulnerable in the housing market are only in place for three months with limited opportunity to extend.

Moreover, the criteria for time period extension for planning applications under section 9 and the provisions on redundancy in section 27 are broad, comprehensive, specific to the policy issues at play in those sections and include an assessment of the economic impact of Covid-19 but when it comes to preventing evictions, rent increases and homelessness for our citizens, the Government is not including the full range of factors and should determine such a decision in the legislation. There has been no provision so far with regard to renters who need to ac-

cess rent allowance. If this is not introduced in the next week or so, this provision in terms of strengthening the conditions for eviction will be very much needed because people will go into rent arrears if they cannot access rent allowance very quickly. That is another provision that needs to be looked at. Hopefully, the Minister can speak to the amendment and with regard to access to rent allowance.

Deputy Paschal Donohoe: I thank Senators Higgins and Ruane for the amendments they put forward and offer my condolences to Senator Ruane on the loss of a member of her family. At times like this, we all feel loss in terms of being able to be with our families in different ways due to this emergency. That is a factor in why it is so vital that we have measures in place to address the needs of those in different forms of accommodation and housing. To respond to the different issues raised by both Senators, the reason the timing in this Bill is different versus other Parts of the Bill is because of the severity of the advice we have received from the Attorney General. I believe that if I was to be in front of the Seanad this afternoon and proposed the implementation of these measures regarding evictions and rent increases that went on for quite a period, Senators would be asking me the understandable question as to why this was different to the stance taken by the Government on these issues for a number of years. The reason for that is because the continued advice we receive from the Attorney General is that the balance between the common good and the public good and the role of property rights and private property is a very demanding one. The clear advice we have received from the Attorney General is that the only rationale we can use for the suspension of evictions and rent increases during the period is a public health emergency. That is the reason the timing with regard to this is different to other parts of the legislation and why the criterion is so clear, that is, that it must be linked to a public health emergency as opposed to the grave economic or social challenges touched on by the two Senators a moment ago.

I will address an issue raised by Senator Higgins. It is very important that even as we are grappling with the difficulties of today, we find time and space to think through what would be the difficulties for our society post Covid-19 because we will cage this virus and find ways of containing it and restoring our country to public health but when we do that, it will be the case that there will be consequences from this emergency that will spill over into what I hope will be a period of resumed public health and we will need to think anew about how we deal with those potentially very severe difficulties. The Government or the next Government will do this but to go back to the core point raised by both Senators, namely, the reason why we have such a definitive link up between the suspension of evictions and rent increases for a period of time and a public health emergency is because that is the very clear advice we have received from the Attorney General and we cannot broaden it beyond a definition of an emergency, which is a public health one.

Senator Alice-Mary Higgins: I thank the Minister for his response. I know he addressed similar issues in the Dáil. He spoke about when we emerge from this. It is important that when we do, we reflect in terms of what we have just heard about the idea of anything being balanced against the common good - the common good to which everybody, including responsible business, is stepping up. We have seen the businesses that have put the welfare of their community, staff, society and public health ahead of profit. We have seen those who have done that, and we have seen those that have not made that choice. The common good is our remit, effectively, as representatives of the public. We are elected by the public for the public good. The social, public common good is our core responsibility but I recognise business and property within that also have a role within society. I note simply that if it is the advice of the Attorney General

that the common good needs to be balanced and that we are not able to address the very serious health-related and social good-related consequences that need to be addressed following Covid-19, such as the health emergency and housing emergency we had previously, as well as the social cohesion issues that arise from a fractured society where people do not have the basics of shelter or food, then that will need to be addressed in a constitutional referendum in the future or we will have to challenge it at the highest level through the courts. We need to have law, including constitutional law that can fully serve the common good.

At a European level we have seen state aid rules put aside and rightly so. We have seen a renewed focus on public services. We cannot have laws with, for example, the ratchet clause, that make it impossible for public services to be fully delivered and for states to respond through public services as they need. Again, it is just a useful balance and a reminder when we discuss these issues and when we plan for the future. The Minister, Deputy Donohoe, has read books and discussed the role of the State. We have seen that it is the public delivery of public services that has been the core front line of response to this crisis across the board. It may be that services will need to be delivered nationally again such as public housing and public transport. If those are areas that we need to take within our own control as states and on a European basis so that we can ensure that they function for the good of citizens, then that is what we must do. That will be part of the architecture of our future response also. I understand the advice the Minister has received and I think it is disappointing. I hope he understands too that things in that regard will need to change in the medium term.

Acting Chairman (Senator Gerry Horkan): I remind Members that the cut off is 3.05 p.m. for amendment No. 25. We are dealing with amendments Nos. 6 to 8.

Senator Michelle Mulherin: I will be brief. I wish to speak about rents, planning and housing. I welcome the Minister for Finance, Deputy Donohoe.

Acting Chairman (Senator Gerry Horkan): Does the Senator have something to say that is relevant to the debate?

Senator Michelle Mulherin: Yes, I believe so. I will just continue and you can advise me, Acting Chairman. It is brief.

Acting Chairman (Senator Gerry Horkan): If Senator Mulherin has something to say, she should say it.

Senator Michelle Mulherin: I want to ask the Minister about Government commitments on the capital and revenue side and contributions being made to the not-for-profit voluntary housing sector. Will they continue during this crisis because they obviously play an important and growing role in the provision of social and affordable housing to citizens? As much as we can, we must try to continue to address this issue. I say that bearing in mind that it would seem we will have a freeze on planning if the situation worsens.

I also want to ask the Minister about capital funding for approved housing body projects that are ready to go. What is our forward planning policy on social housing for the coming months? We do not know for how long the Minister will continue in a caretaker role.

Acting Chairman (Senator Gerry Horkan): Senator Mulherin has made quite good points but they relate to a different section. It means she will not have to make them again later.

Senator Lynn Ruane: I ask the Minister to bear with me, as I want to make sure I understand correctly what is proposed. We talk about having the provisions in for public health and that they are the only provisions we can use at this time for balancing this out against property rights over a period. I am struggling to understand when a matter is public health and when it is not. If we are to look at what public health means, it goes beyond just the spread of this specific disease. Public health is a much wider point and feeds so much more into the common good that is being defined within this legislation. It is a misuse of the term “public health”. It is not only public health when every social class of society is being impacted. After this, there will still be a public health crisis but it will be among those who are more vulnerable and who have not been able to bounce back after a period of economic collapse, poor health and evictions.

How does the Attorney General define public health in this instance? It is only being used regarding a pandemic and in terms of balancing this off against property rights and how long we can actually ban evictions for. Is the common good and public health only a thing when it is impacting every single person? Is it then of lesser value when it is impacting large communities, minorities and marginalised groups because their public health and the common good for them also should matter post what is laid out in the legislation?

Acting Chairman (Senator Gerry Horkan): The Senator is making valid points but we are dealing with section 4, an extension of the emergency period.

Senator Lynn Ruane: I was speaking to the amendment.

Acting Chairman (Senator Gerry Horkan): Entitlements to remain in an occupied dwelling during the emergency period and so forth are in section 8 which is further on.

Senator Lynn Ruane: It is in relation to the criteria. We are setting out the criteria as public health.

Acting Chairman (Senator Gerry Horkan): I will let the Senator make the point. However, we need to try to stick to the sections.

Deputy Paschal Donohoe: I thank Senators Higgins, Mulherin and Ruane for their questions.

We are going to have to look at what our economic and social architecture is going to be after Covid-19. While we will go back to a normal, that normal will not be the one we have just left. That is certain. There are going to be big questions that we will have to answer regarding the role of the State and the commitments that citizens have. Those questions will not only be on a national level but at a European and global level. While this is straying ever so slightly beyond the terms of this section, anybody of the view that we are going to go back to something similar to what we have just left is underestimating the effect of Covid-19 on public health.

On Senator Mulherin’s points, I have made no change to the funding available to approved housing bodies. I am very much hoping that I will not have to. It is incredibly important that, even as we are battling with a health emergency of this scale, we can still stand by the commitments we have given to citizens on the provision of housing and accommodation. One of my personal lessons from the period between 2008 and 2012 is that when one makes decisions that cut back on expenditure in those areas, one just defers greater social need into the future. I am going to do all I can to avoid all that happening in these circumstances. I cannot guarantee that all funding, as is currently made available to everybody, will stay the same indefinitely.

On Senator Mulherin's second point on capital expenditure, I want to do all I can to preserve levels of capital expenditure that we have particularly in housing. We are going to need to rebuild our economy quickly. We are already well aware of the housing needs that we have. If we begin to say we are going to cut that expenditure now, what will certainly happen is that this need will grow in the future. I am very much hoping that we can avoid having to make those kinds of decisions.

On Senator Ruane's points, the advice from the Attorney General on this issue is that it is a public health challenge that is of an extreme nature. It appears that a crisis that is, in fact, an emergency is required to trigger the ability to suspend practices such as the collection of rent and eviction. This relates to the point made by Senator Higgins, that is, that the balancing of private rights and the public interest is always worthy of debate and evaluation. The advice we have received is that we have to have a genuine emergency that affects all and basic abilities, such as the ability to congregate, to allow the provisions of this Bill to be triggered.

I am very much aware of the point the Senator made in concluding. What she referred to is probably the reason I am recommending to the Seanad this afternoon an income subsidy scheme that is simply without precedent in the history of our country. I am very much aware that those who are at risk of income loss and employment loss, and those who may already have suffered these because this problem arose so quickly, are those citizens whose terms of work may be less settled than those of others and whose average incomes may be lower than those of others. That is why the latter part of this Bill contains a provision for an income support scheme that has no precedent.

Senator Alice-Mary Higgins: I will withdraw the amendment in the context of our co-operation but I anticipate we will be returning to this matter.

Amendment, by leave, withdrawn.

Senator Lynn Ruane: I move amendment No. 7:

In page 8, between lines 6 and 7, to insert the following:

“(iv) the nature and potential impact of Covid-19 on individuals, society and the State,

(v) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19,

(vi) the policies and objectives of the Government to protect the health and welfare of members of the public,

(vii) the need to mitigate the social and economic effects of the spread of Covid-19,

(viii) the policies and objectives of the Government to ensure the provision of adequate housing and to reduce homelessness, in the interest of the common good.”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 8:

In page 8, between lines 6 and 7, to insert the following:

27 March 2020

“(iv) the policies and objectives of the Government to protect the health and welfare of members of the public, and

(v) the role of adequate housing in protecting public safety.”.

Amendment put and declared lost.

Amendment No. 9 not moved.

Section 4 agreed to.

SECTION 5

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 10 to 14, inclusive, and No. 22 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 10:

In page 8, to delete lines 16 to 18.

This legislation will allow people who may have been served a notice to quit during the Covid-19 emergency period to remain in their homes for the duration of this public health crisis, which is welcome. Within these provisions, there is explicit recognition that evictions come with very serious negative social impacts and should be prevented, where possible, particularly at a time of crisis. However, eviction will still come with massive social and economic costs once the crisis is over. This Bill explicitly excludes people who are able to remain in their home longer due to the eviction moratorium from benefiting from the Part 4 tenancy protections that build up the longer one lives in a property. The Part 4 tenancy protections provide security of tenure to vulnerable renters in a volatile market. They prevent unfair evictions and allow people to remain in their homes for a set longer period, allowing them to plan their futures and those of their families within their communities. It is just not fair that these people will specifically have time spent living in their homes due to the Covid-19 emergency period discounted in calculating their entitlement to Part 4 tenancy protections. I urge the Minister to reconsider these provisions and accept my amendments.

Senator Paul Gavan: I want to address amendment No. 22. I welcome the Minister. Sinn Féin tabled this amendment yesterday but in the meantime, an amendment from our colleagues in People Before Profit was passed, which we supported. It was amendment No. 7. Does that amendment have legal effect to protect people on licence? If it does, then we are happy to not pursue amendment No. 22.

Deputy Paschal Donohoe: I thank Senators Ruane and Gavan. I will deal with the amendments first before I respond to Senator Gavan’s question. I propose not to accept the amendments tabled. The reason is that section 5(1) provides that a landlord cannot serve a notice of termination during the Covid-19 emergency for any reason. The limitation on the constitutionally protected property rights of landlords will only be in place during the extraordinary circumstances of the Covid-19 pandemic. The Bill provides for the Covid-19 emergency period to be of three months’ duration to begin with. This period can be extended by Government order

if necessary. We aim to restrict the movement of people to stall the transmission of a disease. However, it is provided that a tenant cannot accrue security of tenure rights under Part 4 of the Residential Tenancies Act due simply to the passage of time during the emergency period. The Government considered it fair and necessary that any landlord who is delayed by Covid-19 in carrying out a legal eviction should be in a position to carry out the eviction after the Covid-19 emergency on the same basis as before. There will be no further need to restrict the movement of people on health grounds. If someone has been in a tenancy for less than six months before the Covid-19 emergency and the landlord had intended to terminate the tenancy at that time, and still intends to terminate after the Covid-19 emergency, the intervening emergency period should not count in the six-month tenancy required for a tenant to accrue Part 4 security of tenure rights. I believe in the circumstances that this is a reasonable balance and they are the reasons that I cannot accept the group of amendments from Senators Ruane and Gavan.

To answer Senator Gavan's question, the Department of Housing, Planning and Local Government is now considering the amendment that is now part of this legislation and its legal consequences. I am not in a position at the moment to be able to definitively answer the Senator's question.

Senator Lynn Ruane: How do we know what a landlord's intention was before the Covid-19 emergency? We will have significant numbers of landlords saying that it was always their intention not to continue the lease after a time. What type of protections will we have such that we do not just see another loophole for landlords who want to evict people who have lost their jobs so that they can find tenants who have not lost their jobs, and who have not given an adequate period for those tenants to get back into employment? It goes back to the point I made about access to rent allowance. With the emergency Covid-19 payment being so easy to access, there should be something similar for renters so that they do not go into arrears during the emergency period and when it is over, there is no reason for landlords who say they intended, but did not intend, to get rid of the current tenant. There has to be some other form of protection because we just have no way of proving what landlords intended or did not intend to do during that period.

Senator Paul Gavan: I thank the Minister for the clarification. It is clearly not clear just yet. Our concern is that there may be people under licence or with informal rent-a-room arrangements who are not covered by this protection. I am sure it is the same across the country, but in our constituency office in Limerick one often meets people whose marriages have broken up later in life who are in informal arrangements. Can the Minister give any assurance that these people are covered by the legislation?

Senator Alice-Mary Higgins: I have just realised that an amendment of mine is included in this grouping. Again, we have heard very well made points from Senators Gavan and Ruane. With regard to amendment No. 13, will the Minister confirm that the obligations of landlords continue? A point was made of stating in the Bill that the obligations of tenants continue during this time. I ask that it be stated that the obligations of landlords are also maintained during the emergency period. We do not want, for example, people to be left in unsafe situations or situations in which landlords are remiss with regard to basic health and safety concerns during this time.

Senator Lorraine Clifford-Lee: I will speak to my own amendment, No. 14. It refers to tenants who are in licence agreements. These are primarily people who rent a room in a property owner's home under the rent-a-room scheme. They also needed to be protected from

eviction during this period.

I support the point Senator Ruane made with regard to access to rent supplement. In the past number of days, we have heard that supports will be afforded and beefed up. We need some answers today as to how people will be able to access these in a timely manner because I have been contacted by many people whose rent is due next week or the week after and they want to know that they will be able to access rent supplement and pay their rent. These are people who have been living in properties for many years. We currently have the highest number of renters in the history of the State. Many of them have lost their jobs in this unprecedented emergency. They need reassurance that they can get rent supplement for a number of months to get them through this period and to keep them in their homes.

Senator Alice-Mary Higgins: It is not clear to me whether this is covered by the amendments Deputy Bríd Smith successfully made to the Bill last night but many students who are renting accommodation, along with many others, are involved with the rent-a-room scheme. I have heard serious concern expressed in this regard. I have seen universities pleading with landlords not to evict students who have left, or who may have to leave, the country or to increase their rents. There are a number of specific circumstances. It sounds a cautionary note about some of the student housing providers who have been getting planning permission. We have seen that some have been very cold and not understanding when engaging with the students who are their tenants. Students rent under the rent-a-room scheme and through formal student accommodation schemes. Clarity on their situation with regard to protection against eviction and rent supports would be really useful.

Deputy Paschal Donohoe: I will respond to the different points that have been put to me. On Senator Ruane's point, if we discover any loopholes in the drafting of this legislation which need to be addressed, the Minister, Deputy Eoghan Murphy, and the Government will act on them, notwithstanding the limitations we will face for some time with regard the future of this House. The objective driving this part of the legislation is to give as much security as possible to renters at a time of great change and great risk. If we become aware of any unintended consequences or loopholes, the Minister, Deputy Eoghan Murphy, will do all he can to address them.

I am not in a position to give Senator Gavan a definitive answer to his question. It is our view and the view of the Minister of State, Deputy English, that the amendment which Deputy Bríd Smith gained the assent of the Dáil for last night does not do all that was intended. We will have to study it now to determine what unintended consequences might arise, particularly in the area of the rent a room scheme. We will have to look at the possible impact of the implementation of that section on that part of our housing market.

Senator Higgins asked a question about the obligations of landlords. The obligations of landlords are unchanged across this period. My understanding is that if they are giving notice of arrears, they must give a 28-day response period across that time and if they are seeking to give notice of termination, they must give 28 days of that as well. It is 56 days overall.

As regards the point Senator Clifford-Lee raised in respect of her amendment, rent supplement and the ability to provide rent supplement will be given a higher level of flexibility than is currently the case. We know that the income of many people who are renting at present will decrease very sharply. However, I should point out, and this refers back to a question Senator Ruane raised on this section, that landlords need to think carefully about what the rental market will look like post Covid-19 as well. Perhaps this point applies with particular force to the com-

mercial sector as opposed to the residential sector. When we emerge from Covid-19 it might well be the case that those who are renting different forms of accommodation, particularly in the commercial sector, may have more choice available to them than was the case in January. All landlords should think about the value of keeping a good tenant and having a long-term relationship with that tenant as they make choices during this period.

I am not in a position to give a definitive answer to the question Senator Higgins put regarding student accommodation and the different forms of accommodation that are covered by Deputy Bríd Smith's amendment. The amendment was only accepted last night and the Department of Housing, Planning and Local Government will take some time to understand the forms of accommodation to which it could apply.

Amendment put and declared lost.

Senator Lynn Ruane: I move amendment No. 11:

In page 9, to delete lines 3 and 4.

Amendment put and declared lost.

Section 5 agreed to.

Section 6 agreed to.

SECTION 7

Question proposed: "That section 7 stand part of the Bill."

Senator Lynn Ruane: This section would ensure that proceedings of the Tenancy Tribunal, which makes judgments on disputes between landlords and tenants under the Residential Tenancies Act, would be held in private for the duration of the crisis. I wish to hear the Government's reason for such a move. If there is public health advice advising this move that I am not aware of, I will be happy to withdraw my opposition to the section, but my instinct is that we need more public oversight and accountability of the regulation of our housing market in this period, not less. What is the argument for the tribunal's proceedings not to be heard in public?

Deputy Paschal Donohoe: The only rationale for putting this forward is the risk of the spread of Covid-19 during such hearings. There is no intention to make this the norm. It is only being done to reduce the risk to those who would be involved in the hearing and would only be used in those circumstances.

Senator Lynn Ruane: I am happy to withdraw my opposition to the section.

Question put and agreed to.

3 o'clock

SECTION 8.

Senator Lynn Ruane: I move amendment No. 12:

In page 10, to delete lines 12 and 13.

27 March 2020

Amendment put and declared lost.

Amendment No. 13 not moved.

Senator Lorraine Clifford-Lee: I was not sure whether the Minister intended to accept my amendment, No. 14, given that he spoke about people under the rent-a-room scheme being considered to be tenants for the duration of the period.

Deputy Paschal Donohoe: Regrettably, I will not accept the Senator's amendment, purely because we do not believe that it is legally necessary. Section 3 provides for tenants to be construed to include licensees in student accommodation.

Senator Lorraine Clifford-Lee: Many workers live in licensed accommodation within landlords' houses, which the amendment sought to address. I do not wish to delay the passage of the legislation, although I am disappointed that the Minister did not accept it.

Amendment No. 14 not moved.

Section 8 agreed to.

NEW SECTION

Senator Alice-Mary Higgins: I move amendment No. 15:

In page 10, between lines 13 and 14, to insert the following:

“PART 3

AMENDMENT OF HOUSING (MISCELLANEOUS PROVISIONS) ACT 1992

Prohibition of removal of current temporary dwellings from certain locations

9. Section 10 of the Housing (Miscellaneous Provisions) Act 1992 shall not have effect during the emergency period. ”.

The Minister will be well aware of the explicit concerns that many representatives of Traveller organisations and advocacy groups have raised in respect of the 2,000 Traveller families, many of whom live in inadequate and unsafe accommodation. They were concerned they might not have been protected from eviction under the Bill as initiated. I am aware of a different amendment tabled by Deputy Bríd Smith yesterday that sought to provide that no Traveller could be evicted from current accommodation except for health reasons and only in consultation with the Traveller or Traveller family. The Dáil amendment I refer to, namely, No. 19, was accepted. We had intended to table a similar amendment but have withdrawn it in light of the passing of Deputy Smith's amendment.

Nevertheless, the amendment before us will copper-fasten the fact that section 10 of the Housing (Miscellaneous Provisions) Act will not apply during this emergency period. It seeks to give security to families who may be in fear of eviction. Given the inadequacy of housing provision for Travellers in every local authority area in the country, and the failure over many years to provide it despite funding often being available, they could find themselves in an unsafe position, unable to protect themselves appropriately from Covid-19.

Will the Minister assure us there will be no evictions, subject to the criteria inserted in the Bill yesterday?

Deputy Paschal Donohoe: For the avoidance of doubt, all Travellers currently resident at any location should not be evicted during this crisis except where movement is required to ameliorate hardship or to provide protection, subject to consultation with the Travellers involved. The intention is that members of the Traveller community will not be evicted from any current unauthorised site during the emergency period. The development of new unauthorised sites will be dealt with in line with the existing trespass legislation. Where it is not safe to do so, local authorities have been asked to work with families involved to provide a safe alternative solution. During the crisis, if a family is required to move from its current location to provide for health or self-isolation, local authorities are asked to give-----

Acting Chairman (Senator Gerry Horkan): I am sorry to interrupt. The time permitted for the debate having expired, I am required to put the following question in accordance with the order of the Seanad of this day: “That amendment No. 15 is hereby negatived in committee and that section 9 is hereby agreed to in committee.”

Senator Alice-Mary Higgins: I request that the Minister would provide the rest of his speech in writing, which would be of great assistance. I thank him for clarifying those points.

Acting Chairman (Senator Gerry Horkan): He will do that. I apologise. That is the Order of Business and I am not in a position to exercise any discretion.

Question put and declared carried.

SECTION 10

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 26 to 30, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Máire Devine: I move amendment No. 26:

In page 13, line 34, to delete “application.” and substitute the following:

“application.

(10) A person living in direct provision who has qualified and practiced as a dentist outside of this jurisdiction may also apply for registration.”.

We put forward these amendments given there is a learned and experienced resource among those living in direct provision. We are asking that the qualification of dentists or different healthcare professionals be included and that, if they have practised outside of the jurisdiction, they may apply for registration. I am aware the Nursing and Midwifery Board of Ireland registration fee of €350 has been waived and I wonder if the costs of other bodies have been also waived. It would be counterproductive to apply these when somebody has no money and is surviving in direct provision. There is a resource here which it would be prudent for us to use. It would add to the healthcare army at whatever level of the professions such people are. It would also give comfort to those in direct provision and ensure their skills are used for the good of public health in this country. I hope to have a positive response from the Minister.

27 March 2020

Deputy Paschal Donohoe: The regulation of the right to work comes under regulation 11 of the European Communities regulations of 2018. We are not aware of a definitive timeline for the completion of the review. However, it is under way and we hope it will be completed as soon as possible.

Public safety demands that regulators are careful to ensure that persons are qualified and experienced, and it is important that they carry out the necessary checks to make sure of this. It may be also necessary to carry out appropriate checks to determine if disciplinary or criminal sanctions have been taken against professionals. Otherwise, it could cause problems, not just for the patients, but also for the other professionals with whom these people might work.

I know it can be difficult for an applicant in direct provision to get the necessary paperwork for an application but regulators endeavour to facilitate these applicants within existing arrangements, while maintaining patient safety and ensuring that Irish standards are met. While this is an issue I can take up with the regulators as a general issue, it is outside the scope of this legislation. The Department of Justice and Equality is leading on work to ensure that public health measures within direct provision emergency centres for international protection applicants and refugee centres are in place.

I understand the point the Senator is making. I ask her to consider that perhaps this is an issue we can take up directly with the regulators to ensure that, even within the constraints I have outlined, there can be quick processing of applications. The Senator is correct that we need as many trained and qualified staff as possible to assist us in the battle against Covid-19.

Senator Máire Devine: I am obviously disappointed. How long will it take to go through the regulators? Many things are going to be further delayed because of Covid-19. Perhaps the Minister could push the regulators a little, given it is healthcare professionals we are discussing and that is what we need. It is a question of speed over perfection. Nonetheless, I take on board what the Minister has said. I have some points for later regarding some of the amendments. I take on board the need for us, in here, as well as medics and the Nursing and Midwifery Board of Ireland, NMBI, to recognise those who have been struck off registers due to gross professional misconduct. We need to ensure this process and certainly not let them near our patients. I ask the Minister about that in the context of speed over perfection.

It also is about addressing the institutions that are our direct provision and trying to make them more equitable in whatever way we can. This is one of the reasons for putting down these amendments.

Acting Chairman (Senator Gerry Horkan): Does Senator Higgins wish to contribute?

Senator Alice-Mary Higgins: I will be brief. I compliment Senator Devine on these amendments. I raised this issue last week, and I join with her in urging the Minister to ensure this is dealt with through regulation and that a process is fast-tracked. There are many skilled individuals and talented people in our system. I mentioned Sudan last week, for example, where many doctors were involved in the revolution and are refugees in our system. These are good amendments, and I urge the Minister to try to find another way to put them into effect. My last point is that medical professionals, and professionalism in the wider areas of health and social care, also require people to be able to maintain safety standards. Our hospitals right now are a front line regarding PPE, but I remind people that other health and social care professionals will also need protective equipment in order that they can conduct themselves in accordance

with full professional standards. That has to be factored in.

Deputy Paschal Donohoe: I thank the Senators for raising this issue. I understand the point being made. I am also sure the Senators can understand, from our point of view, that we want to ensure that those health professionals involved in the giving of care at a difficult time have the qualifications needed. I refer to them being safe for the patients they are treating and supporting, but also for their fellow staff members with whom they are working. I was with the Minister for Health, Deputy Harris, in the Dáil Chamber last night when this issue was raised and he did say he would be engaging with the regulator to look at anything that could be done to ensure we have as many qualified personnel as possible available in this great national effort. I know he will do that.

To those Senators looking to address this matter through legislation, I do not think that is going to be an effective way of dealing with this issue. What would be better is our colleagues in the Department of Health engaging with the regulatory bodies.

Amendment, by leave, withdrawn.

Section 10 agreed to.

Amendment No. 27 not moved.

Section 11 agreed to.

SECTION 12

Senator Máire Devine: I move amendment No. 28:

In page 17, line 10, to delete “application.” and substitute the following:

“application.

(9) A person living in direct provision who has qualified and practiced as a pharmacist outside of this jurisdiction may also apply for registration.”.”.

Amendment, by leave, withdrawn.

Section 12 agreed to.

SECTION 13

Senator Máire Devine: I move amendment No. 29:

In page 18, line 34, to delete “application.” and substitute the following:

“application.

(9) A person living in direct provision who has qualified and practiced as a medical practitioner outside of this jurisdiction may also apply for registration.”.”.

Amendment, by leave, withdrawn.

Section 13 agreed to .

SECTION 14

Senator Máire Devine: I move amendment No. 30:

In page 21, line 5, to delete “application.”” and substitute the following:

“application.

(9) A person living in direct provision who has qualified and practised as a nurse or midwife outside of this jurisdiction may also apply for registration.””.

Amendment put and declared lost.

Section 14 agreed to.

NEW SECTION

Senator Lorraine Clifford-Lee: I move amendment No. 31:

In page 21, between lines 5 and 6, to insert the following:

“Amendment of Nurses and Midwives Act 2011

15. The Nurses and Midwives Act 2011 is amended by the insertion of the following new section after section 107:

“108. (1) A nurse or midwife resident in the State who has qualified or practised in Northern Ireland, Scotland, England or Wales may make an application to the Board to be registered in the register of nurses and midwives pursuant to this section.

(2) Subject to subsections (3) to (7), the provisions of this Act shall, with all necessary modifications, apply to—

(a) a section 108 registration as they apply to a registration in the register of nurses and midwives effected by another section of this Act, and

(b) a section 108 registrant as they apply to a registered nurse or registered midwife, as appropriate, who is not a section 108 registrant.

(3) No fee shall be charged for, or relating to—

(a) a section 108 application, or

(b) a section 108 registration or the retention of such registration.

(4) Where a nurse or midwife’s name is entered in the register of nurses and midwives pursuant to a section 108 registration, the Board shall enter in that register, or cause to be entered in that register, the term ‘(section 108 registration)’ immediately after the name to indicate that his or her registration arises from the operation of this section.

(5) (a) Nothing in this section shall be construed to prevent a nurse or midwife’s name from being entered in the register of nurses and midwives pursuant

to the operation of another section of this Act, whether or not his or her name is already entered in that register pursuant to a section 108 registration.

(b) Where a nurse or midwife's name is entered in the register of nurses and midwives pursuant to the operation of this Act (other than this section) when his or her name is already entered in that register pursuant to a section 108 registration, the Board shall remove from that register, or cause to be removed from that register, the latter entry at the same time as the first-mentioned entry is made.

(c) The refusal of a section 108 registration for a nurse or midwife shall not prevent that registrant from making an application under another section of this Act to be registered in the register of nurses and midwives.

(6) (a) Subject to subsection (7), each section 108 registration that is still in force on the 31st day of July 2020, shall, on and after that date, cease to have effect.

(b) The Board shall remove from the register of nurses and midwives, or cause to be removed from that register, on the date referred to in paragraph (a), or as soon as is practicable thereafter, each name that was entered in that register pursuant to a section 108 registration.

(7) (a) The Minister may, by order, specify a different date for the purposes of subsection (6) (including a different date for a previous different date specified in an order made under this paragraph), and if the Minister so specifies, that subsection shall be construed, with all necessary modifications, to take account of that first-mentioned date.

(b) Section 3(3) shall, with all necessary modifications, apply to an order made under paragraph (a) as that section applies to a regulation made under this Act.

(8) In this section—

‘nurse or midwife’ means a nurse or midwife, as appropriate, who is resident in the State but has practiced in another state;

‘section 108 application’ means an application under subsection (1);

‘section 108 registrant’ means a registered nurse or registered midwife, as appropriate, who is such pursuant to—

(a) the Board's determination of a section 108 application, or

(b) a decision (howsoever called) of the Court arising from the Board's determination of a section 108 application;

‘section 108 registration’ means registration in the register of nurses and midwives pursuant to—

(a) the Board's determination of a section 108 application, or

27 March 2020

(b) a decision (howsoever called) of the Court arising from the Board's determination of a section 108 application."."

I welcome the Tánaiste back to the House. This amendment seeks to streamline the registration process for nurses and midwives who are resident here in Ireland and who have qualified, trained and worked in the UK. Many people would fall into that category so we want to streamline this process as best we can. Hopefully the Tánaiste will accept this amendment.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): The HSE and the national action plan have identified retired healthcare professionals and those who no longer work in the public health system as a key cohort who can be mobilised to assist during this emergency. Some of these persons are members of the regulated professions who have let their registrations lapse, including doctors, nurses, midwives, dentists, pharmacists and healthcare and social care professionals. The current legal provisions for restoration are detailed, however, and in some cases restoration to the registers can be a lengthy process. The Bill's provisions seek to facilitate the rapid restoration to professional registers of qualified and experienced healthcare workers who are answering the call to return to practice. The Bill empowers the regulators to adopt a quicker restoration process for these professionals, who are already known to them. These are professionals who have satisfied the regulators that they are suitably qualified and experienced to treat patients and who are now stepping forward to answer the call during the Covid-19 emergency.

The Senators' amendment addresses an issue which is important, that is, the ability to promptly register nurses and midwives who have not been registered here but who have either trained or worked in the UK. General nurses who have trained in the UK benefit from automatic EU-wide recognition of their qualifications under the professional qualifications directive. Registration of those nurses should be straightforward, subject to their requirements of registration, including the evidence of identity, confirmation of good standing and so on, which need to be received. As a right to apply for registration already exists for this cohort, we cannot support the amendment. I accept that some concerns have been raised around a number of individuals who are encountering difficulties in registering. I share the strong support that was expressed in the Dáil last night for the need to ensure these persons can become registered here quickly. The Minister, Deputy Harris, has undertaken to consult with the health spokespersons and the regulators on these cases. We can deal with this through the Minister's office by consulting directly with the relevant regulators to try to ensure that if people want to register here, having been qualified in the UK, they can do so quickly because we need them. We cannot accept the amendment to the legislation, however.

Senator Lorraine Clifford-Lee: I accept the Minister's explanation. I am anxious that these people, who have trained under a similar regime to nurses and midwives who have trained in Ireland, would be accepted back. Hopefully the Minister for Health can work with the registration board to make sure these people who are answering this call to arms can come back into the system. On that basis, I will withdraw the amendment.

Senator Máire Devine: I note and welcome this lengthy amendment. I am partially reassured by the Minister's response. It is an onerous registration process. Perhaps after this emergency when we come through the other side of it, we can reflect that a lot of what we do is quite onerous and a bit plodding and it prevents speed of action. We need to look at every area of our lives, legislation, policy and procedures, etc., always being mindful of risk and safety. I know there are about 100 nurses from the USA, and I made representations in this Chamber a few

years ago on behalf of three of them, who were not considered competent or were not allowed to become practising nurses here because of the strict criteria of a set time for clinical hours and a set time for theory hours. We need to look at that. I hope for those based in the UK it will not be three months. I salute those in the Nursing and Midwifery Board of Ireland and the Trojan work they have done in getting over 500 nurses reregistered. They are getting it down to a matter of a week or a week and a half.

Does the Minister have any idea about the UK licence to practise nursing throughout Europe? Has that been impacted by Brexit? We are going off on another tangent. In the meantime I want to say something that has nothing to do with this Bill. You will probably stop me, Acting Chairman. Anyway, well done to the Minister on pay for the student nurses. However, many more front-line staff and students may be left out. I am thinking of radiographers in particular. They are doing the work of trained and qualified professionals under supervision. We will need to look at that as things move on.

Acting Chairman (Senator Gerry Horkan): You were right, Senator Devine, but I decided to let you away with it in the spirit of co-operation.

Senator Máire Devine: It was a point of order or something like that.

Acting Chairman (Senator Gerry Horkan): It definitely was not. Senator Reilly wants to come in.

Senator James Reilly: I welcome the Minister to the House again. I welcome everything in this section. It is crucial that we get back as many people as possible to help us during this crisis. It is a fantastic reflection on the diaspora that they are prepared to come back and help. The same applies to many of my retired colleagues in nursing and medicine and many others besides who are prepared to come back and work in whatever way they can.

I agree with what Senator Devine said. The registration processes are tedious and onerous but now is not the time to visit that. In an emergency we do this to get us through. That does not negate the validity of Senator Devine's comments or the need for the Department to look into it and try to better streamline the processes we have.

I have no wish to delay. I heard what the Minister had to say earlier but I did not comment because I did not want to delay the Bill by getting involved in that end of it. I am seeking assurances on the construction industry. I have a letter from a lecturer in the construction area who is highly concerned about the safety of sites. I hope the Minister will reiterate that there will be an increased inspection rate on sites. Perhaps some mechanism can be put in place for people who take the view they have to work because the site is open but who may be uncomfortable doing so. Perhaps there is some way they can alert the authorities on the safety issues involved. I will qualify my comment by saying that construction is really important to us, especially with a housing crisis and the building of new hospitals and temporary accommodation to deal with a surge that might come. At the same time we cannot compromise the personal safety of people working in the industry. I would be grateful if the Minister would say something about that.

I was going to mention another issue under mental health.

Acting Chairman (Senator Gerry Horkan): I let you stray a moment ago, Senator. We are only dealing with amendment No. 31 and section 15 at the moment.

27 March 2020

Senator James Reilly: I shall leave it at that.

Acting Chairman (Senator Gerry Horkan): I already gave you a fair bit of latitude on the point about construction.

Senator Devine, you wanted to come back in briefly on amendment No. 31.

Senator Máire Devine: I cannot really see the wording anywhere. Is there wording to provide that while we welcome everyone back and hope to make getting back to the frontline as smooth and as easy as possible, there are those who have been struck off for professional misconduct. How do we ensure that the safety of the patient is a priority? We are doing this with speed and we are probably not ticking every box. However, we need to ensure we tick the box in respect of people who have been struck off because of professional misconduct.

There are communities involved in the sites as well.

Acting Chairman (Senator Gerry Horkan): Senator Reilly got away with it but I am not letting two people do it. The point has been well made already.

Senator Kevin Humphreys: I will be equally brief - I am not making many contributions today. This is an important section and I welcome it because it gets healthcare workers back in quickly. I understand the good intentions of the amendments but I can see the constraints too.

Several organisations are already on the pitch providing important medical services for our communities. I refer to these as the section 39 organisations, including Rehab, Enable Ireland and St. Joseph's Foundation, all of which provide important functions. They are funded from charity shops. Those shops are now closed and that funding source is gone. The Tánaiste cannot possibly deal with everything that is coming at him quickly here, and I do not expect a response to this now, but I would be very grateful if he considered how section 39 organisations are funded during this period.

Acting Chairman (Senator Gerry Horkan): While that contribution is not related to this amendment it is a very good point to make. Will the Tánaiste respond to the points raised by Senators?

Deputy Simon Coveney: I will, and I will also respond to some of the other points when I sum up. I can assure Senator Reilly that the State has made no decision at any point that would allow a building site that is not safe for people who are working on it to continue to stay open. We want to ensure that we can help employers, be they on building sites or elsewhere, where work continues to go on in a way that is consistent with guidelines as outlined. If there is not consistency with the guidelines and workers are working under undue risk, then those sites should be closed. The guidelines from the public health emergency team are clear on that. As a result of this there will be increased effort to engage with employers to make sure the guidelines are being observed on building sites and on other work sites.

With regard to section 39 organisations, I know exactly what Senator Humphreys is saying. I am dealing with a section 39 hospice in my own city given the pressures they are under financially. They are being asked to do a lot more than normal with regard to community care and so on. The financial implications will have to be factored in later in the year and we will have to show flexibility.

I do not disagree with the sentiment of the amendment. If nurses or doctors who have quali-

fied and have worked in the UK want to come to work in the Irish system, and they have a track record, they would be a very positive addition here. We should facilitate that as quickly as possible. I do not believe, however, that it needs to be included in this legislation. The Minister for Health, Deputy Harris, has said that he would speak to the regulators to try to ensure it can be done as quickly as possible, while also ensuring that the kind of people we are facilitating to come into the system have a history and a track record that is about protecting patients. They are very welcome here and we will try to facilitate that registration process as quickly as we can.

Acting Chairman (Senator Gerry Horkan): Senator Clifford-Lee indicated she might withdraw the amendment.

Senator Lorraine Clifford-Lee: On the basis of the Minister's statements on the registration of UK returnees, I will withdraw the amendment.

Amendment, by leave, withdrawn.

Section 15 agreed to.

SECTION 16

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 32 and 33 are related and may be discussed together, by agreement.

Senator Lorraine Clifford-Lee: I move amendment No. 32:

In page 21, line 19, after "Covid-19" to insert "having regard for the vindication of the rights of patients while minimising the care burden".

These amendments, and some following amendments, are linked to the changes to the Mental Health Act 2001. The amendments put further safeguards for very vulnerable patients during this time of emergency. I would appreciate the Minister accepting these amendments.

Deputy Simon Coveney: Normally I would have quite long responses to some of the amendments but in this case a very clear recommendation from the Department says that the legislation already provides adequate protection on the vindication of rights of patients. I assume the Senator is trying to ensure a belt and braces approach to make sure we have regard to the vindication of the rights of patients while minimising the care burden. That sentiment is shared, but the legal view on this legislation is that the vindication of rights of patients is already strong in this legislation and that it does not need the additional wording.

Senator Lorraine Clifford-Lee: In the interests of expediting the process I will withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment No. 33 not moved.

Question proposed: "That section 16 stand part of the Bill."

Senator James Reilly: Certain elements of section 16 are disconcerting but it is necessary.

27 March 2020

I support what the Government is trying to achieve here. It is important though that the chair may seek input from a consultant psychiatrist in cases that require clinical input but where no consultant psychiatrist is available the chair may decide the case. I hope that we would have an understanding from the Tánaiste that every effort would be made to have a teleconference in these situations so that patients' rights are vindicated.

I would also certainly like to hear from the Tánaiste that an appeal process should be in the Bill. Such appeals, when this is over, if they are still outstanding, should take precedence over other appeals because it is disconcerting that one person could rule on the freedom of a patient in this situation without any input from his or her doctor.

Given the seriousness of this, the issue I was to raise with the Tánaiste may seem somewhat less important. There is confusion amongst golf course owners too. We understand the value of mental health and the value to mental health of getting out and about. I would like a clear steer because some of them are trying to stay open. Others are following the Golfing Union of Ireland, GUI, instruction. At one level, it seems sensible that two people can maintain social distancing everything else being equal and at another level, it would perhaps require more supervision. I would like the Tánaiste to tell us whether we should shut them all because the Government has announced a complete shut-down of all sporting events.

Acting Chairman (Senator Gerry Horkan): By letting Senator Reilly speak, I am getting funny looks.

Senator James Reilly: Okay. I will not speak again.

Acting Chairman (Senator Gerry Horkan): A section entitled "Exigencies of public health emergency" is quite broad but let us not make it too broad.

Senator Martin Conway: On Senator Reilly's point, I agree that under normal circumstances one person should not be in a position to make such draconian decisions but one would hope, similar to the legislation that was passed here last week, that it would never be required. We need to give the powers that be the flexibility that if it was needed in rare circumstances, that would happen.

In terms of the golf courses my learned colleague spoke about, all golf courses should close. It is very simple. In fairness, the Golfing Union of Ireland gave that direction. They can argue on the fringes of whether it is appropriate or not, whether it is in the interests of mental health or not, but the bottom line is that they need to show leadership as well. Some of those organisations have been significantly well funded by the taxpayer over the years, whether through sports capital grants, lottery funding or whatever. They now need to step up to the plate as well and show leadership. If there are people watching who are involved in golf clubs, group peer pressure for them to close would be appropriate in my view.

Senator Gerard P. Craughwell: The section deals with health and mental health. One of the issues the Government has been clear on is what companies should and should not be doing. I am getting word from people who work in areas, from example, safety deposit companies, where there are closed rooms, only one door in and safety deposit boxes, that staff are being told this is a critical business that has to stay open. That is hard to believe.

I am also hearing about supplement companies which provide food supplements in the area of bodybuilding that they are a critical food provider. I would welcome a statement from the

Tánaiste - I have spoken to the Minister for Finance as well - about people being a little more honest with their workers. This is putting workers under severe mental stress as they are having to go into areas where they feel threatened when there should be no need for them to go in there. If those companies come to the light of the Government, action should be taken. I am quite happy to share the names of the companies with the Tánaiste outside of this Chamber but I need to put it on the record. Companies need to look after their staff and the mental health of their staff.

Deputy Simon Coveney: To clarify, are we on amendments Nos. 34, 35 and 36?

Acting Chairman (Senator Gerry Horkan): We are dealing with section 16. We have not gone on to the next set of amendments. We need to pass section 16 before we can.

Deputy Simon Coveney: I do not want to stray into the golfing area but the national sporting bodies are giving good guidance to their members and their members should take that guidance seriously. That is all I will say on it. That is not to say that people should not be able to take exercise, which I accept is good for mental health. Sporting bodies will have consulted and will be making responsible decisions and recommendations. Member clubs should heed that advice.

A couple of questions had no connection with the amendment but-----

Acting Chairman (Senator Gerry Horkan): They were not speaking to the amendment but they were trying to use the section to speak to whatever they wanted to say and they said it.

Deputy Simon Coveney: Perhaps I could close it by saying that I am satisfied that section 16 does the job it is intended to do.

Question put and agreed to.

SECTION 17

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 34 to 36, inclusive, and Nos. 39 to 41, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Deputy Simon Coveney: On a point of order, in my note, I had amendments Nos. 34, 35 and 36 together but I can speak to the others as well. We could separate them if it is easier.

Acting Chairman (Senator Gerry Horkan): I am not sure why the Tánaiste's papers are different from the papers I have.

Deputy Simon Coveney: I am in the hands of the Acting Chairman.

Acting Chairman (Senator Gerry Horkan): We have a guillotine at 3.55 p.m anyway so we may as try to deal with as much as we can.

Senator Máire Devine: I move amendment No. 34:

In page 22, line 6, after "concerned" to insert ", in person or by remote consultation".

My concern was addressed somewhat in the Dáil but I would like to see it reiterated here. The amendment aims to insert ", in person or by remote consultation". I think the Minister

27 March 2020

for Health said that this was a given. I was involved in the Mental Health Act and know how difficult it was at the time but at that time, we did not have remote consultation or electronic means. I worked on it with the trade unions, the Department of Health and the Mental Health Commission way back in the 1990s. If the Tánaiste can say it is there, that is fine but at the time it was being drafted, there were no electronic communication.

Acting Chairman (Senator Gerry Horkan): To clarify, we are dealing with amendments Nos. 34 to 36, inclusive, and Nos. 39 to 41, inclusive.

Senator Máire Devine: None of the rest is mine.

Acting Chairman (Senator Gerry Horkan): Is anybody else offering? Does Senator Higgins want to come in?

Senator Alice-Mary Higgins: There is that same concern around trying to ensure we do everything we can to ensure appropriate advice is taken. The amendments put forward by Senators Clifford-Lee and Devine are very constructive. I am conscious that we may not come to my amendment, which is amendment No. 37, which is a bit later. That amendment was aimed more at addressing the consequence but it involves that same principle, which is-----

Acting Chairman (Senator Gerry Horkan): That will be dealt with separately-----

Senator Alice-Mary Higgins: The reason I put down amendment No. 37 is that same principle, which is basically that it is important that we endeavour always to try to have the best psychological advice relating to decisions that are rights-based issues on mental health. Rather than look to excuses to bypass that process, we should look for mechanisms to make it happen.

Deputy Simon Coveney: I do not disagree at all with that principle. In respect of amendments Nos. 34 to 36, inclusive, this issue was addressed quite extensively in the Dáil last night. The Office of the Attorney General advises that remote-electronic consultation is implicitly included in the Mental Health Act 2001 and the amendments proposed in this Bill. Accordingly, the Attorney General's office advised against including explicit reference to remote or electronic means, as outlined in the amendments, as it may mean that those are excluded from the existing Act when the legislation reverts to the existing measures under section 1(3) of the Bill.

In terms of amendments Nos. 35 and 36, the form of report can be dealt with operationally by the commission and does not need to be set out in legislation. I received advice as Senator Devine was speaking to the effect that amendment No. 34 may cause more problems than it solves. According to the Attorney General, it is not necessary to implicitly use the words "remote consultation" in the legislation as it is already understood and it may have a knock-on negative consequence in terms of the primary legislation when this emergency is over. The recommendation is not to accept the amendments but the spirit of them is understood and I do not think there is a problem.

Acting Chairman (Senator Gerry Horkan): Has the Minister dealt with amendments Nos. 39 to 41?

Deputy Simon Coveney: In response to amendment No. 39, the form of report can be dealt with operationally by the commission and does not need to be set out in legislation. The Attorney General's office advises that remote or electronic consultation is implicitly included in the

existing Mental Health Act 2001 and, accordingly, the Attorney General's office advises against including explicit reference to remote or electronic means, as outlined in the amendments, as it may mean that those are excluded from the existing Act when the legislation reverts to the existing measures under section 1(3) of the Bill when they are no longer needed following the emergency.

Amendment, by leave, withdrawn.

Senator Lorraine Clifford-Lee: I move amendment No. 35:

In page 22, line 12, after "writing" to insert ", in a form provided by the Mental Health Commission,".

I do not wish to take up the time of the House by speaking about the amendments. I will just move and withdraw them.

Amendment, by leave, withdrawn.

Senator Lorraine Clifford-Lee: I move amendment No. 36:

In page 22, line 19, after "writing" to insert ", in a form provided by the Mental Health Commission,".

Amendment, by leave, withdrawn.

Section 17 agreed to.

Acting Chairman (Senator Gerry Horkan): Does Senator Conway wish to speak on the section?

Senator Martin Conway: Yes, I want to just very quickly concur with what the Tánaiste said.

Acting Chairman (Senator Gerry Horkan): We had agreed the section but I will allow Senator Conway to speak briefly.

Senator Martin Conway: I indicated before it was agreed, Acting Chairman. The last thing we want to do with this emergency legislation is create unintended consequences. I agree with the Tánaiste's synopsis of it. I am fully aware of situations under the Mental Health Act where teleconferencing was used to assist in decision making. The option already exists. I commend Members who went to the trouble of tabling the amendments. Their intentions were very good. We also have to be careful of unintended consequences.

SECTION 18

Senator Alice-Mary Higgins: I move amendment No. 37:

In page 23, line 21, to delete "subsection.", and substitute the following:

"subsection.

(3C) The exemption outlined under subsection (3B), shall not be applicable on more

27 March 2020

than three consecutive occasions in relation to the same individual.””.

The Minister’s argument to the effect that remote consultation is implied is very clear. I welcome also the clarification yesterday from the Minister for Health, Deputy Harris, on consultation and examination for those seeking emergency contraception or access to early abortion if needed in circumstances where persons cannot safely visit a GP. The clarification has been very useful.

I will withdraw amendment No. 37. I do not think it is correctly worded but the intention was to indicate that where we have tribunals taking place in this unique, non-ideal circumstance, as set out in subsection 3A, whereby a barrister is the only remaining member of a tribunal and there is no longer a psychologist present, that it should not happen on multiple occasions. We should not see it happen on more than three occasions. We do not want this to become a new norm for tribunals. Those with mental health difficulties need to know that at a point in time they will have an opportunity to engage with a psychologist. I do not believe my amendment is correctly worded. It focuses on subsection 3B rather than 3A. The point, I hope, is one that the Minister could take up. That involves the importance for persons with mental health concerns to know that there is going to be a period of time that they can plan for at which they will be able to engage with a psychologist and not simply be subject to tribunal by a lawyer on multiple occasions.

Senator Máire Devine: I support the sentiment in the legislation. It is quite shocking that it involves a lawyer or barrister with a legal background while the actual practise of psychiatry or psychology is not taken into account. When the Mental Health Commission and the tribunals were set up, unfortunately, they went down the legal route, which is unlike what happened in Britain, because much money was to be made from it. Money is not made by the experts and the medics involved.

Amendment No. 38 seeks the voice of a medical professional who knows the patient. The barrister is there to look at the law. The tribunal is not just about law but about equality and fairness while listening to the voice of the patient at the tribunal, although remotely. If a consultant psychiatrist is not available, we then perhaps need clinical nurse specialists or advanced nurse practitioners.

There should not be a constant extension of someone’s involuntary status for a long time.

I want to give a shout out to the Bills Office for working so hard on the amendments last night. It did really well.

Deputy Simon Coveney: We are dealing with two slightly separate issues.

First is the concern that Senators understandably have that one person is simply making decisions about patients without any other input. That is not what is being proposed.

The note I have regards clinical input. Before making a renewal order, the responsible treating consultant psychiatrist examines the patient to determine if he or she is still suffering from a mental disorder. An independent consultant psychiatrist also reports to the tribunal on whether the patient is suffering from a mental disorder, having also interviewed the treating consultant psychiatrist. Normally, in the absence of this legislation, that second independent psychiatrist would be required to be part of the decision-making process. They would now be required to make a report but not necessarily be there in person.

The tribunal also has the option of consulting with the third consultant psychiatrist where two reports differ. In other words, if there is a conflict regarding the advice, they can consult with a third opinion.

Within the expected lifetime of this legislation, it is unlikely that there would be more than the three reviews of a patient. For example, if a patient were admitted tomorrow, typically there would be a review of the admission order within 21 days, a second review within three months and a third review within six months. There are a number of minor exceptions to this. For example, where a patient is detained on a six-month order, the patient can request an additional review at or after three months. The Mental Health Commission has undertaken to monitor any such cases that might arise and will endeavour to ensure that no patient has more than three tribunals with a one-member panel. It is unlikely that the circumstances outlined by the Senator would happen. In exceptional circumstances, those cases would be monitored closely by the Mental Health Commission.

Senator Máire Devine: I want to emphasise the lack of rights for patients in involuntary arrangements prior to the setting up of the Mental Health Commission and tribunal. What Senator Higgins is alluding to is the continual passing on and the rubber-stamping regarding involuntary arrangements. That is what happened before the legislation. It was really about giving rights and voices to patients incarcerated in various circumstances. All hope was almost lost at that time. This proposal is to make progress on that and to ensure we do not lose the humanity that allows for people's recovery and allows them to have a voice.

Senator Alice-Mary Higgins: I will withdraw the amendment. I thank the Minister for the assurance from the Mental Health Commission.

Amendment, by leave, withdrawn.

Section 18 agreed to.

Section 19 agreed to.

SECTION 20

Senator Máire Devine: I move amendment No. 38:

In page 24, line 21, after "appointment" to insert the following:

"and one member who shall be either a consultant psychiatrist or a member who is registered at the level of clinical nurse specialist in psychiatry, or above".

Amendment, by leave, withdrawn.

Section 20 agreed to.

Amendments Nos. 39 to 41, inclusive, not moved.

Section 21 agreed to.

Sections 22 to 26, inclusive, agreed to.

SECTION 27

27 March 2020

An Cathaoirleach: Amendments Nos. 42 to 46, inclusive, are related and may be discussed together, by agreement.

Senator Gerard P. Craughwell: I move amendment No. 42:

In page 26, line 15, after “Minister” to insert “, on the advice of the Defence Forces Chief of Staff”.

I will not delay the House on this. What I am trying to say is very clear, that is, that the Minister should act in operational matters only on the advice of the Chief of Staff of the Defence Forces. The legislation, as it stands, would leave the Minister open to accusations of political interference where people are selected to return to the Defence Forces. To make sure that the Minister is covered legally and that there can be no allegations of political interference in the Defence Forces, I have, in each of the grouped amendments, sought to have us look to the Chief of Staff to advise the Minister or to seek the opinion of the Chief of Staff in each case. I will not elaborate any further because I am aware that time is pressing.

An Cathaoirleach: The Senator raised that matter very succinctly on the Order of Business this morning. The Tánaiste already gave the Senator a good reply but I will not interfere. Is the Senator pressing the amendment?

Senator Gerard P. Craughwell: I propose to withdraw the amendment because I do not wish to delay the House.

Amendment, by leave, withdrawn.

Senator Gerard P. Craughwell: I move amendment No. 43:

In page 26, line 16, after “where” to insert “, on the advice of the Defence Forces Chief of Staff,”.

Amendment, by leave, withdrawn.

Senator Gerard P. Craughwell: I move amendment No. 44:

In page 26, line 19, to delete “in his or her opinion” and substitute “in the opinion of the Defence Forces Chief of Staff”.

Amendment, by leave, withdrawn.

Senator Gerard P. Craughwell: I move amendment No. 45:

In page 26, line 22, after “may” to insert “, on the advice of the Defence Forces Chief of Staff,”.

Senator Gerard P. Craughwell: I move amendment No. 46:

In page 26, line 24, to delete “in his or her opinion” and substitute “in the opinion of the Defence Forces Chief of Staff”.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 47 is out of order.

Amendments Nos. 47 and 48 not moved.

Question proposed: “That section 27 stand part of the Bill.”

Senator Gerard P. Craughwell: I am glad the Minister is in the House. Amendment No. 47 has been ruled out of order because it would impose a cost on the Exchequer but there are very simple things that need to be done to put the Defence Forces on par with the HSE. The HSE has been able to suspend abatement in pensions. It has been able to pay student nurses a full wage. Cadets, recruits and apprentices, who comprise a very small group, are at the front line. Our cadets are handling the tracing calls for the HSE. It is extremely onerous and tough having to ring people to tell them they may have been in contact with somebody with Covid-19 and may be infected and to listen to the horror stories coming back. These are young people. We ask that the military service allowance be paid to those people. They are in front-line, full duty work at this point, the same as any other soldier, naval personnel or anybody in the Air Corps. They are doing full duty. The military service allowance must be paid to them for no other reason than equality with all other sectors in the economy. Pension abatement has been waived within the HSE and it should be waived for members of the Defence Forces returning. With regard to the period of time that people are expected to return for, we cannot tie them to six months or three years. These are people who have left the Defence Forces and who have good civilian jobs. They are currently available to the State because of the situation that we find ourselves in and many will be happy to return, but we must give them an assurance of two things. One is that they can leave without any cost to themselves when the economy changes or the virus is beaten, and the second is that their jobs will be protected. The Government did that for members of the Reserve Defence Force last night. We need to do it for members of the Permanent Defence Force too. The buck stops at the Minister’s desk. I ask the Minister to treat the Defence Forces with the same degree of respect that we have given to the health service. Last night, we stood and applauded all front-line workers. We did the same thing again today in this House. I ask that we deal with the Defence Forces with the same degree of respect. Respect is measured by how we treat them. If we treat them the same way that we treat everybody else, I think that is fair.

Question put and agreed to.

SECTION 28

An Cathaoirleach: Amendment No. 49 is consequential on amendment No. 56. Amendments Nos. 49 and 56 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Gerry Horkan: I move amendment No. 49:

In page 28, to delete lines 19 to 21 and substitute the following:

“ “applicable period” means—

- (a) the period of 12 weeks commencing on 26 March 2020, and
- (b) such other period (if any) as may be specified by order under subsection

(20);”.

Amendments Nos. 49 and 56 try to put in legislation the idea that rather than just extending the period by the Minister’s will, the Minister would have to go back to the Houses of the Oireachtas to get permission from time to time to do that. The wording is that the Houses may, by a vote of approval, extend the period, but it would not totally be at the Minister’s discretion. It is not that I doubt the Minister. It would mean the Minister would come back to the Houses to ask for permission occasionally to do what he is doing. I hope I may be here but I do not know who will be here. It is not a bad thing to have some control of the Houses over what the Executive is doing.

Senator Paul Gavan: I want to contribute generally on this section. Is that allowed?

An Cathaoirleach: Not at this stage. When all amendments to this section are dealt with, I will allow the Senator in.

Senator Paul Gavan: That is perfect.

Deputy Paschal Donohoe: I thank Senator Horkan for raising this issue. I think the Senator was present in the Chair for the debate that I had with Senator Clifford-Lee earlier. At any other time, the change that the Senator is looking for would already be contained in the legislation. I can imagine very few other circumstances in the future in which we would have legislation that would vest this kind of power in the Executive. The sole reason for this is because there are conceivable circumstances in which it would not be possible to reconvene the Oireachtas to look for consent to make these decisions. As I said in a debate earlier this afternoon, if one looks at the equivalent economic legislation that was conceived during the economic crisis, it required a degree of engagement with the Oireachtas. That shows what exceptional times we are in.

Senator Gerry Horkan: I was listening when I was in the Chair, though the Minister might think I was not. I heard the point he was making. He accepted the rationale for the amendment then and equally for the amendment now. Based on what he is saying and what he contributed earlier, I am happy to withdraw amendment No. 49.

Amendment, by leave, withdrawn.

4 o’clock

Amendments Nos. 50 to 57, inclusive, not moved. Question proposed: “That section 28 stand part of the Bill.”

Senator Paul Gavan: This section deals with employers and wage subsidies. I want to highlight an issue for the Minister. Is he aware of the crisis in respect of travel agents? Travel agents across the country are facing bankruptcy because they are having to pay refunds to people who have booked holidays but the airlines and cruise operators are refusing to offer any compensation. They are in breach of European law in this regard. Other members of my party and I have been inundated with queries and concerns about this issue. This wage subsidy is a crucial support to these people but it will be no good to them if this Government, through the Minister’s Department, the Department of Finance, and the Department of Transport, Tourism and Sport, does not insist that operators refund travel agents just as they have to refund their

customers.

I will give the Minister a prime example. We have heard about all the good work the Government is doing with Aer Lingus and about the special flights it is running but it is refusing to compensate travel agents. I have a specific example regarding a passenger in Cork. By law, travel agents have to refund moneys to passengers who cancel plans because of Covid-19. So do the airlines and cruise operators but they are not paying back money. We need intervention in this area if we are to save these jobs. This was the most appropriate section of the Bill under which to raise this issue.

I wish to briefly make a second point. If it should come under the next section, I will raise it at that time. People who work in the South but live in the North qualify for the wage subsidy but they do not qualify for the pandemic unemployment payment, PUP. I cannot understand the justice in this. We asked the Minister about it yesterday but did not get a response. If people who are resident in the North are working and paying taxes in the South and then lose their jobs, why are they not entitled to that €350 PUP? It is completely wrong and it is partitionist in the worst possible way. Surely, after all the progress we have made, a person employed in the South losing his or her job in the South should satisfy the qualifying criteria for the PUP. The idea that this Government, or any Government, would discriminate against people for living in the Six Counties is absolutely disgraceful. I hope that the Minister will confirm that is not the case. We got no answers yesterday.

An Cathaoirleach: I thought the Tánaiste clarified that this morning. I am not opening up debate. One person asked to come in on this section. I will now ask the Minister to respond. If I allow Senator Mulherin speak-----

Senator Michelle Mulherin: I will not be-----

An Cathaoirleach: Did the Senator table an amendment to the section?

Senator Michelle Mulherin: No.

An Cathaoirleach: Senator Gavan did table an amendment. He did not move it but asked to speak on the section so I made an exception. If I allow Senator Mulherin in, there will be three others wishing to speak. The Senator can go ahead.

Senator Michelle Mulherin: Will the Minister give some assurance with regard to the concerns about the operation of the wage subsidy scheme expressed by Ms Michele O'Boyle, president of the Law Society, on behalf of practising solicitors, by Richard Grogan, an eminent employment law specialist, and by insolvency lawyers? I apologise if he has already done so. I hope he will tell me if he has. These concerns centre on two simple points. Their concern is that a company would have to declare itself insolvent. This is an interpretation allowed or directed by the legislation. Another concern is that the definition of turnover is unworkable or unsatisfactory. Mr. Grogan also raised the point that the wage that might be paid by an employer as a top-up may not be deductible as an expense for the purposes of corporation tax returns in the same way as wages normally are. I am sure the Minister is aware of the concerns that have been raised. Perhaps he would clarify it.

Senator Martin Conway: I listened in agreement to Senator Gavan. I, too, have been contacted by people in the travel industry. I have also been contacted by people who are caught abroad after they paid for flights, but the flights have not taken place. The situation is that they

27 March 2020

will get a refund in 12 months. Many of them are students. Perhaps the Minister for Transport, Tourism and Sport could intervene with the Commissioner for Transport. This is a European problem. Fast solutions could be devised through the Commissioner for Transport in Europe. Certainly, a teleconference needs to happen among all these people.

An Cathaoirleach: I ask the Minister to conclude.

Senator Alice-Mary Higgins: A Chathaoirligh-----

An Cathaoirleach: I am sorry, but I allowed exceptions and this section is finished. We have 28 minutes to conclude.

Senator Alice-Mary Higgins: Are we discussing section 28?

An Cathaoirleach: I made an exception for Senator Gavan and two other Members intervened. If I keep making exceptions, I will never get the section finished.

Senator Alice-Mary Higgins: I am just asking if it is section 28.

An Cathaoirleach: The Minister is concluding on it.

Senator Alice-Mary Higgins: Yes, but I had indicated I wished to speak on section 28. I am entitled to speak on it, with respect.

An Cathaoirleach: You were not here when your amendments arose. They were not moved.

Senator Alice-Mary Higgins: I understand that. That is why I am speaking to the section.

An Cathaoirleach: I have a discretion not to allow you. You must be very brief, Senator.

Senator Alice-Mary Higgins: I will be very brief. I would not have pressed my amendments; I would have withdrawn them. I hope the Minister will be able to address my concerns. The language used in the Bill is not strong enough. For example, I had sought that the “ability to pay” be used as the language in the provision because we have a mechanism for asserting inability to pay rather than reasonable efforts or best efforts. That language is vague and does not give assurance. It is unusual to include in legislation something that is to drift into the mind of an employer and what the employer might mean and what the employer might regard on balance when we have those mechanisms. Insolvency and bankruptcy have been discussed, but potentially more relevant to the issue is ability to pay.

If there are organisations and companies where the subsidy is being exercised, and I urge companies to exercise this provision in respect of protecting their staff, it should not be regarded as a subsidy that allows the company to continue to increase the wages of the highest paid in the organisation or to give share dividends or other bonuses. My amendment simply sought to provide that we would not have a situation where there are bonuses and wage top-ups at the top level if the State is effectively subsidising the wages at the lower levels. I had hoped that it might have been possible to have a legislative provision on that. We might have to revisit it in future extensions, but the Minister might give me an assurance on how he plans to address both issues.

Deputy Paschal Donohoe: I thank the Senators. I was not aware of the issue raised by Senators Gavan and Conway, but I will raise it with the Minister for Transport, Tourism and Sport. It is just one of the series of issues that are developing now as our economy responds to

the public health emergency. The Minister for Foreign Affairs and Trade and the Minister for Transport, Tourism and Sport are making great efforts in other areas to deal with the concerns of travellers. I will ensure the matter raised by both Senators is raised with the Minister for Transport, Tourism and Sport and his Department.

Regarding the issues raised by Senators Mulherin and Higgins, I will give a brief context for this section in the legislation. Some 11,000 companies have now enrolled in this programme. That shows the breadth of the challenge that is approaching. In other circumstances one could point to that type of enrolment and feel a degree of satisfaction for putting in place a scheme that can make that type of difference to companies, but it is an indication of the challenge that is approaching and the necessity for a programme such as this. The programme was conceived at great speed. I have no doubt there are issues we will have to address and that there will be anomalies and issues of detail that will require work. I ask that companies bear with us as we work on this. If nothing else, the Revenue Commissioners will tonight become an institution of the State that pays people, which shows the kind and speed of change that is happening.

On some of the issues that Senator Mulherin referred to, my explicit message, as articulated by the Chairman of the Revenue Commissioners earlier, is to encourage companies to contact the Revenue Commissioners directly. At a time of great stress for companies, when there is much uncertainty, there is no need to add to that. They should directly contact the Revenue Commissioners and gain advice on how they can participate in such a programme. There are criteria. To companies that have concerns about whether they are in or out, I ask them not to approach Members of the Houses of the Oireachtas about that. The only people who will decide whether a company meets the criteria are the Revenue Commissioners. Companies should not divert their time by approaching a Deputy or Senator, nor place a Deputy or Senator in such a position. They need to engage directly with the Revenue Commissioners.

On the points raised by Senator Mulherin about turnover, the definition will vary as we engage with companies. The most likely way in which decline in turnover will be worked out will be to examine what the expected turnover would have been in quarter 2 and to compare that with an equivalent period, most likely quarter 2 a year ago. It is not unworkable. These are issues that companies and the Revenue Commissioners will be able to resolve very quickly between themselves.

As for declarations of insolvency, the very outcome we are trying to avoid is companies becoming insolvent. We are trying to ensure that if companies are in a position where they are in difficulty, they will be still in a position to retain a relationship with their employees and keep them involved. Participating in this programme is all about ensuring that companies are in a position whereby when our economic health recovers, they will be able to rebound, without having put their employees on the live register.

I am not in a position to answer the question about the deductibility of wages from corporation tax. Nevertheless, the detailed guidance from the Revenue Commissioners on how the scheme will work has been published and I hope the question will have been answered therein for those who have raised it.

On Senator Higgins's questions about the amendments she tabled, the reason we used the term "best efforts" and its corresponding definition was that it is conceivable that, as this emergency evolves, some companies will be able to add to the subsidy. If they are able to do so, we want them to do so. We want them to be in a position where they can ensure that the wages they

give their employees include, and perhaps constitute the majority of, a “top-up” payment that they are able to make themselves. Where companies can add to the subsidy, we want and expect them to. We recognise, however, that it could become the case that companies simply will not have income coming in and as a result will not be in a position to pay wages to employees. What would normally happen in such circumstances is that the employer would cease to exist and the employees would become unemployed, but that is what we want to avoid happening. The company would continue to exist and would be able to maintain its relationship with its employees, particularly those on lower wages. What is likely to happen in such a scenario is that the State will pay the employees’ wages for a period. This is a huge change for the State but we are dealing with extraordinary circumstances and this is what we need to do.

In regard to whether an employer would be in a position to pay bonuses or higher wages to different members of the company, one of the definitions we have put in is the inability to pay normal wages. I will simply say that having put in place this scheme and then exited this scheme, hopefully, depending on the public health circumstances, if, later in the year, the Revenue Commissioners discover that employers who are benefiting from the scheme were paying higher and unchanged wages to other members of the company and paying them bonuses, it is pretty likely it would be the subject of action from the Revenue Commissioners. There are many risks with this scheme but, as I said in the Dáil last night, while there are risks, the greatest risk is that if we do not put something like this in place, many hundreds of thousands of people who are currently working might not have a job in a few weeks. We cannot let that happen, which is why we are doing this. That is why we have a reference to “best efforts”. As I said, it would be our absolute expectation that if a company is in this scheme, more senior members of that company would see their own wages change.

Senator Paul Gavan: There was also the issue of pandemic unemployment payment, PUP, for people living in the North.

Deputy Paschal Donohoe: As I understood the issue last night, the Department of Employment Affairs and Social Protection was studying the issue. If the Tánaiste gave the Senator a more up-to-date answer this morning, I am afraid that is information I do not currently have available to me.

Senator Paul Gavan: He spoke on the wage subsidy scheme but not the entitlement to PUP to benefit people living in the North who have lost their jobs in the South. That is the specific inquiry I have.

Deputy Paschal Donohoe: I am afraid I do not have an answer at the moment. I will have to get the Department of Employment Affairs and Social Protection to answer the Senator directly.

Senator Paul Gavan: I would appreciate that.

An Cathaoirleach: While I do not wish to intervene, to be helpful, what the Tánaiste said this morning was that, irrespective of an address, they would be treated in the same way as if they were living in the Republic. The Senator can get further clarification but that was my understanding of what the Tánaiste said this morning, although I am not in government.

Question put and agreed to.

NEW SECTION

An Cathaoirleach: Amendment No. 58 involves a potential charge on the Exchequer and is out of order.

Amendment No. 58 not moved.

SECTION 29

An Cathaoirleach: Amendments Nos. 59 and 60 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Gerry Horkan: I move amendment No. 59:

In page 33, line 35, after “that is” to insert “not more than 3 months”.

The amendment seeks to put to insert an actual timeframe, as opposed to leaving it vague.

Senator Paul Gavan: The Minister can understand why we put forward amendment No. 60. I would like to have clarity on this issue. I had queries just this morning and it is a natural concern. People are asking if they will be protected in terms of their ultimate redundancy entitlements. The Minister can see that what we have proposed is very straightforward. Amendment No. 60 states: “Any time spent laid off or on short time as a result of measures referenced in subsection (1) shall not be considered a break in service for the purposes of calculating redundancy entitlements in the future.” Is the Minister in a position to give us an assurance that nothing in this Bill will damage redundancy entitlements in the future?

Deputy Paschal Donohoe: I am not in a position to accept amendment No. 59. Senators are aware that the emergency period is defined in this section as ending on 31 May. If there is no need to extend the emergency period beyond that, the Government will not. We merely want to give businesses an opportunity to get back on their feet and it will revert to the normal time periods when the emergency period is over.

With regard to amendment No. 60, in order to qualify for a redundancy payment, an employee must have worked continuously for his or her employer for at least two years. The existing provisions in section 3 of the Redundancy Payments Act already provide that periods of temporary lay-offs do not break continuity of employment, and this will include temporary lay-off periods due to Covid-19. Similarly, short-time work does not break an employee’s continuous employment. The Senator may be referring to reckonable service as opposed to continuity of employment for the purpose of the calculation of a redundancy payment. Reckonable service is regarded as a week within continuous employment during which the employee is actually at work or absent from work due to specific reasons, such as carer’s leave, parental leave or certain periods of sickness and holidays. Periods of short-time work are classed as fully reckonable for the redundancy payment calculation, as the person is actually at work.

The emergency measure the Government has brought forward is intended to prevent mass redundancies over a short time. In many cases, the period of temporary lay-off, which is not counted as reckonable service, will not make a significant difference to overall redundancy payments. I think I am correct in saying that there has been no consultation with employer bodies as well as employee representative bodies on this amendment, which is against the general practice with amendments to employment law. I am not, therefore, in a position to accept the amendment.

27 March 2020

An Cathaoirleach: Is the amendment being pressed?

Senator Gerry Horkan: I do not want to delay this legislation, so I am not pressing the amendment. I am happy to withdraw it.

Amendment, by leave, withdrawn.

Senator Paul Gavan: I move amendment No. 60:

In page 34, to delete line 29 and substitute the following:

“(5) Any time spent laid off or on short time as a result of measures referenced in subsection (1) shall not be considered a break in service for the purposes of calculating redundancy entitlements in the future.

(6) In this section—”.

An Cathaoirleach: Is amendment No. 60 being pressed?

Senator Paul Gavan: We will press the amendment, please.

Amendment put and declared lost.

Question proposed: “That section 29 stand part of the Bill.”

Senator Gerard P. Craughwell: Who knows what the situation will be with unemployment post the Covid-19 crisis? Those people who have come forward to volunteer in the HSE, the Defence Forces, etc., need to know that their service will be terminated on their request, should they wish to terminate their service, the moment the Government declares the crisis over. I am not looking for that to go into legislation today, but I am seeking a statement that they will be able to do that. Going back to my Defence Forces’ people in particular, I ask that there be no charge and that they will not be asked to purchase their way out. Six months was mentioned last night in the Dáil as being the minimum period and three years as the maximum period of re-enlistment. People may re-enlist for the crisis but want to walk away and get back to their civilian jobs the moment the crisis is over. We need to give people that reassurance, if we could.

Question put and agreed to.

Sections 30 and 31 agreed to.

SECTION 32

Senator Gerry Horkan: I move amendment No. 61:

In page 37, line 21, after “specify.” to insert the following:

“An tArd-Chláraitheoir shall produce and publish those requirements within a period of 28 days from the passing of this Act.”.

This amendment seeks clarity regarding the registrar having a timeframe in which to publish requirements so people will know what requirements they have to fulfil, will not be waiting for ages to know that or have to fulfil requirements without knowing what they are.

Deputy Paschal Donohoe: The requirements referred to by the Senator have already been published. They are available on the *www.gov.ie* website and are already available to the public. I have a copy of them here.

Senator Gerry Horkan: That is great. I withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed: “That section 32 stand part of the Bill.”

Senator Alice-Mary Higgins: Is amendment No. 62 in order?

An Cathaoirleach: We have not reached amendment No. 62. We are still on section 32 and amendment No. 61.

Senator Alice-Mary Higgins: That is fine. Regarding the timeframe issue, will the Minister indicate when it is planned that this section will commence? I have been receiving inquiries concerning the commencement of section 9 and changes to planning laws. Will that commence from Monday? When does it come into effect? I am sorry for asking, but this is a query I have received because people are looking for certainty. They are making decisions and are seeking clarity as to the planned commencement date.

An extension was also mentioned. Reference was made to the Minister consulting with others. Does he also intend to consult with the public and-or relevant actors, such as, for example, An Taisce, regarding the extension of changes to the planning regulations?

An Cathaoirleach: I call Senator Conway and ask him to be brief.

Senator Martin Conway: I am aware of a number of outlets that have just commenced doing deliveries that would not necessarily have planning permission to do so. I sincerely hope the spirit of what is being proposed in the legislation would be retrospective for the past couple of weeks as well and that nobody will suffer any punitive circumstances or consequences because they did what they believed to be the right thing, not just from the public’s perspective but also in trying to save their businesses and keep their staff employed. I know of a number of situations where that was done. I was even contacted yesterday by another operator who was proposing to provide a takeaway service and that has to be welcome because there are many people who not only require it but also want to have some variety and take a break from their domestic cooking duties.

An Cathaoirleach: I am not sure if legislation can be made retrospective but I will let the Minister respond to that.

Senator Martin Conway: I am talking about the spirit of the legislation.

An Cathaoirleach: I am sure the enforcers will be aware of the significance of the Senators’ contribution.

Deputy Paschal Donohoe: As far as I am aware, the section we are dealing with only concerns the registration of dates and births.

27 March 2020

Senator Gerry Horkan: Members had things to say and they wanted to say them.

An Cathaoirleach: We are wandering a small bit.

Deputy Paschal Donohoe: We may well be doing so. Legislation cannot be implemented retrospectively. The particular section will be implemented on Monday and the stakeholder to consult with is the Minister for Health.

Question put and agreed to.

Section 33 agreed to.

NEW SECTIONS

An Cathaoirleach: Amendments Nos. 62 and 63 in the names of Senators Ardagh, Clifford-Lee and Horkan have been ruled out of order.

Amendments Nos. 62 and 63 not moved.

An Cathaoirleach: Amendments Nos. 64 and 67, inclusive, in the names of Senators Ardagh, Clifford-Lee and Horkan are related and may be discussed together by agreement. Is amendment No. 64 being pressed?

Senator Gerry Horkan: I move amendment No. 64:

In page 39, after line 35, to insert the following:

“PART 10

AMENDMENTS TO THE LANDLORD AND TENANT (AMENDMENT) ACT 1980

34. The Landlord and Tenant (Amendment) Act 1980 is amended by the insertion of the following new section after section 88:

“89. (1) In this section—

‘emergency period’ means the period beginning on 26 March 2020 and ending on 31 May 2020.

(2) Any provision of a lease requiring a tenant to keep a premises open for a specified period or specified hours shall be dis-applied during the emergency period.

(3) A landlord shall not be entitled to rely on any failure on the part of a tenant to keep a premises open during the emergency period as constituting a breach of the relevant lease or tenancy pursuant to which the said premises is occupied.

(4) Any failure on the part of a tenant to keep a premises open during the emergency period shall not constitute a breach of the relevant lease or tenancy pursuant to which the said premises is occupied.”.”

Amendment No. 64 is in connection with the scenario in which some shopping centres require shops to be open for a minimum number of hours per day and per week to ensure the

viability of the shopping centre. In normal circumstances, it is understandable that a shopping centre wants to have life and vibrancy and does not want big empty premises opening and closing when it suits them. This amendment seeks that in these exceptional circumstances, we would not require tenants to keep premises open for these specified periods because there is clearly other legislation to suggest that non-food shops should not be open. This may be already covered but I was asked to table the amendment.

Rent freezes and bans on evictions already apply to residential tenants and amendment No. 67 seeks to ensure that commercial tenants would also have the same rent freeze and ban on eviction clauses applied to them.

Senator Gerard P. Craughwell: To follow on from what my colleague said about commercial premise leases, I know a number of businesses have come under severe pressure to pay rent when they are closed. The Minister might agree with me and I echo his sentiment that we may be in a different environment for commercial leasing post-Covid-19. A lot of these landlords are from big organisations so maybe they should step back and question whether those people who have been loyal to them over the years as tenants will come back and have vibrant businesses again. However, if they drive them to the wall now by demanding rent, they will have nothing but empty premises when this comes to an end.

In the area of shops, this Government has done everything it can to advise businesses on what is and what is not essential. It cannot dot every “i” and cross every “t” and it cannot have a list of every single business in the country. I already made the point to the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, that the likes of these storage boxes that people can rent are not an essential service. They do not need to be open and they are putting their staff at risk. I mention the companies that provide supplements for the fitness industry, for example. These are not foods, let us be honest about it. They are something that people do not need to get in order to survive. These organisations need to follow Government advice, stop putting their staff at risk and close their premises, as they have been asked to do. This Government has bent over backwards to try to protect the people but it has gone a stage further and tried to protect the earnings of people as well. It is most disingenuous of any business to try to force staff to come in on reduced hours purely to keep the doors open. I believe the Minister has the support of this House. I wish to God that the people who are ignoring some of the advice Government has given would also support the Government in the way they need to.

Senator Alice-Mary Higgins: The amendment proposes a new section 10 in the Bill. I had my own version of section 10 that related to consents, permits and leases for the Air Pollution Act, the Environmental Protection Agency Act, the Waste Management Act, the Local Government Act and other Acts. I am conscious they have not really been addressed in this Bill and perhaps it points to an arrow or another area for consents, permits and so forth. It possibly relates more to building on the previous section. That was my intention. It was to be a new section 10 to try to ensure that we are clear on how processes in other relevant Acts that are under way might be paused or dealt with.

Am I correct in saying amendment No. 62 was ruled out of order? I wish to clarify that because it went quickly.

An Cathaoirleach: Yes, amendments Nos. 62 and 63 were ruled out of order because of a charge on the Exchequer potentially.

27 March 2020

Senator Alice-Mary Higgins: I hope the Minister might take the points to the relevant Departments and perhaps consider them. There are a number of ancillary processes that may need tailored pauses and clarification around this time. We do not want to have a large number of other planning staff working on processes or working to timelines in a way that is endangering or unnecessary in terms of maximising public health. I will leave that point with the Minister.

An Cathaoirleach: I am not infallible, so the Chair has to correct itself. It was not because of a charge on the Exchequer but because amendments Nos. 62 and 63 were not relevant to the subject matter of the Bill.

Senator Alice-Mary Higgins: Perhaps the Minister can provide clarification.

An Cathaoirleach: Senator Conway wishes to comment briefly.

Senator Martin Conway: You are doing a remarkable job in your last day as Cathaoirleach in this session. You do not have to correct yourself often at all.

I suggest that the provision in Senator Horkan's amendment probably will not apply because most of these businesses will be non-essential and would probably be closed in any event. Therefore, what would be required in terms of obligations for opening times would be non-applicable.

Senator Craughwell made observations on non-essential businesses. I have to agree with him. I would not consider health food shops necessarily essential businesses. Some luxury food shops remain open. Again, I would not consider them to be essential businesses. There may be situations of confined spaces. These may be small specialist luxurious food outlets operating in a confined space. With the best will in the world I do not believe they would be able to adhere to social distancing requirements. We cannot dot all the i's and cross all the t's and there has to be some buy-in. I reckon 99.9% are absolutely buying in. I would encourage those who are not to do so.

An Cathaoirleach: Many people would argue that health food shops are necessary. The final word goes to Senator Horkan.

Senator Gerry Horkan: I wish to make a point to Senator Conway through the Chair. The whole point of amendment No. 64 is that there are contracts and leases that require shops to stay open. Technically, they would be in breach of their contracts and tenancy agreements. That is the point.

An Cathaoirleach: We will let the Minister answer that.

Senator Martin Conway: I take the point.

Deputy Paschal Donohoe: I am afraid I am at something of a disadvantage because several amendments are being addressed that have been ruled out of order.

An Cathaoirleach: Amendment No. 64 is in order. Amendments Nos. 62 and 63 were ruled out of order. I think they started wandering.

Senator Gerry Horkan: I did not particularly wander. Amendments Nos. 64 and 67 are in order and they were the only two I addressed.

Deputy Paschal Donohoe: What does amendment No. 64 refer to?

Senator Gerry Horkan: It relates to the opening hours and requirements of shops to open under tenancy agreements. Some must open. In large shopping centres there are often requirements that shops must open for a minimum number of hours per week or per day. The request is that we would disregard that for now so that people cannot then be held by their landlords to be in breach of their agreements because they have been shut by Government instruction, directive or advice. That is all we were trying to do with that amendment.

Amendment No. 67 looks for the protection for commercial tenants that is already being given to residential tenants.

Deputy Paschal Donohoe: I thank Senator Horkan for those points. The advice I have is that those issues can be dealt with inside existing legislation. The Senator is correct that we want to mitigate harm done to tenants by their following advice issued by the Government. I made the point earlier in the debate that it is important the commercial landlords in particular have a sense of perspective with regard to what our economy will look like after Covid-19 has left us. With those people who have been running good businesses and who have been good tenants, it is as much in the interests of the landlord as it is the tenant, that everyone is pragmatic across this period. I hope this spirit of pragmatism can prevail. I appreciate, however, that when we are successful in dealing with this public health emergency there will be a number of economic issues confronting us that will require a response from Government, from the local authorities, and from the bodies involved in regulating these issues.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 65 has been ruled out of order.

Amendment No. 65 not moved.

Senator Gerry Horkan: I move amendment No. 66:

In page 39, after line 35, to insert the following:

“PART 10

AMENDMENT TO LOCAL GOVERNMENT RATES AND OTHER MATTERS
ACT 2019

**Amendment of section 4 of Local Government Rates and Other Matters Act
2019**

34. The Local Government Rates and Other Matters Act 2019 is amended by the insertion of the following new section after section 4:

“**4A.** (1) In this section—

‘relevant property’ has the same meaning as it has in the Valuation Act 2001;

‘emergency period’ means the period beginning on 26 March 2020 and

ending on 31 May 2020.

27 March 2020

(2) Where a relevant property is occupied by a person engaged in a business and the business of that person has been adversely affected by Covid-19 to a significant extent, the emergency period shall not be reckonable in the calculation of the rate levied by a rating authority in the local financial year.

(3) When calculating the amount of the rate to be levied in accordance with the formula provided for in section 4(2) the rating authority shall deduct from the amount calculated as ordinarily payable a sum equivalent to that proportion of the rate attributable to the emergency period.”.”.

This amendments asks that where businesses can demonstrate they have been adversely affected they would not be charged rates - as opposed to just a deferral of rates - from 26 March until 31 May. There is, obviously, a knock-on effect to this. The local authorities would need to be compensated for the revenue they would be down. Clearly, I would not want the local authorities to be at a loss. Some businesses will not be as adversely affected as other businesses but there will be properties that are very severely affected by this pandemic crisis. This amendment means they would not have to pay rates subsequently for the period they are shut or during which their business revenues are damaged, which affects their capacity to survive. Equally, we would need some protection or mechanism that would not leave the local authorities with a big hole in their revenues for the April-May rates.

Deputy Paschal Donohoe: I propose not to accept amendment No. 66 because the proposed amendment would not have any effect on rates levied in 2020, as the bulk of provision in local government rates and other matters after 2019 have not yet been commenced, and were never intended to come into effect in 2020. Rates levied in 2020 were not levied under the 2019 Act but under the original rates legislation, which remains in effect. Notwithstanding this, and given the issues as raised by Senator Horkan, along with the unprecedented nature of the challenges arising from the Covid-19 situation and the challenges therefore being faced by many ratepayers, the Government has agreed with local authorities that they should agree to defer rates payments due from the most immediately impacted businesses, primarily in the retail, hospitality, leisure and childcare sectors, until end of June. The measure will be implemented by each local authority in its own area and was announced by the Government last Friday. Any ratepayer who has had to close temporarily or significantly curtail operations during the Covid-19 period should contact his or her local authority with regard to any rates payments falling due to the period to the end of June. Local authorities have been asked to publicise this arrangement and put in place dedicated contact arrangements for ratepayers.

The Senator is correct that these rate payments are a very important source of income for local authorities. The Government will have to put in place measures to compensate them for this announcement. As a precursor to this an advance payment of local property tax, LPT, of €136 million is being made to the local government sector next week.

Senator Gerry Horkan: I thank the Minister for his response. I note the Minister stated, and I assume meant, it is deferral of a payment as opposed to deletion of an obligation. The Government is saying it does not have to be collected for the moment but the bill will stand, existing into the future. Businesses that are shut for two months and are not trading commercially

will still be required to pay their rates in the future. The bill has not gone away. It has merely been deferred, which is an improvement over not being deferred but only that.

I appreciate that if this amendment was accepted we would have a problem with paying everything next week but I want to put on the record of the House that plenty of businesses that are shut for two months, in many cases as a result of Government advice or direction, including bars, restaurants, hotels and hospitality, are being charged local authority rates while they are shut, not trading and not generating revenue. This amendment, which I will not be pressing, provides a mechanism. There is no point in us forcing businesses that will go bust if they have to pay rates. In some cases, it can involve large amounts. It could be the difference between surviving and not surviving.

It is important that the Minister and the Government appreciate the significant amount of money that is collected in the commercial rates sector. If we can do other things - extraordinary things have happened this week and we acknowledge many of them are worthwhile - it is important we appreciate all that is being offered is a deferral of the date that the bill has to be paid. I am not asking for a rates holiday for every business or anything like it. There will be businesses, however, that will be hugely adversely affected and in many cases closed, and they should not be expected to pay rates for the two or three months that they are closed as a result of Government advice or direction.

Deputy Paschal Donohoe: The Senator's interpretation of where we stand is correct. That is a deferral of the bill as opposed to a deletion of the bill. I am obviously aware of the costs that companies will face when they look to reopen. We will have to give that and many other matters consideration for that moment in which we look to reboot and then rebuild the economy.

Amendment, by leave, withdrawn.

Amendment No. 67 not moved.

An Cathaoirleach: Amendment No. 68 in the name of Senator Higgins is out of order.

Amendment No. 68 not moved.

Preamble agreed to.

TITLE

An Cathaoirleach: Amendments Nos. 69 and 70 in the names of Senators Ardagh, Clifford-Lee and Horkan are out of order.

Amendments Nos. 69 and 70 not moved.

Title agreed to.

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

Emergency Measures in the Public Interest (Covid-19) Bill 2020: Motion for Earlier Signature

27 March 2020

Senator Gabrielle McFadden: I move:

That pursuant to subsection 2° of section 2 of Article 25 of the Constitution, Seanad Éireann concurs with the Government in a request to the President to sign the Emergency Measures in the Public Interest (Covid-19) Bill 2020 on a date which is earlier than the fifth day after the date on which the Bill shall have been presented to him.

Minister for Finance (Deputy Paschal Donohoe): I thank the Cathaoirleach for allowing me to speak. I thank all Senators for the way they have treated this Bill today. During a period of emergency like this, it is really important that the normal functioning of democracy continues, that questions are asked and that opposing views are aired but it is so important that this Bill passed through this House this afternoon. I thank all Senators for allowing that to happen and for the manner in which they raised their concerns or views on the Bill. The fact that this Bill is about to commence its final phase before it becomes law means that potentially very many people who will need support from the State next week will now get it. I am also conscious that these are the last moments of this session of the Seanad and I wish all those Members who will be getting ready for the count next week and those Members who may be going on to other things either through choice or not every success. I thank them for the courtesy and rigour with which they have always treated me when I have been in this House. I thank the Cathaoirleach and all his staff and wish everybody good luck in the days to come.

An Cathaoirleach: I will allow each group one minute to say farewell and comment on this Bill.

Senator Gerry Horkan: I was not expecting that and as I am the only one in my group who is here-----

An Cathaoirleach: Well it has been requested by a couple of Members.

Senator Gerry Horkan: -----I had better say something. I thank the Cathaoirleach and Minister. The legislation passed here is very significant and momentous and I am glad I was able to play my part in it. To everybody here, it has been a wonderful experience for me and I hope to continue it but who knows? They are in the post upstairs somewhere but we will have to wait until Thursday to get the result. I wish everybody the best. I have enjoyed working with every single person here, including my own group and every other group, being in the Chair and so on. Hopefully, I and many other people who are running can get back. It is a tiny level of trepidation in comparison to what we are facing as a country. In the last few weeks of the campaign sometimes it was difficult to talk about trying to get oneself elected when there were so many things going on in people's lives and businesses that are far more serious and significant in terms of how people are going to exist. I wish everybody the best. I wish the very best to the Minister and the Government. I also wish the very best to whatever form of Government we will have in the coming weeks, and whoever is involved in it, in making sure that our country emerges from this awful pandemic and crisis as best we can. I am happy to play my part, as is my party and our group in the Seanad, in whatever happens. I wish everyone in the country the very best. I wish everyone who is suffering with this awful viral disease the very best in terms of getting better and that their circumstances can be mitigated and made better as best they can.

Senator Gerard P. Craughwell: I will not delay you long, a Chathaoirligh. This may be the last time I will ever speak in this House. I will let the Minister know on Thursday morning.

First and foremost, I thank my colleagues for the support that I have always had since I entered this House. I thank the Government for the way in which I have always been treated. Any time I ever sought information or assistance I always got it. When one sees the words “emergency measures in the public interest” on the front of a Bill, it strikes horror in the hearts of all Irish people dating back to 2008 or thereabouts.

I compliment the Minister, Deputy Donohoe, and the Government for putting the citizen at the centre of this legislation, for thinking of the people of this country first, making sure people have incomes and that they have something to look forward to in what must be the blackest days in some of our lives. As I wandered around the supermarket, which I have only done twice since we were asked to stay at home, when I went out for essential supplies I was amazed to see how afraid people were as I walked towards them and how they looked towards the ground, almost embarrassed to say they were afraid. I would be lying if I said I was not petrified myself of the likely outcomes of this virus. I hope to God it passes my door and does not enter the doors of anybody that I know. The Minister, Deputy Donohoe, has done a good job. He has put the citizen first.

My final kick is that the Minister should please go back and have a look at the Defence Forces and do something about the military service allowance. The members are decent young men and women who should be training as cadets but today they are taking phone calls. It is the same thing for apprentices and recruits. I ask the Minister to do that as my final, final word in the Seanad.

An Cathaoirleach: That is the third time today the Senator has made that point.

Senator Gabrielle McFadden: I give high praise to the Minister, Deputy Donohoe, the Taoiseach, the Tánaiste and all Ministers for the work they have done throughout this terrible ordeal our wonderful country is going through. I do not often agree with Senator Craughwell but I always agree with him on defence matters. I have spent the past four years harassing the poor Minister of State, Deputy Kehoe, and the Minister for Finance, Deputy Donohoe, on behalf of the Defence Forces. On my last day I will not leave without giving one last push, that is, that the Defence Forces would be paid a fair day’s salary for a fair day’s work, which is what we have always sought in here.

I was very honoured to have been elected here in 2016. I have served to the best of my ability over the past almost four years. It has been a great honour to have worked with everybody here of all parties and none. I hope anyone who wants to be back will be back and that those who decide not to come back will have a wonderful future. Throughout the crisis what has been said all along is that we should pull together by staying apart. We must do that and we must keep saying that because people get complacent. When we leave here today we need to keep pushing the message that we need to pull together by staying apart. I thank the Minister and the Government. In parting, I believe the next Government we have will be critical for the country. I strongly believe that the next Government should be a Fine Gael-led Government. I am not bothered by the fact that it is 35 seats versus 37 seats. Fine Gael has shown that it is the best Government in times of crisis and that is the direction in which we should be going.

I thank you, a Chathaoirligh, for your courtesy and how fairly you have always run the House. I also thank the wonderful staff without whom we could not have survived in here.

Senator Paul Gavan: I wish the Minister well. Any Cabinet or any organisation is always

27 March 2020

better with a Tottenham Hotspur supporter in it. Am I correct in saying that the Minister is a Tottenham Hotspur supporter?

Deputy Paschal Donohoe: I am.

Senator Paul Gavan: I wanted to clarify that. He looked a little concerned.

I thank you, a Chathaoirligh, for your courtesy and fairness throughout the past four years. You have done an excellent job. I thank all the staff here. I thank all colleagues on all sides and all parties for their courtesy and, indeed, their patience at times. I wish everybody well in this difficult period. Let us keep safe and keep well.

Senator Alice-Mary Higgins: Thank you, a Chathaoirligh, because you have been so patient, so good, so fair and so even-handed. You have served extraordinarily well and honourably in your role as Cathaoirleach. I thank all the staff who I know are working under difficult circumstances, even to arrange these sittings of the Houses.

I am very proud to have been part of the Twenty-fifth Seanad. It has been an extraordinary Seanad in terms of the real changes it has made in law and in policy which has affected people's lives. Private Members' Bills and ideas which came from different sides of this House have gone on to become law and shape lives. Democracy, as the Minister said, really does matter. We have just come out of the 70th anniversary of the Geneva Conventions which reminded us that human rights and laws matter, even in war. Human rights and laws matter when democracy matters, even in times such as this unprecedented challenge that we face.

The choices people make in terms of election are important. I urge those who can safely do so to cast their votes today because there are still elections under way. It is important because the choices they make affect the space and decisions we make together. If I am lucky enough to be in the next Seanad, I hope the Minister will recognise the key role the Seanad and its expertise has to play as we face into the next challenges. Whatever government may form, be it a national unity government or negotiated one, the Seanad will always give an additional expertise and different perspective. The 11 Taoiseach's nominees should be those who can really contribute to this national debate and decision-making at this time, be they from a party background or not.

I commend the Minister for the work of the Government, particularly under duress at this time and for emphasising the importance of continued, active and civil engagement with all parties in the Oireachtas.

I wish us all safety.

An Cathaoirleach: I am making a ruling now. I was being lenient allowing one from each group but then people started emerging. Next thing, I will have a full House and everybody will want to speak. Anybody who is in the House has one minute and then I am closing the door.

Senator Kevin Humphreys: I thank all Members for the work they have done for the past four years. I have not agreed with everybody in the House but their good intentions were certainly there.

I wish the Minister the best in these difficult times. He has done extremely well over the past several weeks and I thank him for that. I thank the public and civil servants who are going to work every day and working so well and diligently. They are not thanked often enough.

The professional Civil Service we have underpins our democracy. Whatever Government is elected, one can depend on our public servants to do their job.

I also want to acknowledge the front-line services from doctors, nurses, cleaners to the person working in the supermarket stacking shelves. We will come out of this stronger. When we do, however, we have to look at who are the true risk-takers. The true risk-takers over the past several weeks and in the coming months are those who provide those important services. They support the health services. They provide the masks.

5 o'clock

They are going to make sure there is food in the supermarket. Be they farmers, staff working in the warehouse who load the truck that goes to the supermarket or the staff at the till in the supermarket, who are mainly female, they are making sure we can get the necessities of life. I hope that, at the end of this, we will realise they are the real risk-takers. Over recent weeks, they have risked their health. In the coming weeks, we will expect them to do the same again. Every morning, they will leave their families to do their jobs. To them, I say thank you.

This is my last contribution in the House because I am not going forward for re-election. I wish the incoming Seanad the very best of luck. It will be very difficult and mistakes will be made. All parties and individuals have to realise this, regardless of what Government is formed. The Government is acting at such speed that there will be mistakes, but they will not be made on purpose. Mistakes will be made because the Government will want to do the best it can as quickly as it can. A personalised attack should not happen. We have to seek to have a Government that acts in the best interest of the citizens. I accept that and accept that there will be mistakes made but the Government will not be setting out to make them. It will be trying to deliver a really good service to citizens. In that regard, I applaud whatever Government comes in. Over the next weeks and months, I will do my share voluntarily in whatever way possible. I wish the incoming Government the best of luck. I wish everybody who has gone forward for election to the Seanad the best of luck. Above all, I wish my neighbours, fellow Dubliners and fellow countrymen the best of luck over the coming months. We will get through this.

Senator Anthony Lawlor: I, too, wish the Cathaoirleach all the best and thank him. We have not always seen eye to eye but he has always been fair. The Leas-Chathaoirleach, Senator Coghlan, is stepping down. Both he and the Cathaoirleach have done an excellent job. I thank the ushers and other staff in Leinster House for the courtesy they have shown me and all Members. They are going through difficult times themselves. They are affected as well as the rest of us.

This is my last day in politics. It has been strange. I got back into politics in the midst of an crisis, an economic one, and I am leaving in the midst of a medical one. I hope everyone will stay as safe as they can, remain healthy and adhere to the advice. Let us keep our distance, talk to people, make a phone call every day to someone we know, who may be elderly, and help them in whatever way we can. We can all do something in this crisis.

I appreciate the work of the members of the medical profession. They have stepped up to the mark. I appreciate the work of my colleagues in the agriculture sector and all those along the food chain, who are working to ensure food is provided for people.

I wish the Minister and his colleagues the best in the talks that are going ahead. It is vital that we get a stable Government over a period. We will come out of this. This is a country of

27 March 2020

resilient people. This is a resilient country and we will stand together and be strong when we come out of it. I wish everybody going for election the best in the counts next week. Those who are stepping aside, like me, have another door to go through. Let us see what that leads us to. I wish everybody all the best. Stay safe and keep your distance.

Senator Ian Marshall: I am relatively new to the Seanad. I have been here for only two years. In those two years, I have been fortunate and privileged to meet many great people. I always urge people outside Leinster House not to underestimate the value of this building and the people in it. I ask them not to underestimate the importance of the Seanad because it is critical.

Considering the crisis we are all living through, the irony for me is that the year 2020, in which there have been no St. Patrick's Day celebrations, has seen a bigger celebration of what it means to be Irish and of the nation state. In an era in which we have seen the worst of humanity, we have also seen the very best. We have seen how people can pull together and work together. If we take anything away from the coronavirus crisis, it is the fact that if we knuckle down and get on with things, working together as a collective, we can achieve much more. It has been a pleasure and a privilege to be here. I thank the Cathaoirleach and the Leas-Chathaoirleach, Senator Paul Coghlan, who chaired the Seanad fantastically and professionally. I applaud them for that and thank them for the privilege to work with them. I think that when there is a crisis like this, sometimes the cream rises to the top, and we have been privileged and honoured to have good people in key positions in the Government. It is a case of keeping steady to get through the crisis. Whatever happens next week, I wish my fellow Senators and my colleagues in the Independent Group all the best. It was a pleasure to work with them all.

Senator Máire Devine: We have no idea of where we are, where we are going to go or how long it will last. We are waiting for the storm to come. We listen to and are guided by the science. We value what is most important: our people and our public services, especially the health services. This has shown that universal healthcare can be achieved and is the best way to achieve a public health system. It is a wake-up call for this country, that we need to roll back the privatisation and commodification of our health. I ask everybody to stay safe. It has been a delight to work with them. Maybe we will all see each other soon.

Senator Martin Conway: I thank the Minister. He is doing vital work for our country, not just now, but in how it will shape us going forward. It is still unknown. I have no doubt that the decisions that he is making now, under enormous pressure, will help our country and society. I thank the Cathaoirleach for his forbearance and wish him well next week. I offer best wishes to my good friends who are not standing next week. I have no doubt that great people such as Senator Lawlor or others could end up back in here again in some shape or form. I never say never to these things. I thank them for their friendship, loyalty and their service to this Chamber, our country and our people. It is easier to do other things. It is not necessarily always easy to be in politics. What we are doing in this Chamber is justifying what the people decided in 2013 when they voted to retain Seanad Éireann as a second House. Every day that we are here, working on behalf of the people, it is to justify their decision and make their decision the correct decision. I wish colleagues well. Martin, the staff of the Seanad and the staff of the Houses are full of courtesy, decency and integrity, and work hard. We would not be able to do this job without them. I wish everybody well and wish everyone the best of luck next week.

An Cathaoirleach: I wish Senators Humphreys and Lawlor, who are not running again, the best of luck in their private lives. I am sure there is life outside politics. I wish those who are running every success next week. I ask the Minister, his colleagues and the caretaker Govern-

ment to keep up the good work. There are many difficult decisions to be made.

I convey my deepest sympathies to the families, friends and relations of those who have died because of this terrible disease. I wish everyone well who is currently in intensive care fighting the disease, waiting to be tested or waiting for results. It is a worrying time for them.

I thanked a lot of people here today, including all the staff. I forgot one person. On 25 October last, a particular woman, my wife, Eileen, saved my life because I collapsed due to low sodium levels, and spent most of a week in St. James's Hospital, with 14 hours in intensive care. Fortunately, I came out the other side. She is my pillar of strength. Not only did she save my life, she has been there for me in my hours of weakness, which I do have, since I am not invincible. She has been there for me and is certainly keeping me safe at the moment and wants me home safe tonight. That is my final say before I conclude; I presume we will be adjourning. The House is adjourned *sine die*.

Question put and agreed to.

The Seanad adjourned at 5.10 p.m. *sine die*.