



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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# SEANAD ÉIREANN

*Dé hAoine, 23 Aibreán 2021*

*Friday, 23 April 2021*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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## Gnó an tSeanaid - Business of Seanad

**An Cathaoirleach:** I welcome an Aire Stáit, Deputy Colm Brophy, to the House. I know he is under pressure but I must begin proceedings by reading out the Commencement matters that have been submitted by Senators.

I have received notice from Senator Victor Boyhan that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Housing, Local Government and Heritage to engage with the Banking Federation of Ireland and the Sustainable Energy Authority of Ireland to provide supports for homeowners in counties Mayo and Donegal affected by pyrite.

I have also received notice from Senator Garret Ahearn of the following matter:

The need for the Minister of State at the Department of Housing, Local Government and Heritage with responsibility for heritage and electoral reform to provide supports for the restoration and preservation of Knocklofty House, Grange, County Tipperary.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Health to provide an update on the human papillomavirus, HPV, schools vaccination programme and the plans being put in place to address the current backlog.

I have also received notice from Senator Erin McGreehan of the following matter:

The need for the Minister for Health to make a statement on the BreastCheck cancer screening programme.

I have also received notice from Senator Mary Fitzpatrick of the following matter:

The need for the Minister for Transport to make a statement on the MetroLink project,

specifically on the location of a station in Albert College Park, and if consideration will be given to the provision of independent expert advice to homeowners who wish to engage in the planning process.

I have also received notice from Senator Alice-Mary Higgins of the following matter:

The need for the Minister for the Tánaiste and Minister for Enterprise, Trade and Employment to make a statement on whether Ireland is supporting the call from many countries and the World Health Organization for a waiver of intellectual property rights under the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS agreement, to allow a scaling up of global manufacture and access to Covid-19 vaccines.

I have also received notice from Senator Sharon Keogan of the following matter:

The need for the Minister for Education to provide an update on the remedial works required for Duleek boys' and girls' national schools, County Meath.

I have also received notice from Senator Rónán Mullen of the following matter:

The need for the Minister for Foreign Affairs to make a statement on the authentication and apostilling of documents by his Department.

I have also received notice from Senator Lynn Boylan of the following matter:

The need for the Minister for Justice to make a statement on the failure to waive financial eligibility criteria when providing legal aid to the families of the Stardust fire victims in the ongoing inquest.

I have also received notice from Senator John McGahon of the following matter:

The need for the Minister for Health to make a statement on the supports being put in place to protect diabetes patients given the risk to them of serious health complications from Covid-19.

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

The need for the Minister for Housing, Local Government and Heritage to provide an update on the development of an overall plan for social and affordable housing in Gorey and the wider north Wexford area.

I have also received notice from Senator Tim Lombard of the following matter:

The need for the Minister for Agriculture, Food and the Marine to provide clarification on the statutory timeframes pertaining to aquaculture licensing.

I have also received notice from Senator Marie Sherlock of the following matter:

The need for the Minister for Children, Equality, Disability, Integration and Youth to conduct a review of the national childcare scheme.

I have also received notice from Senator Seán Kyne of the following matter:

The need for the Minister for Health to make a statement on the Sláintecare proposals regarding elective hospital plans for counties Galway, Cork and Dublin.

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I have also received notice from Senator Fiona O'Loughlin of the following matter:

The need for the Minister for Health to consider lifting the restrictions on partners attending at maternity hospitals for appointments and childbirth.

The matters raised by the Senators are suitable for discussion. I have selected the matters raised by Senators Boyhan, Ahearn, Conway, McGreehan, Fitzpatrick and Higgins, and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

## Nithe i dtosach suíonna - Commencement Matters

### Pyrite Remediation Programme

**Senator Victor Boyhan:** I welcome the Minister of State. He will be aware of the detail of the matter I am raising. I thank the Cathaoirleach for selecting it for inclusion on this morning's agenda. This matter relates to the difficult and serious issue of pyrite and mica, although I will concentrate on pyrite. I acknowledge the enormous amount of work Councillor Mark Duffy from Ballina, County Mayo, has done on this issue. It was he who first contacted me about the matter and he has persistently contacted me since on behalf of the people he represents in County Mayo. Many of the Minister's party colleagues in the constituency, including the former Minister, have worked exceptionally hard on the issue but the reality is that this issue is creating havoc. Many thousands of houses will potentially be exposed to pyrite-related damage.

We know there is a pyrite remediation scheme but it is not adequate. It is a good attempt. It goes 90% of the way but ideally it should go the full way. There are concerns that, if we are to retrofit, upgrade or improve houses, particularly those affected by pyrite and mica, today's standards would apply rather than the standards of a few years ago. It makes sense. There are additional difficulties in that, if some people need to demolish houses, there may be a requirement for planning permission. There has been movement there but it is still very awkward.

A young family with children whose home has been identified as having serious problems with pyrite or mica in Donegal, where this issue is particularly prevalent, will have to leave their home, pay rent for an alternative premises and service a mortgage on a property that is completely finished and must be demolished and broken down onto the ground. Such families will have to rent new accommodation, make the planning arrangements and clear the site. Some of them are getting funding, although not all. This problem affects both private houses and local authority houses and these are being dealt with through different mechanisms. There is again a major problem in that regard.

It is clear that we need to look again at the Sustainable Energy Authority of Ireland, SEAI, grants. That is important. Everyone I have spoken to, and to whom members of the Minister of State's party have also spoken, has said that it does not make sense not to address the issue if houses are being restructured or rebuilt.

I will now turn to the issue of mica in Buncrana in Donegal, where Councillor Nicholas

Crossan is constantly campaigning to have the issue addressed. There is a problem. These properties are affected by both defective bricks and defective construction and this has the potential to render people homeless and leave them in debt. It is important that Government deal with Banking and Payments Federation Ireland to see if some kind of moratorium, suspension or freeze with regard to mortgages could be implemented when people are negotiating. The financial cost to those who own these properties is enormous, whether they are the occupiers, landlords or local authorities, as they are in many cases. We have to support people who have financial commitments and who have to find alternative accommodation in their communities because that is where their families are and where their children go to school, and for a whole range of other reasons.

This is a terrible situation for people to find themselves in. Many of those to whom I refer are having difficulties anyway as a result of issues relating to Covid, employment and income. The Minister of State knows that. I do not believe anyone in this House doubts that there is a need for supports. I ask that we take a fresh look at this issue and see if we can support local representative in these communities to help and support the people they represent in these homes, which are effectively condemned, and to stand in solidarity and empathy with them.

**Minister of State at the Department of Foreign Affairs (Deputy Colm Brophy):** I thank the Senator for raising this case and for the opportunity to provide an update on behalf of the Department of Housing, Local Government and Heritage on this matter. I appreciate that the issue of defective concrete blocks is particularly emotive for households and I sympathise with all those affected by this distressing situation.

The Department of Housing, Local Government and Heritage met members of the Donegal Mica Action Group earlier this year and one of the issues raised was that of finance and the potential role banks could play in assisting affected homeowners. As oversight of the financial institutions is outside the scope and remit of the Department, the Minister, Deputy Darragh O'Brien, wrote to the Minister for Finance, Deputy Donohoe, in respect of this matter. The latter replied on 9 March and expressed firm support for the existing provisions of the defective concrete blocks grant scheme, but clarified that neither he nor his Department have any role in respect of the commercial discussions of individual regulated entities, such as the decisions they may make on an application for credit or in respect of any individual actions they may take to assist households with a mortgage that is secured on a residence affected by mica or pyrite.

The Minister for Finance also pointed out that the commercial independence of the banks in which the State has a shareholding interest is specifically provided for in a legally binding relationship framework document which states that each bank continues to be a separate economic unit with independent powers of decision and that it is the respective boards and management of each bank that determines its commercial policies and conducts its day-to-day operations. The Minister for Finance further stated that he is precluded from any involvement in the commercial decisions of such banks and it would not be possible or appropriate for him to intervene with individual banks on this matter.

The defective concrete blocks grant scheme is not a compensation scheme. It is very much a scheme of last resort for homeowners who have no other practical options to obtain some form of redress. In formulating the scheme, the Department of Housing, Local Government and Heritage concluded that a contribution of 10% from affected homeowners was appropriate to control costs, incentivise the use of appropriate remediation options and promote the reuse of materials where this is feasible. The aim of this scheme is to help insofar as possible to rein-

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state the applicant's home to the condition it would have been in had the original block work not been affected by pyrite or mica. There is no impediment to applicants seeking to upgrade or improve their homes but the excess costs will be borne by the homeowner. However, the Department is engaging with the SEAI to explore synergies between its existing grant schemes and the defective concrete blocks grant scheme. The scheme is fair and equitable and will work for the vast majority of homeowners. As the application process only opened in June 2020, it would be premature to consider or make any changes to the scheme at this time but, of course, the Department is monitoring its roll-out and effectiveness.

**Senator Victor Boyhan:** I recognise that the pyrite remediation scheme is a scheme of last resort and that the Minister for Finance cannot interfere with the banks in the context of either their commercial viability or independence. However, that is very hard to swallow when one's house is in bits and falling down. It is very difficult to accept that citizens paid the price to support these banks - it made sense to do so - and the State has a major role in the banks and it made sense to do so, but the Minister and the Government say they can do nothing to help people whose houses are crumbling before their eyes. It really is a scheme of last resort. I do not wish to argue with the Minister of State. I do not doubt his credentials or support. We have to talk about supporting people. This is about homes. The former Minister for Rural and Community Development, Deputy Ring, has a strong record on this issue and has made several promises on it. It is important that there is some synergy and commonality about the approach across the House. I ask the Minister of State to keep the issue under review because it is not going away. Those affected are his constituents and those of all Oireachtas Members. They are citizens who are desperate and who need our support.

**Deputy Colm Brophy:** I thank the Senator. He is correct that I will be conveying his remarks to the Minister later today. As outlined, there is a commitment to keep the issue under review.

### Heritage Sites

**Senator Garret Ahearn:** I thank the Minister of State for being here to take this matter. My question relates to heritage and the portfolio of the Minister of State, Deputy Noonan. I am particularly delighted that the Minister of State, Deputy Brophy, is here because he totally understands the building about which I wish to speak, given his family connections with the O'Briens in Ardfinnan. I would be shocked if he has not visited the premises in question. Knocklofty House, just outside Grange on the Ardfinnan to Clonmel road, is an 18th-century house, which was home to Lord and Lady Donoughmore. It is listed as a protected structure under the Tipperary county development plan, as well as being included in the national inventory of architectural heritage for its artistic, historical, social and architectural significance. The building is a former hotel and hosted numerous weddings within the locality of Grange and Ardfinnan. It is where I learned to swim and anyone my age would remember that Martin Daly used to do swimming classes every Saturday morning. My mother brought me and my brothers there to go swimming, and I would be surprised if the Minister of State, Deputy Brophy, has not been there himself in the summer months.

Pictures emerged two weeks ago of the current state of the building, and to say it is in a shocking state is not an exaggeration in any way. When anyone drives into Knocklofty House at the moment, they will see that the surface is like the moon with the number of potholes. If

they look to the left, what used to be beautiful fields are now taken over by rubbish. There has been mistreatment of animals and, in particular, horses in recent years. To be fair, the county council has tried its best to control this but it has not been totally successful.

The pictures that surfaced have angered locals to the extent that they have set up a Facebook page with almost 1,300 members. They are deeply upset by the state of the building and they have asked the council to get involved. In fairness, local Councillors, McGrath, English and Murphy, with many others, have contacted the county council and they have acted. They went out and did an internal and external assessment of the building, and a report will be prepared as a result. I thank them for that.

In these times, county councils are limited in what they can do due to funding constraints. The work that needs to be done to preserve this historic building, which is an obligation on the State, needs more than just the support of the county council. I ask the Minister of State, as someone who knows this area quite well and who has an allegiance to the region, to ask the Minister of State, Deputy Malcolm Noonan, to intervene at departmental level to support the restoration and preservation of this building. This has happened with other buildings across the country, such as Glengarriff Castle, which is being preserved and restored at the moment.

Knocklofty House is a beautiful site, on the banks of the River Suir, with beautiful lands. Any local person I speak to at the moment says they are extremely upset. This used to be a beautiful place to go for a walk, and people do not want to lose that character or lose the importance of it. The Department has the historic structures fund and the built heritage investment scheme. I call on the Department to use some of that money towards this project to preserve and maintain it.

**Deputy Colm Brophy:** Before I begin the official reply, I want to make a personal comment. As the Senator said, I know this area well as my mother's family parish is Ardfinnan. Knocklofty House is an absolute treasure. It was so disappointing to hear the description the Senator gave because, from my early earliest years as a child, going down on holidays every summer and looking out at Knocklofty House, and then attending functions later on, it was an absolute treasure for the area. It is stunningly beautiful in its location on the banks of the river, and it is so sad to hear this. I will convey to the Minister of State, Deputy Malcolm Noonan, the Senator's comments and my own thoughts on this and on the need for action.

The functions of the Minister of State with responsibility for heritage and electoral reform with regard to the protection of architectural heritage are set out in the Planning and Development Acts, as are the responsibilities of local authorities and owners. The Act gives primary responsibility to local authorities to identify and protect the architectural heritage by including particular structures on the record of protected structures, RPS. The National Inventory of Architectural Heritage, NIAH, was established by the Department with responsibility for heritage in 1999 to identify, record, and evaluate our post-1700 architectural heritage. The Minister of State with responsibility for heritage and electoral reform, Deputy Noonan, can make recommendations to planning authorities for structures to be included on the RPS arising from the NIAH surveys.

Knocklofty House, County Tipperary, was recorded by the NIAH in 2005 and was recommended by the then Minister to Tipperary County Council for inclusion on the RPS. I am informed that Knocklofty House was added. The outbuildings, gate lodge and gates are also included on the RPS. Inclusion on Tipperary's RPS places a duty of care on the owners and also

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gives the local authority powers to seek to safeguard its future. I am advised that the county council has opened an enforcement file on Knocklofty House. It has confirmed that an initial site inspection was undertaken and more thorough inspections will be required internally and externally to determine the appropriate course of action to ensure this building is protected. The county council further advises that it will need to gain access to the building. It understands that the legal ownership of the property is being questioned currently and is being dealt with through the courts.

The Department of Housing, Local Government and Heritage provides financial support to owners for the protection of heritage buildings and historic structures through the historic structures fund, HSF, and the built heritage investment scheme, BHIS. The Minister of State, Deputy Noonan, recently announced €3 million in funding under the BHIS and details of projects to be awarded under the HSF will be announced shortly. While it is understood that the scale of investment needed for the structure mentioned may mean that the level of grant funding available under these schemes would not, on its own, be sufficient, it may provide some support to safeguard it from falling into further disrepair.

The Minister of State fully understands and appreciates the value of our built heritage, including at local level, and has asked officials in his Department to remain in contact with Tipperary County Council on this matter.

**Senator Garret Ahearn:** I thank the Minister of State for his response and the Minister of State, Deputy Noonan, for keeping in contact with Tipperary County Council. I am not sure how long we have left to preserve Knocklofty House. The building is in dire condition. Lead and metal are being robbed from the place and assessments and reports will show that not much time is left. The State has an obligation to support historic structures such as Knocklofty House. The longer we wait to do that, the more it will cost to preserve. If we have an obligation in this regard, we should act now. I ask that the Minister of State, Deputy Noonan, visit the site and meet some of the locals who have spoken on the matter.

If the Minister of State, Deputy Brophy, is in Ardfinnan during the summer, if we are allowed to travel outside our countries, I would love to bring him around Knocklofty House. Like me, he has great memories of the place. He would be shocked to see how it has been abandoned and let go. I would appreciate if he could convey my request that the Minister of State with responsibility for heritage visit the area and meet officials of Tipperary County Council to discuss the future of the building.

**Deputy Colm Brophy:** I will certainly ask the Minister of State to visit. If we are allowed travel, the Senator can rest assured that I will most definitely be in Ardfinnan this summer. I will call him and we can do that together. As I said, Knocklofty House is an amazing building and heritage site. It is vital to so many people in the area that a preservation order be placed on it to ensure it does not deteriorate further. I am willing to come down and take a look. I look forward to that visit when inter-county travel is allowed.

### **Vaccination Programme**

**Senator Martin Conway:** I welcome the Minister of State, Deputy Troy, to the House. As this is my first time addressing him formally since his appointment, I formally congratulate him and commend him on the work he has done so far.

I have tabled this matter because I am concerned about the roll-out of the human papillomavirus, HPV, vaccine. Those concerns have been shared by the family of Laura Brennan.

*11 o'clock* Members will recall the fantastic work in promoting the uptake of the HPV vaccine Laura Brennan did before her death. It was phenomenal work, the result of which was that the level of uptake of the vaccine reached 82% in the 2019-20 academic year. We are all fully aware of the immense challenges that have been posed by the Covid-19 pandemic but this vaccine is extremely important. It is critical to the future health of girls and boys. A lot of advancement has happened and the fact that the vaccine is being offered to boys in first and second year, as well as girls, is extremely welcome and take-up has been successful.

The pandemic caused difficulties, particularly in the delivery of the programme within schools. It is well-recognised that giving the vaccine in schools has resulted in a significantly higher uptake. We need to think outside the box. We have had vaccine capacity in some of the Covid-19 vaccine centres over the past number of months, and probably will have in the future. There is absolutely no reason the HPV vaccine could not be offered in those settings. Many trained vaccinators have still not been redeployed to the Covid-19 programme and while they are waiting to take up those roles, perhaps they could be redeployed into roles giving this particular vaccine.

The pharmacists in this country are willing and able to deliver the vaccine but that has not happened. Perhaps the Minister of State has some news for me in that regard. It is terrible that Laura Brennan's family has to go on the radio and campaign to keep highlighting this issue. It should be a matter of form that every possible resource is used to deliver this important vaccine.

There are other issues about which I am concerned. It has been brought to my attention that some parents of young people had a certain hesitancy about taking up the vaccine but, having done further research, realised, as we all do, that it is important to take it. When they then went to try to source the vaccine privately, they were quoted figures between €400 and €600. Receiving this vaccine should not be cost punitive. There should be some little fee, perhaps €40 to €60, which would represent a 90% reduction on the €400 to €600 that is being quoted. We need to encourage people to take the vaccine and if, for whatever reason, they opt to do so privately, we should meet them along the way and encourage them, not put obstacles in their way. That is a significant cost to any family and many families would not be in a position to pay it.

The Minister of State might update me on where we are with 2021-22 academic year, as it approaches. He might also tell me is there any thinking outside the box within the Department in terms of using the resources that are there at the moment and using future resources. What is being done to facilitate a catch-up programme? Will he also address the punitive cost for people who decide to source a vaccine privately and may have been too late to avail of the public roll-out?

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy):** I thank the Senator for bringing this matter to the floor of the Seanad. I apologise on behalf of the Minister, Deputy Stephen Donnelly, who cannot be here. I too acknowledge the good work that the Brennan family are doing in their advocacy and highlighting the positivities of this vaccination. In 2009, the national immunisation advisory committee, NIAC, recommended HPV vaccination for girls of 12 and 13 to reduce their risk of developing cervical cancer as adults. In September 2010, the HPV vaccination programme was introduced for all girls in the first year of secondary school. In 2013, NIAC recommended that the HPV vaccine

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should also be given to boys. On foot of NIAC's recommendation, the Department of Health asked HIQA to undertake a health technology assessment to establish the clinical effectiveness and cost-effectiveness of extending the current immunisation programme to include boys in the first year of secondary school. A policy decision was made to extend the HPV immunisation programme to include boys, starting in September 2019, with the introduction of a 9-valent HPV vaccine.

The ages at which vaccines are recommended in the immunisation schedule are chosen by NIAC to give each child the best possible protection against vaccine-preventable diseases. As the HPV vaccine is preventative, it is intended to be administered, if possible, before a person becomes sexually active, that is, before a person is first exposed to HPV infection. Therefore, the gender-neutral HPV vaccination programme targets all girls and boys in the first year of secondary school to provide maximum coverage.

The roll-out of the school-based immunisation programme, which includes HPV vaccination, is the responsibility of the HSE. It is important to note that the school-based immunisation programme for the 2019-20 academic year has been completed and that the uptake rates in respect of the HPV vaccine for that academic year were 82% for the first dose and 77% for the second. This is the highest rate of uptake under the HPV vaccination programme since 2015-16, and it is particularly encouraging because it was the first year that boys were included in the programme. It shows that the provision of the vaccine in the community clinics did not adversely affect uptake.

The programme for the academic year 2020-21 was paused during the first few months of 2021 due to school closures and the redeployment of staff of the Covid-19 immunisation programme. The inputting of uptake information for the school-based programme has also been delayed due to the redeployment of administrative staff. However, community healthcare organisations have reported that the vast majority of second level schools had their first dose of the HPV vaccine delivered between October 2020 and December 2020. The uptake rate for the first dose of the HPV vaccine in the 2020-21 academic year is 63%, and this figure is expected to increase because data input on the vaccine uptake is ongoing. Plans are now being developed by the HSE for the recommencement of the vaccination programmes, including the second dose of the HPV vaccine. Some areas have already recommenced these programmes and are in the process of arranging school visits.

I thank Senator Conway for raising this matter today. I assure him that, on foot of his recommendations, I will relay the suggestions he has made on the floor of the Seanad to the Minister for Health, Deputy Donnelly. In talking about capacity in our Covid-19 vaccination centres, we should note that while the Covid vaccine roll-out is going well, capacity issues are not just sorted yet. Obviously, the priority is to use those centres for what they were designed. I undertake to relay to the Minister the suggestions made today.

**Senator Martin Conway:** I thank the Minister of State for the update and I acknowledge the progress that has been made but I seek further clarity on a meaningful catch-up programme to get the figures up to what they should be, bearing in mind that we are in a pandemic, and on the role pharmacists throughout the country can play in delivering the HPV vaccine to young girls and boys aged 12 and 13. Where people have to go private to get the vaccine for their children, the cost, between €400 and €600, needs to be borne by the State. A total cost at least 90% less than the current one needs to be considered. I appreciate the Minister of State, Deputy Troy, coming into the House today and hope he will pass on those points to the Minister. We

will revisit the issue in a few months.

**Deputy Robert Troy:** I thank Senator Conway. I reassure him that I will raise this matter with the Minister, Deputy Donnelly. I reiterate that the academic year 2019-20 saw the highest uptake of the HPV vaccination programme since 2015 and 2016. That is a positive and encouraging development. It goes without saying there have been challenges in this latest academic year but the HSE is committed to offering the recommended immunisation to school-aged children with as little disruption as possible. That has recommenced and I hope it will be concluded successfully before the end of this academic year.

## **Cancer Services**

**Senator Erin McGreehan:** The Minister of State is very welcome to the House. It is great to see him. It is the first time I have had the privilege of speaking to him in the Chamber. I am raising this Commencement matter on breast cancer services and cancer screening in general, which is of major concern to me. Currently, people are not being screened due to the restrictions, which is understandable, but they are not getting the cancer treatment they need. We must make certain that we as a Government ensure the resumption and continuation of cancer screening services and that the system is adequately resourced to allow us catch up on screening.

I raise this Commencement matter today specifically to highlight breast cancer screening and the fact that the national screening service, NSS, advises that the current round of screening, which is usually 24 months, potentially will take 36 months due to the impact of Covid-19. To highlight the prevalence of breast cancer, one in nine women in Ireland will be diagnosed with breast cancer. It is the second most prevalent cancer in the world. In 2016, 85,500 people in Europe died from breast cancer. It is a major concern of mine.

I am hearing from many women about the lack of capacity in the system. Some may choose to pay for it, and Senator Conway said that if you choose to pay, you can get the health service you need. This two-tier system is intolerable and highlights, as Senator Conway said also, the need for universal healthcare here. An individual's health should not be disadvantaged by his or her ability to pay. We need to examine the capacity of private screening because if you want private screening, you can get it within a week and not have to wait. We need to expand that private screening capacity for the benefit of public patients.

I have been working with Councillor Teresa Costello, who is a member of Dublin City Council. I commend her on her incredible work. She is a young woman who is a breast cancer survivor. She set up one of the largest support communities for breast cancer patients in the country called Breast Friends. She would like me to highlight on behalf of all the women in the country that more and more women are being diagnosed with breast cancer. Thirty per cent of all women who get a breast cancer diagnosis are between the ages of 20 and 50, 34% are between the ages of 50 and 69, and 36% are older than 70. As the Minister of State is aware, the screening is only for women between the ages of 50 and 69, which means we are missing and not screening 66% of breast cancer patients. I urge him to bring the message to the Minister that we need to expand that screening capacity to include women from the age of at least 40 and up.

I ask also that there would be a breast cancer awareness campaign to ensure every woman, younger and older, is empowered to check her breasts manually for signs of cancer. General practitioners might work with the Department to provide for that manual check and the auto-

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matic ability to get a mammogram if a woman is under 50 years of age, because if they have a concern, they are not automatically referred to BreastCheck. That is a real issue for me and for many women. I would appreciate it if the Minister of State could bring those notes back to the senior Minister on screen enhancement for all women, a manual check to be carried out by a GP, and an awareness campaign.

**Deputy Robert Troy:** First, I thank Senator McGreehan for giving me the opportunity to update the House on this important matter in behalf of the Minister, Deputy Donnelly. The Government is fully committed to supporting our population screening programmes, which are a valuable part of our health service. As the Senator is aware, BreastCheck, along with other cancer screening programmes, was temporarily paused last year due to the impact of Covid-19 on both our health services and communities. While BreastCheck resumed in October 2020, unfortunately it had to be paused again, and issued new invitations in January and February of this year.

I am pleased to inform the Senator that it has resumed again last month with more than 8,000 participants having been screened. The programme has done a great amount of work to support the safe resumption of screening by taking measures to reduce the risk of Covid-19 infection to the participants and staff.

The focus of the resumption of breast screening includes the management of capacity across the whole screening pathway, which includes follow-up assessments and treatments. I would like it to be noted that even when screening was paused, the programme continued to operate follow-up clinics. Breast screening involves close contact between staff and participants, and with Covid-19 safety measures in place, it will obviously take longer to get through the current screening round.

However, in Ireland we are fortunate in that we screen more frequently than many European countries, meaning it is expected we will still be in line with international norms for breast screening. An additional €10 million has been provided in 2021 for cancer screening services in the HSE national service plan.

One important initiative prioritised for 2021 is the development and opening of semi-permanent BreastCheck units in two locations. These new units and the recruitment of more staff will help to enhance the capacity of the programme. In line with the commitments in the programme for Government, BreastCheck is currently implementing an age extension project that will see all women aged between 50 and 69 years being invited for routine breast screening.

As to consideration of any further age changes, such as reducing the age to people under 50 years of age, as the Senator has suggested, it is vital we remember that breast screening is a population health screening measure and is not an individual diagnostic test. The balance between the benefits of screening and the potential harms or risks to the population as a whole require careful evidence-based consideration and balancing.

As with all national screening programmes, BreastCheck delivers its services in line with international criteria for population-based screening programmes that are kept under constant review. Decisions about changes to our national screening programmes will be made on the advice of our national screening advisory committee. This independent expert group considers the evidence for changes in a robust and transparent manner. This ensures policy decisions are informed by the best available evidence and advice. It may be of interest that the commit-

tee recently published its first annual report, which is available on the Department of Health's website.

BreastCheck provides a lot of information for the public on its website *breastcheck.ie*. This includes educational materials to encourage women to be aware of general breast health and, crucially, the common symptoms they should seek medical advice on. It runs social and digital media campaigns and provides valuable information on its website, including regular updates on Covid-19.

I take this opportunity to emphasise that screening is for healthy people who do not have symptoms. People who are between screening appointments or are waiting for rescheduled appointments are asked to be aware of symptoms, and if they have concerns or worries, they should contact their GP who will arrange appropriate follow-up care. In light of all this, I trust that the public can be assured the Government is committed to our national screening programmes.

**Senator Erin McGreehan:** I thank the Minister of State and I very much welcome the additional €10 million. I am very aware of the development of and the increased funding in the breast and cancer services. I understand there is a balance of benefits between screening and potential harms. However, at the moment, because they are not being automatically screened, many breast cancers are not being diagnosed. From brief research and talking to breast cancer survivors and patients, it is unfortunately clear that, because younger people are being diagnosed at a later date and not getting screened, they are being diagnosed with stage 4. Many of them are incurable.

There is helpful information on the websites but we need to bring that information to women more and to highlight it to empower young women and girls to check themselves. I would not be 100% certain about how to check myself. We have to know that. Just because someone is not in the category being screened, GPs must know they have an option to request a mammogram and check. I thank the Minister of State for his time and I hope he relays the matters I raise to the Minister, Deputy Stephen Donnelly.

**Deputy Robert Troy:** I thank the Senator. She has made a strong case and I will relay her suggestions to the Minister. To be fair to the Senator, she acknowledged the extra €10 million invested in the National Screening Service this year. That demonstrates the commitment of this Government to national cancer screening services.

I, too, compliment Councillor Teresa Costello on the really good advocacy work she has been doing. It takes guts and commitment for somebody who has come through what she has to turn a negative to a positive. She has been a strong advocate.

As I said, I commit to relaying to the Minister the points the Senator raised today.

**Acting Chairperson (Senator Victor Boyhan):** We have a slight change of plan. I have spoken to the Minister of State, Deputy Joe O'Brien, who can be back in the House in three or four minutes. In the meantime, the Minister of State, Deputy Troy, has agreed to take the final Commencement matter now if that is agreeable to the House? Is that agreed? Agreed.

## **Covid-19 Pandemic**

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**Senator Alice-Mary Higgins:** I welcome the Minister of State to the House. Yesterday, there was an informal meeting of the World Trade Organization trade-related and intellectual property rules, TRIPS, council. Next week, there will be a formal meeting at which the WTO will decide on a proposal for a temporary TRIPS waiver of intellectual property rights for Covid-19 vaccines, which would allow global south countries to scale up production and access to vaccines. This proposal is being brought by the World Health Organization and over 100 countries. I ask the Minister of State the position Ireland is taking on that proposal and the advocacy and engagement we are having with the European Commission on the position it will take at that crucial meeting on 30 April.

Months ago, the head of the World Health Organization warned us of the dangers of catastrophic moral failure. We know from Oxfam that nations with 14% of the world's population had 53% of the vaccines. The distribution of vaccines is not the really crucial issue, however. The crucial issue is the fact there is a limitation on supply. That limitation is not natural. It is a choice to limit the manufacture and supply of Covid-19 vaccines to protect profits. It is an artificial scarcity and a choice.

That choice is having a consequence. Around the world, deaths are escalating. Yesterday, there were 2,000 deaths in India and 2,000 deaths in Brazil. In India, just 1% of the population has been vaccinated. Those are choices. People are dying younger and the consequences are more severe. It is important to note the Joint Committee on Foreign Affairs and Defence, in its report on the distribution of Covid-19 vaccines for developing countries, was clear that if we do not provide equitable access, it will prolong the pandemic. They also explicitly identified the TRIPS waiver as a mechanism which we should support, especially given that a similar waiver was crucial in combating AIDS and HIV in the past. It is important to remember that while a substantial portion of the world's population remains vulnerable to Covid-19, those are ideal grounds for the virus to develop new variants and grounds for experimentation for the virus. Those new variants will ultimately affect all of us. Many scientists say it could be six months or a year before there is a variant that is resistant to vaccines. That is unless we remove access to a significant portion of the world's population for this virus and its variants, something which we can choose to do if we scale up global manufacturing of vaccines. A significant portion of the money for developing these vaccines was public investment. The AstraZeneca-Oxford vaccine received 97% public funding, Moderna was majority public funding, and Pfizer-BioNTech received €500 million from Germany alone. The public have invested in these vaccines and they must now be treated as a public good. This is one of the key moral decisions we will ever face.

There are structures in place through the Covid technology access programme, run by the World Health Organization, to ensure an appropriate, proper mechanism for the sharing of access and the roll-out of the know-how and technology. That is there and waiting. There is demand from more than half the world for us to take action. Will the Minister of State tell me two quick things? At yesterday's informal meeting, what position did Ireland push for on the TRIPS waiver? At the meeting on 30 April, will Ireland advocate for support for a TRIPS waiver? Will we contact the European Commission to ensure that it takes that position? I hope that the Minister of State is able to tell me that we will be doing the right thing.

**Acting Chairperson (Senator Victor Boyhan):** I thank the Minister of State for his cooperation with the changed slot.

**Deputy Robert Troy:** I thank Senator Higgins for raising this topic and affording me the opportunity to address the House about this important and timely issue. I have listened care-

fully and agree with many of the points that Senator Higgins has raised. The Senator will undoubtedly be aware that international trade is a competence of the EU under the treaties. In exercising that competence at the WTO, the European Commission engages with member states, including Ireland, through a variety of committees and working parties, including on intellectual property. The Senator will also be aware that the EU's current position on the proposed waiver is that the WTO international agreement on trade-related aspects of international property rights, TRIPS, allows countries the flexibility to respond to the concerns raised by the proposers of the waiver. Specifically, the TRIPS agreement allows compulsory licensing, which is when a Government permits an entity to produce the patented product or process without the consent of the patent owner.

The EU has argued that global manufacturing capacity, access to raw materials and the distribution networks are the main obstacles that need to be overcome. Increasing manufacturing capacity of vaccines may be better attained through voluntary licensing arrangements, by disseminating the technology and know-how of those who develop the vaccines. To this end, at EU level, the Commission has set up a task force for industrial scale-up of Covid-19 vaccine production. The task force is promoting partnership through matchmaking events. One such event took place at the end of March and identified 300 companies in the vaccine supply chain, including vaccine developers, manufacturing organisations and suppliers. The task force has engagement about the global supply chains and aims to launch new production sites in the EU to maximise production capacity.

I highlight that the EU position is that the intellectual property is not the primary obstacle to access to vaccines and instead argues that manufacturing capacity, access to raw materials and distribution networks are the main obstacles that need to be overcome. It acknowledges that increasing manufacturing capacity of vaccines may be better attained through voluntary licensing arrangements. On that basis, I take this opportunity to strongly encourage pharmaceutical companies that have profited immensely and benefited from State investment to show leadership in this matter. They must seriously consider such licensing arrangements and voluntarily take the lead.

All of this is not to say that we, as a country, do not have a responsibility to speak out for what we believe is right. As other countries have reviewed their positions, it is incumbent on us to review ours, particularly in view of new and emerging information. This is a critical issue and it is morally right to ensure we have a fair and equitable system. I am firmly of the belief that no one is safe until everyone is safe. The past year has shown the necessity of working together towards a common goal and that, through collaboration, we can succeed in suppressing this virus. As a country, Ireland has always been a world leader in helping vulnerable people. An inequitable distribution of vaccines will lead to parts of the world falling behind. In an interconnected and global world, that is just not feasible. Therefore, we must, as a Government, feed back our concerns to the EU and the working groups. I certainly will take the concerns that have been articulated so passionately today by Senator Higgins to the Minister, Deputy Coveney, and the Tánaiste.

**Senator Alice-Mary Higgins:** The intellectual property right that needs to be waived under the existing TRIPS structure is not simply to do with the patents. It is also about the intellectual property relating to manufacturing know-how. The WHO, UNAIDS and others who have worked on previous global health crises tell us that the TRIPS waiver is needed. We must listen to them. We are all very proud of Dr. Michael Ryan and his work at the WHO. Let us show that we are listening to him and his colleagues, as global experts.

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It is absolutely crucial that the decision on 30 April is to support a TRIPS waiver. If not, then we should be very clear that this will be a moral failure. It is not sufficient that we replace a politics of principle with a politics of patronage, where we might matchmake one person with a few other people, encourage voluntarism from companies and see if one country could get another country to talk. That is a piecemeal, charity-based approach to what is a matter of global and collective human rights and health priority. I acknowledge that the Minister of State is hearing what I am saying. To be clear, the world will be watching on 30 April.

**Deputy Robert Troy:** I reiterate what I said already. I acknowledge that this is a critical issue and I believe it is morally right to ensure that, regardless of where people are in the world, they have access to vaccines. We need a fair and equitable system. I firmly believe, as does the Government, that no one is safe until everybody is safe. Apart from being the morally right thing to do, it is also right from an economic perspective. Protecting one half of the world while leaving the other half behind will do no good for anybody.

We have a role to play in this. The issue at hand is a competency of the EU but we have channels through which we can feed our concerns. As a Government, we need to do that. We need a fair and equitable distribution of vaccines across the world. The Government must stand up and ensure that happens.

### **Public Transport**

**Senator Mary Fitzpatrick:** I thank the Minister of State, Deputy Joe O'Brien, for coming to the House to deal with this matter, which relates to the proposed MetroLink service. An underground, integrated rail service for Dublin was first proposed in 2001. Twenty years later, we are still talking about putting in some sort of frequent underground service. MetroLink is progressing. I understand Transport Infrastructure Ireland, TII, has been progressing its plans and intend lodging a railway order application. With the MetroLink project there is potential for a high-speed and frequent underground rail service from the city centre to the airport within 20 minutes. It is a hugely important project and it is one I am supportive of.

The reason I raise this in the Seanad is because TII is progressing with its project and I acknowledge the public consultations in which it has engaged and conducted during Covid-19, albeit over Zoom. However, the project will run all the way from Charlemont-St. Stephen's Green to O'Connell Street, where potentially there will be an exit onto the national monument site at Moore Street and O'Connell Street, on to just by the Mater campus on Berkeley Road, where it will have an entrance on the park at Berkeley Road and Eccles Street. The line will continue to Cross Guns Bridge in Glasnevin where there is a proposal to have a very significant train station following the demolition of some retail units and the historic Hedigan's pub. The line will run under residential properties from there, at Dalcassian, under Botanic Road and Mobhi Road to Griffith Park, on to Albert College Park, where there is a proposal for an over-ground shaft, and then beyond that to Ballymun, Collins Avenue and beyond.

The project has the potential to open up lands beyond Ballymun for housing and other regeneration. The project has a lot of positives but I have a couple of concerns that I would like the Minister of State to address. First, a commitment was given to do a feasibility study on extending the proposed MetroLink from Charlemont and west-south west of the city towards Terenure and Walkinstown. It is important that feasibility study is completed before any railway order application is made.

Second, I have described the route, and it is a very long route with significant residential communities, commercial properties and community facilities along the route. When metro north was proposed, I worked with the residents from the Griffith Avenue and district residents association. The Government at that time appointed an independent expert to support residents to engage in the process. It is critically important that an independent expert is appointed as soon as possible to support residents in this project.

I draw the attention of the Minister of State to the fact that residents are already receiving letters asking them to engage in the process. It is not fair to ask residents to engage in a process where they do not have any independent expert support. It is a huge project. The estimates are it will be in the region of €3-5 billion. Residents and property owners along this line are not equipped, no matter how well intentioned they are, to engage in a project and a process this significant without the support of an independent expert and his or her advice.

**Acting Chairperson (Senator Victor Boyhan):** I welcome the Minister of State to the House.

**Minister of State at the Department of Rural and Community Development (Deputy Joe O'Brien):** On behalf of my colleague, the Minister for Transport, Deputy Ryan, I thank the Senator for the opportunity to address this issue in the House today.

As the House is aware, the Government is committed to a fundamental change in the nature of transport in Ireland. Part of that change is about investing in major public transport infrastructure projects such as MetroLink in Dublin. Investing in public transport benefits citizens through making it easier to travel to where they want to go. It benefits the environment through providing low carbon alternatives to the private car. It also benefits the economy through reducing congestion and making it easier for people to access jobs. I would like to think this House recognises those benefits and will work with the Government as we look to make these hugely important improvements to our transport system. Obviously, at local and community levels, there will be varying opinions and impacts about aspects of certain projects. One way of addressing these opinions and impacts is ensuring people have an opportunity to voice them and ensuring our State agencies put in place the type of extensive and inclusive consultation processes like we have seen happen with MetroLink.

MetroLink is a massive project and probably the largest ever seen in the State. It has been through extensive non-statutory public consultation to date. These consultation processes have examined all aspects of the proposal, from the route itself to the type of service, the location of stations and how it links up with the rest of the public transport network. Projects like MetroLink benefit from that type of extensive public consultation. MetroLink certainly has. We have all seen how aspects of the project have changed as consultation periods took place during 2018 and 2019. Those consultations have informed the development of the project's preliminary business case which, in recent weeks, was submitted to the Department of Transport for review under the public spending code. As that review kicks off, work is continuing on developing all the necessary environmental assessments and planning documentation but submission of the preliminary business case is a really important milestone for the project. It means that, following this review, the project can be brought to the Government for approval to enter the statutory planning system. If approved by the Government, that statutory planning system will ensure that citizens have another chance to make their views known.

With regard to the specific location at Albert College Park, as the Senator is aware, the ex-

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tensive planning, design and consultation on MetroLink has concluded that it is not an appropriate location for a station. I am informed that this decision is based on the proposed stations at Griffith Park and Collins Avenue. I am also told that, if a station was proposed for Albert College Park, considerably more land would be required than is required for the proposed ventilation shaft at the location, which would have knock-on implications for the construction schedule and the ultimate cost. However, I can confirm that Transport Infrastructure Ireland, TII, has committed to pay for independent expert advice and assistance for those local communities with alternative perspectives to develop their thinking ahead of the planning process. I understand this expert adviser will be available to the communities by June and I very much welcome the assistance being provided to these local communities by TII.

**Senator Mary Fitzpatrick:** Gabhaim buíochas leis an Aire Stáit. I appreciate his response. It is important that we note that, as the Minister of State said, this is going to be the biggest infrastructure project in the history of the State. Metro systems were built in London back in 1863, in Paris in 1900 and in New York in 1904. They are more than 100 years old. We are building infrastructure that is going to be here for decades to come. It is going to be here in 100, 150 or 200 years. I ask the Minister of State to go back to TII with regard to the issue of the Albert College Park site. I accept that he has been informed that this site was determined based on the location of the stations on either side of it but I urge him to ask TII to look at the Griffith Park site, the Collins Avenue site and the Albert College Park site. I ask him not to short-change the community in Ballymun and Glasnevin by giving them an overground shaft as opposed to a station. The people of Ballymun and the north side deserve a station as much as anybody else. I urge the Minister of State to ask TII to look at that element and to complete the feasibility study on the south-west route prior to proceeding with a railway order application.

**Deputy Joe O'Brien:** The studies undertaken for the emerging preferred route alignment identified that locations close to Collins Avenue and at Griffith Avenue were appropriate for stations. If the provision of a station at Albert College Park was to be advanced, it would need to be in the same vicinity as the proposed intervention shaft. As noted at a recent meeting with residents' groups and local representatives, this would require a larger permanent land take than required for the intervention shaft. A larger construction area and a longer construction period would also be necessary. Overall, the cost of a station at this location would add considerably to the cost of the overall project and, accordingly, such provision is not considered to be appropriate given the other station locations and the characteristics of this location. I will take the Senator's points back to the Minister, Deputy Eamon Ryan, when I see him next.

To give a little more information about the assistance that will be provided to the residents, a tender process is under way to secure those services. The final return date for the closing stage of the independent expert competition is 17 May. This will be followed by a short evaluation period and the independent expert will be appointed as early as possible in June.

**Acting Chairperson (Senator Victor Boyhan):** I thank the Minister of State for facilitating the changeover of time slots at the end of the Commencement matter debates.

*Sitting suspended at 11.45 a.m. and resumed at 12.07 p.m.*

### **Election of Members**

**An Cathaoirleach:** I have to announce that the following Members have been elected to

fill the casual vacancies in the membership of the Seanad to which the resolutions of Seanad Éireann on 1 December 2020 and 1 February 2021 have reference:

Agricultural Panel, Oireachtas Sub-Panel: Maria Byrne.

Industrial and Commercial Panel, Oireachtas Sub-Panel: Gerry Horkan.

*Senators Maria Byrne and Horkan were introduced to the Cathaoirleach and then took their seats.*

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

**An Cathaoirleach:** I know colleagues will join me in congratulating the new Senators and welcoming them back to the House. I congratulate them on their election and look forward to working with them in the Seanad. I know they will work hard on behalf of all the people. I congratulate all those who contested the election. Elections are important to the work of democracy. I look forward to working with our new colleagues and I congratulate them on their successful election. They deserve their seats. I know colleagues will wish to congratulate the new Senators individually and we will do so after the acting Leader has outlined the Order of Business.

**Senator Seán Kyne:** I thank the Cathaoirleach for introducing Senators Maria Byrne and Horkan, the new old Members, shall we say. I congratulate them on their election and I congratulate all those who participated in the recent Seanad by-elections. I will not try to tell the Senators anything about this place because they are more experienced than I and many other Members are. I wish them well in their terms.

The Order of Business is No. 1, the ninth report of the Committee on Parliamentary Privileges and Oversight, to be taken on conclusion of the Order of Business, without debate; No. 2, Personal Insolvency (Amendment) Bill 2020 - Committee Stage, to be taken at 1.30 p.m. and to adjourn at 3 p.m., if not previously concluded; and No. 3, statements on the future of gambling regulation, to be taken at 3.15 p.m. and to adjourn at 4.45 p.m., if not previously concluded, with the opening contribution of the Minister not to exceed ten minutes, contributions of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister to be given not less than six minutes to reply to the debate.

**Senator Fiona O'Loughlin:** I endorse the Order of Business. I offer my congratulations on behalf of the Fianna Fáil Party to Senators Horkan and Maria Byrne. I look forward to engaging and learning with and listening to both of them. I wish them well in the term ahead.

There are a number of issues I want to raise today, the first being maternity services. Every morning, as I come to Leinster House, I travel by the Coombe and I see all of the expectant dads sitting in their cars outside of the hospital. I believe that, at this stage of the vaccination programme, particularly as it relates to healthcare and hospital staff, the restrictions relating to maternity hospitals should be lifted and dads should be allowed in for the complete duration of labour and for all antenatal scans. Emma Carroll and Ciara McGuane have done a wonderful job in terms of petitioning on this and have obtained 54,000 signatures. They set up a Facebook page called In Our Shoes. They have told about harrowing situations in the 19 maternity

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units throughout the country. Only yesterday I received an email from a lady called Michelle about her situation. She had a miscarriage last June and she had to hear the news herself and then go out and tell her partner. She is now pregnant again. The stress and the worry she is going through are huge. Dr. Peter McKenna, the HSE clinical director of the women and infants health programme, has said the improving situation means maternity hospitals can begin easing restrictions. However, it is down to each individual hospital. A direction should be given that the restrictions relating to maternity units should be relaxed.

I also want to raise the issue of the opening of third level and further education. Thankfully, primary school, secondary school and special schools are all open but we have to plan for the return of our students in September to ensure they have the full educational and social experience to which they are entitled. Further education, which does not happen just from September to June, needs to be looked at for our adult learners.

I remind Members that all of those involved in tackling domestic violence have asked us to wear purple today and to text the word “Safe” to 50300, which results in a €4 pledge. We all know the shadow pandemic that has happened along with the pandemic in terms of the increase in domestic violence. My local refuge, Teach Tearmainn, is doing incredible work. All such refuges need our support.

**An Cathaoirleach:** I thank the Senator for raising that issue. I call the Leader of the Opposition, Senator Boyhan.

**Senator Victor Boyhan:** I thank the acting Leader for setting out the Order of Business. I want to welcome back Senator Maria Byrne and Senator Horkan. A week is a long time in politics. We had a very interesting election but democracy won out. That is the great thing about the elections we all compete in. Senators Byrne and Horkan are both very experienced and our group of Independent Senators on this side of the House looks forward to working with them. I suppose they have another unique claim today in that they are sitting in Dáil Éireann rather than in the Seanad. I suppose that is something of which we are conscious. People ring me up and ask have I been elevated or demoted, and I do not know which, but it is a great honour to be in either Chamber. I wish the Senators well.

I take this opportunity to mention the other candidates. I thank Angela Feeney, a Kildare county councillor and an excellent candidate, and Ciarán Ahern from Labour. I particularly thank the Lord Mayor of Dublin, Hazel Chu, for putting her name forward in what was a difficult election for her. She had to make a difficult decision. It is always tough when running elections against a large group of people, particularly in this case, where there was clearly very a strong, united and determined campaign to get the party people across the line by the tripartite Government of Fianna Fáil, the Green Party and Fine Gael. Fair play to them. They ran their competition, they set out their stall, they set out their vision and they got elected. I also want to acknowledge the work of former Senator Billy Lawless. I must be honest, I was somewhat disappointed with the result, that is a personal thing of mine. He is a man with a track record of working for the Irish diaspora, the forgotten Irish in America, London and other places. I thank Billy for his enormous work, for which we owe him. I hope there is a place, that we are big enough and wide enough in these Houses, and also the Government, to incorporate and reach out to Billy Lawless and his enormous talents.

Finally, I want to acknowledge, of course, Ian Marshall. He is a member of the academic staff of Queens University Belfast, involved in agriculture, food, innovation and technology,

and has great skill sets that we need in this House. He is a man who has worked very closely with Phil Hogan, the former EU Commissioner; a man who has a great track record in Europe. He is a loss but I hope we and the Government, in turn, are big enough to reach out in the context of its all-Ireland vision. That is really important. What a place we could offer Ian Marshall in the shared island initiative. I hope people listening today might consider that.

I wrote to the Taoiseach yesterday because I know his enormous commitment to the shared island initiative. I believe he is committed, as is the Government and the Oireachtas. We know the difficult times that Northern Ireland is going through and the enormous challenges that this country faces in uniting the minds, spirits and hearts of our people on this island. Therefore, I ask that the Leader extend an invitation to the Taoiseach to come to the Seanad and set out the vision for the island of Ireland. I wrote to him asking him to make the necessary arrangements to come to the House. He is always welcome here. We need him here, we have not seen him since this Seanad was elected. There is a good story there and we all need to be part of the vision to support our people on the island of Ireland.

**Senator Annie Hoey:** I extend my congratulations on behalf of the Labour Party group to Senators Maria Byrne and Horkan on their election. I also thank my party colleagues, Councillors Angela Feeney and Ciarán Ahern, who stood in the by-elections and represented the Labour Party so well.

I want to express solidarity with the Debenhams workers who were dragged out by gardaí in the middle of the night. I do not know if Senators saw the scenes but they were galling. I hope the Taoiseach and Tánaiste are horrified at what happened and I implore them to step in because dragging the workers out in the middle of the night is not how this situation should be resolved. I want those workers to know there is solidarity coming from this Chamber.

I note a motion against conversion therapy passed in the North. Senator Warfield's Bill on this issue which is co-sponsored by my colleague, Senator Bacik, is sitting ready to go. It is a very comprehensive Bill on conversion therapy and it is high time there was action. There has been talk with the Minister on banning conversion therapy but work has already been done and I see no reason to delay further.

I am concerned about the vaccine roll-out among those who are housebound. In my home area, there is a woman who is extremely distressed about her husband who is PEG fed and housebound. Absolutely no one - no GP or homecare nurse - can give her an answer about when he will get the vaccine. She is distressed out of her mind. This week, I was told at the health committee that in the next three weeks all those who are housebound will be covered. I raise this issue today as it is causing enormous concern among families who already face so many difficulties in their homes.

There is a family-friendly forum on how we make the Oireachtas family-friendly, and it is something we have discussed in both Houses. We found a work-around for a Minister who is pregnant but a work-around is not a solution. We need a long-term solution. There are people who work in both Houses who may have families or will have in the next few years, and others who have home care responsibilities. Their lives might have been turned upside down, something has come up and they need to be able to return home and take care of a family member. That family member could be elderly or sick, and currently there is no facility for those Members in either House to be supported to do so. I know from conversations I have had with some people that it is causing an enormous amount of distress. The only way to tackle it is for a

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person to make his or her situation public. For a number of people it is unreasonable to do that due to concerns around their privacy or that of the family member concerned. I hope everybody will make submissions to the family friendly forum. It is not only about maternity leave, it is also about care, family, being able to have a balanced life, take a step back when it is needed and to be supported in this workplace.

**Senator Vincent P. Martin:** On behalf of the Green Party, Comhaontas Glas, Seanad grouping, I congratulate the victorious Senators Horkan and Maria Byrne. I wish them well. They can be assured of our total co-operation for the betterment of Ireland, as is the tradition of this House. It must be deservedly complimentary to the new Senators when they hear feedback from Members who are not affiliated to their respective parties and who speak of the respect in which they hold the Senators. They have displayed their work ethic and dedication to this House in the past.

The House of Commons declared yesterday for the first time that genocide is taking place against Uighurs and other religious and ethnic minorities in north-west China. It has been reported that more than 1 million people are estimated to have been detained in labour indoctrination-type camps in the region of Xinjiang. It has also been reported that women in the Uighur region are being fitted with birth control devices. In response to the House of Commons declaration, the Chinese Embassy in the UK dismissed the allegations and accusations against its country as “the most preposterous lie of the century, an outrageous insult and affront to the Chinese people”. The problem China faces is that a growing number of countries simply do not believe China and are deeply concerned at the events unfolding there. Some Irish citizens have first-hand experience of the Chinese Government’s way of doing things. I refer to Yvonne Murray, the RTÉ journalist, who reportedly felt compelled, with her husband, to leave China. Richard O’Halloran cannot get home.

Earlier this year, Canada, the EU, the UK and the US imposed sanctions on Chinese officials in protest at rights abuses in the country. The response from the Irish Government has, unfortunately, been remarkably quiet of late. Ireland should never endeavour to win friends as a result of not calling out human rights abuses. This issue is not tradeable. It is not about trade; it is far more serious than that. The Minister for Foreign Affairs, Deputy Coveney, has a good track record in foreign affairs but there is a feeling among the public that whatever he is doing, people need to be assured that Ireland is using its influence on the UN Security Council. Ireland is a respected nation to which people look up, although it is relatively small in its population. We must use that influence in a more tangible, vocal and effective way to say “No” to these human rights abuses.

**Senator Fintan Warfield:** I welcome Senators Maria Byrne and Horkan to the Chamber again. We worked well together in the past and I look forward to working with them in the future. However, I cannot let the occasion pass without reminding Senators that this should be the last election in which so few people vote for seats that are representative of many people. We have a Seanad reform Bill on the Order Paper and should work collectively to ensure its passing.

As Senator Hoey mentioned, the Northern Ireland Assembly passed a motion to support the ban on conversion therapy. It was proposed by the Ulster Unionist Party, UUP, and supported by all parties, bar Jim Allister’s Traditional Unionist Voice, TUV, and the Democratic Unionist Party, DUP. It is a welcome step in the debate, which has seen the launch of a broad party campaign to ensure an effective ban in both jurisdictions of this island. The Minister for

Communities in the North, Ms Deirdre Hargey, has committed to research and a ban, as has our Minister for Children, Equality, Disability, Integration and Youth, Deputy Roderic O’Gorman. I appreciate the assistance of the Leader of this House in setting up a meeting between me and the Department of Justice. There has been some movement in the areas and portfolios. I appreciate the support from the Leader. I remind new Senators that the last Seanad passed the Bill to prohibit conversion therapy. I look forward to bringing it back. No one wants to see this legislation languish any longer, and we should work together to ensure its swift and effective passage.

**Senator Eileen Flynn:** On behalf of the Civil Engagement Group, I welcome the new Senators, Senators Maria Byrne and Horkan, to the House. In the past, they had a great relationship with the Civil Engagement Group so I look forward to working with both of them.

Following on from the comments of my colleague, Senator Fiona O’Loughlin, on maternity services, it has been all over the media all week that pregnant women still do not have the support of their partner, or a partner, while availing of maternity services. There should not be one set of rules for one hospital and another set for another. Every woman should have her partner with her on her maternity journey. Dr. Peter McKenna of the HSE said the restrictions on maternity services should be eased. From the cancellation of antenatal classes and being told bad news going through labour to having to stay in hospital due to minor complications, women have been failed, even since before the pandemic, in respect of maternity services. We really need look at this.

We are under the illusion that maternity care is all free. If a woman suffers from extreme morning sickness, unfortunately she is not covered for the payment for her medication. The same applies to gestational diabetes in that women still have to pay for care during their pregnancy. I really want to bring that to the table today.

Being pregnant myself, with my baby due in September, I am worried about not having the supports. I know of women who have, over the past year, been begging the Department of Health to allow them to have a partner present for the birth of their child. It is a worry and a roller coaster of a journey for any pregnant person. Why is a partner allowed in one hospital for maternity services and not in another? This needs to change for women. Since we talk about gender equality, the man, just as much as the woman, should have equal access to see his child and be part of the journey. It is a long time since we had a conversation in this House or in the Dáil on maternity services and maternity care for women. Maternity care is not free if a woman has an illness due to pregnancy.

**An Cathaoirleach:** Congratulations, Senator Flynn. We look forward to seeing your new baby in Leinster House at some stage in the autumn.

**Senator Gerard P. Craughwell:** I welcome my two new colleagues, Senators Horkan and Maria Byrne, and congratulate them on their re-election. I expect we will have a tough time with Senator Horkan in the Chair again in the not-too-distant future but I am delighted for him. I endorse what my colleague, Senator Boyhan, said but I am not going to go back over that ground.

I am one of those who was able to register for the vaccine last week. It is with a heavy heart that I come in today to state I am absolutely petrified. I cannot outline how petrified I am. I am being given one option and one option only, which is AstraZeneca. I understand there are rare

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instances of blood clots as a result of taking the AstraZeneca vaccine. I suffer from coronary artery disease. I still have some blockages in my coronary arteries that could not be treated 20 years ago when I had stents inserted. I do not want to get a clot. Nobody will explain to me how it is okay for me, over the age of 60, to receive AstraZeneca but it is not for somebody under the age of 60. I know nobody wants to hear this because we want people to take up the vaccine. I want the vaccine. I want to be able to return to a normal life where all of us can do the things we did previously. I want to be able to go on holidays. I want to be able to do all of those things but it is not just me who feels this way. People in my age group are contacting me and they are petrified and yet we have a gun to our heads. It is a case of take it or leave it. The Tánaiste said a couple of weeks ago that if people do not take this vaccine they will have to go to the back of the queue. A person who rang me this morning said they were not comfortable about taking AstraZeneca and they were told that they might get to him in August or September. Professor Kingston Mills said today that it is wrong that one can only have access to one vaccine. I want somebody somewhere to tell me how it is okay for a 60 year old and not for a 59 year old to take the AstraZeneca vaccine. I say to this House today that I am petrified but I will probably have to take the vaccine because the risk of getting Covid-19 is even worse. However, I am not happy.

**Senator Shane Cassells:** As spokesperson for sport for Fianna Fáil in the Seanad it is sad to hear the confirmation this morning, which we were expecting, that the UEFA European Championship games scheduled for Dublin will now not take place and instead will move to St. Petersburg and Wembley instead.

On that theme of sport, we were engulfed in a furore this week with the proposals for a super league in soccer which, by all accounts, was just another play thing for a few American and Italian billionaires and a Russian oligarch, with some Arabs thrown in. What was most pitiful to see was the impact on the ordinary fans in England who were despondent that their national sport was being taken away from them.

We can contrast that greed with the positive news yesterday that €40 million in funding is being pumped into sport, not just in the main sports but 50 other smaller sports bodies also. However, in some way the threat to sport as we saw in England was highlighted by Kerry GAA legend and RTÉ analyst, Tomás Ó Sé, this morning who warned that the professional training load placed on our national GAA sports stars is unsustainable, not just for inter-county stars but ordinary club players who are now expected to train to professional levels. The running of the GAA and its games is a matter solely for it but the political classes across the water took their eye off their game and then had to scramble at the last minute to try to deal with what was happening. In terms of context, what happens in the sporting arena resonates across all our society. There is a drive towards the professionalism of our national sport. It may be by default but it is heading that way. We saw it even during the Covid lockdowns. Managers were bringing teams out to train despite the warnings because they wanted to get that edge. This is indicative of that. Tomás Ó Sé called it out this morning and warned that players are expected to go to work or to college and then train like professional sports people but they are clearly not.

Sport is rarely discussed in these Chambers unless it is politicians standing up to congratulate sports stars despite the fact that it is equally as important as many other topics and resonates across the lives of hundreds of thousands of people in this country. I call on the Leader to invite the Minister with responsibility for sport to come to the Chamber for a full debate on this and many other issues pertaining to sporting matters.

**Senator John Cummins:** The breaches of data protection laws which have been reported

in the media and confirmed by the Sinn Féin Party leader yesterday are extremely alarming. They raise fundamental questions about how secure the democratic system in this country is from outside interference. Some might dismiss this because they want the story to disappear but in the context of the electoral reform Bill it is critical that we examine these questions and put safeguards in place. There is something really dodgy about all of this. It seems that Sinn Féin is operating a transnational cyber web of databases with unknown individuals being trained to elicit information from people on social media that they can combine with their voter database system and, to borrow a phrase from their training manual, to pinpoint them in the real world. There is a reason this voter system was located in London and not in Dublin and a reason it was transferred to Frankfurt and is not located in Ireland. Is it because Sinn Féin-----

**An Cathaoirleach:** Gabh mo leithscéal. The Senator has to be careful on the issue of privilege.

**Senator John Cummins:** Does the Cathaoirleach have an issue with me?

**An Cathaoirleach:** No, but I am just signalling that we did a great deal on this process and I am just asking for caution. That is all.

**Senator John Cummins:** I will always exercise caution and I would appreciate if the Cathaoirleach would add on the time that he has just taken there.

**An Cathaoirleach:** The Senator need not worry as this time will be added on.

**Senator John Cummins:** There is a reason this voter system was located in London and not in Dublin and why it was transferred to Frankfurt and not to Ireland.

**An Cathaoirleach:** Senator Warfield has asked, under Standing Order 39, for a 30-second intervention.

**Senator Fintan Warfield:** Is this relevant to the Order of Business?

**An Cathaoirleach:** Perhaps the Senator might conclude by making his comments by reference to legislation.

**Senator John Cummins:** This is relevant to an item on the Order of Business.

**An Cathaoirleach:** I ask the Senator to continue, please.

**Senator John Cummins:** I thank the Cathaoirleach and I would appreciate if he might add on the time from the interruption. Is it because Sinn Fein wants to keep this voter system at arms length from the Data Protection Commissioner, DPC, or because the secret database is a well-financed Sinn Féin asset and was not declared by the party in its Standards In Public Office Commission, SIPO, returns? This seems to me like Cambridge Analytica meets Ardoyne, via Serbia, Frankfurt, Manhattan and London. I suspect even Edward Snowden would find it difficult to get to the bottom of this sophisticated cyber operation.

Sinn Féin says that the Abú system is just the electoral register. That argument does not stand up to scrutiny because everyone in this House knows there is no centralised electoral register in this country. There are 31 individual registers across 31 individual local authorities. It seems that the Oireachtas database is good enough for every other political party in this country but it is not good enough for Sinn Féin.

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I welcome the fact the UK data watchdog has joined the Irish DPC in asking questions of the Sinn Féin Party and I certainly hope the data protection officer in Germany will do likewise.

Does the acting Leader agree with me that the only way this controversy can be brought to an end is for Sinn Fein to decommission this database and that, in the context of the electoral reform Bill and the wider discussions on that, we need a very serious debate in this House on this matter?

**Senator Rebecca Moynihan:** Hopefully, I will get the same latitude on time.

**An Cathaoirleach:** As long as the Senator is not interrupted, she will.

**Senator Rebecca Moynihan:** I congratulate Senator Flynn. She has informed us that she is due to have a child in September and I, therefore, hope that we do not see her in the autumn. Every mother and woman is entitled to maternity leave and I hope to see her when she comes back from maternity leave as opposed to coming straight back in the autumn time.

I raise the issue of the taxi industry and the very bad effect Covid-19 has had on that industry. Taxi drivers are coming to this building next Thursday and they have a number of key points to raise. First, they want a financial plan and support to be put in place for them. Many taxi drivers have said that they have had a very significant drop in income. Business is down and the tourism industry on which they were hugely reliant is down and yet no financial plan has been put in place for taxi drivers unlike other industries that have seen such support.

Taxi drivers are also calling for access to bus corridors, which is a very simple demand, a moratorium on the issuing of licences and to have the vehicle restrictions extended from ten to 15 years. We have treated taxi drivers in this country abominably, particularly when it has come to Covid-19. They have driven people to hospitals and to Covid-19 tests and they have collected people's prescriptions for them. They have provided a vital public service, as front-line workers, for many people around this country during the course of the pandemic.

Drivers are also at great risk of contracting Covid-19 and they received a paltry €1,000 grant to bring their vehicles up to standard. To avail of that grant, they had to give up the pandemic unemployment payment, PUP. When people were out of business and out of work, that was a huge ask of them. I ask that we have a debate in this House on saving the taxi industry and giving taxi drivers a decent standard of living and wage for what they do and the public service they provide.

**Senator Paul Gavan:** I welcome my colleagues, Senators Horkan and Maria Byrne, back to the Chamber. Senator Horkan will forgive me if I extend a particular welcome to Senator Maria Byrne. It is good to have a second voice from Limerick in the Chamber. I congratulate both Senators.

This week, I attended the Council of Europe. It was good to see a motion on Alexei Navalny. I commend the speech of our colleague, Senator O'Loughlin, on that. I was happy to vote in support of the motion calling for his release. It struck me as I saw politicians from across Europe lining up to demand freedom for Alexei Navalny that there is another prisoner in relation to whose case there is absolute silence. That is Julian Assange. Julian has been in prison for two years in London. Before that, he had to be holed up in the Ecuadorian embassy for a number of years. His only crime was to release horrific facts about US wars. One particularly famous video showed a US Apache helicopter slaughtering people, 18 of them. When

the van came to protect the wounded and take them away, the same Apache helicopter gunned them down as well. That is one example but there are thousands of files containing torture in Guantanamo and horrific murders of civilians in Afghanistan. We would not know anything about these facts if it were not for Julian Assange, yet there has been silence across the political spectrum in relation to this man. I want to end the silence in this Chamber today and call for his release and a debate in relation to his release.

I do not know if it is because this State is complicit in relation to some of these killings through its support, through Shannon, of the US military. I really do not know, but it strikes me that the silence is more than poor. It is shameful. I call on people from across all parties to stand up for democracy. The National Union of Journalists, NUJ, has called for his release, as have *The Washington Post* and *The New York Times*. Journalism is under threat. We need freedom for journalists and for Julian Assange.

**Senator Aidan Davitt:** I welcome our re-elected Senators, Senator Maria Byrne and, particularly, Senator Horkan. Senator Horkan has been a good friend and ally of mine over the years and I am delighted for him to be able to represent the people again and give us an Oireachtas Member in the Dún Laoghaire-Rathdown area. The push is on to get him into the Dáil. It is a cornerstone of his campaign to get elected here. I would be delighted to be his campaign manager and get him into the Dáil. I will do all in my power through my connections to get him an office in Dún Laoghaire somewhere at the first opportunity.

*(Interruptions).*

**Senator Aidan Davitt:** On a serious note, well done. It is a great honour. All the talk was about splits in the Government and that they were not talking or getting on but the facts are in the votes. Maybe some journalists should study the facts in relation to this.

On a more serious note, not that that was not a serious matter, school places are something most politicians here are getting calls on day in and day out. Allocation of secondary school places has become a nightmare and more so this year because there has been a change in policy. Kids can now accept a place in more than one school, and this is having serious knock-on effects. We have to review this. If they are accepting more than one place, there should certainly be a time limit on it, but there will have to be a change. In my town of Mullingar, if one could believe the kids were taking so many places, we would need two extra classes in secondary schools this September. That will not be the case according to the numbers. At most, there might be half an extra class needed. This is causing a problem and we will have to address it. The Leader might bring it up with the Minister and she might come to the House to discuss it, because it will have to be addressed.

**Senator Timmy Dooley:** Like others, I offer my congratulations to Senators Horkan and Maria Byrne and look forward to working with them and others over the coming years.

I ask the acting Leader to try to organise a debate at the earliest possible opportunity to discuss the reopening of society in line with the fall in Covid numbers. I expect an announcement next week with further proposals for the months ahead. It would be appropriate if we had a debate here. There are a couple of areas that I have real concern about.

The aviation sector is a significant employer in the State, with upwards of 150,000 people

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connected to or working in it. They have gone through a horrendous time. Even with best-case scenarios, it is projected that it will be 2023 or 2024 before the sector gets back to 2019 levels of activity. It will suffer for a considerable time. We need to give some sense of a plan about when international aviation will begin again. We especially need to concentrate on the digital green certificate and give some sense of when that might be put in place. Do we have the structures to deal with it? We need to look in the first instance to Europe and the US because those are our big markets. We need to start planning now. We must not take a wait and see approach; we have to have a plan. We know that we are rolling out the vaccine and we know where the milestones are. We now need to give certainty to the aviation sector.

We also need to set out a clear plan for the ending of mandatory hotel quarantine. While it was a useful tool at a certain point, once the vaccine is rolled out, we need to get rid of it quickly. It severely inhibits the ability of people to travel and move freely, even in exceptional circumstances. That needs to be addressed. I also ask that consideration be given to allowing the so-called wet pubs the same ability to trade as gastropubs and restaurants in the outdoor environment. It now appears that gastropubs and restaurants will be permitted to sell food outside and people will have the capacity to sit in the open air. I see no reason wet pubs would not be provided with the same opportunity in the open air where the spread of the virus is strongly inhibited by the outdoor experience.

**Senator Tim Lombard:** I welcome my two former colleagues back into the Chamber and wish them the best of luck. It is great to have two new Senators and a full complement in the House again.

I bring to the attention of the House what I believe is an impending crisis in the building industry. In the next few months, we face a scenario where the inflation we have seen in products will result in a significant increase in house prices. The price of timber has increased by 50% in the past four months and two further price rises are due in the next two months. This will mean a 70% increase in the price of timber in a six-month period. One can only get a quotation for timber on a five-day rotation now. A quotation for trusses for a house only lasts for five days, which makes it nearly impossible for the industry to provide quotes. The same applies to cement to steel, with the price of the latter increasing in price by nearly 60% in the past six months.

I was contacted by a woman during the week who signed a contract for a house before Covid, in November. House prices have gone up by €35,000 in the last six months. The bill of quantities has been produced for her and it is in line with inflation in materials prices, which means she is under exceptional pressure to finance the closing out and finishing of the house. If we are to continue on this line, house price inflation could be anything up to 25% in six months' time. That will have a significant effect on house building and affordability. We need a serious debate with the Minister for Housing, Local Government and Heritage on how we will ensure the economy will be sustainable in future and on whether the inflation we have seen in these products can be justified.

This, in many ways, has a smell of 2006 about it. In 2006, our economy grew dramatically. Inflation in labour force and product costs drove the housing market around the bend. We are starting on the same circuit again. Unless there is a real change in policy, we will, unfortunately, have people, like those who have contacted me, who are grossly affected by this.

**Senator Erin McGreehan:** I welcome Senators Horkan and Maria Byrne to the House. It

is great to have new colleagues.

Today, I am wearing purple for Go Purple Day, to raise awareness of domestic violence. I ask all colleagues to text “SAFE” to 50300 to support this cause. I have often raised in the House the issue of gender-based violence and called for a debate on how the Government can make this country a really safe place for women, girls, families and children to grow up and live in. We need an interdepartmental task force on gender-based violence. We need integrated, survivor-focused policies and services, and sustainable and thriving local services. We need to look at how we can intervene to prevent such violence and create proper strategies around that.

I thank Safe Ireland and commend it on all its incredible work. Everybody should look on its website and read the policies for eradicating domestic violence in this country. I applaud Women’s Aid Dundalk, with which I work very closely, for the incredible work it does, particularly over the past 15 months of the Covid crisis. The people in the organisation had to change how they work with the people who come to them for help. They had to restructure everything, and they did so undaunted and remaining absolutely focused on their goal, which is to help women and children who are going through domestic violence. They work on a shoestring, stretching their budget to the very best of their ability. I urge all Senators today to support Safe Ireland’s Go Purple Day.

**Senator Paddy Burke:** I welcome back to the House my colleagues, Senators Horkan and Maria Byrne, and congratulate them on their re-election. I commiserate with the people who put their names forward and were not successful, including two former Members.

Will the acting Leader ask the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to come back to the House? We had a great debate some weeks ago on tourism and sport. As several speakers have noted, it is very important that, as the economy opens up, we focus particularly on wet pubs, restaurants and the entertainment sector. We need a special debate on these issues. This is an area where a lot of young people are employed. Up to 30% of young people are not working at this time and there are no outlets for them. They cannot go to the US or the UK and will remain based in Ireland. It is very important that we open up as many small businesses as possible, including wet pubs, restaurants, gastropubs, tourism projects and entertainment services. The Minister should come back to the House to hear what we have to say and discuss what we can do to help those small businesses get back to employing people and providing a service.

Finally, the proposals regarding green certificates are very important as we move ahead, not just for the aviation sector but for tourism in general.

**Senator Joe O’Reilly:** Ar dtús báire gabhaim comhghairdeas agus gach dea-ghuí leis na Seanadóirí nua-tofa. I congratulate the two re-elected Senators, who are both close personal friends of mine for many a day.

It is incumbent on all of us, as well as being a pleasure, to try to build good interpersonal relationships north of the Border and, indeed, on an east-west basis. This needs to happen at ground level with people mixing across the Border in a very normal way. To achieve this, I believe that we should build in a condition to many of our State grants that there should be clear evidence of a reach across the Border. In the case of the sports capital grants, a considerable number of points should be allocated for evidence of a form of twinning with a similar club in Northern Ireland. In the case of CLÁR grants, points should be given for links with Northern

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Ireland. Town and village renewal grants should have a twinning or interlinked incentive and, similarly, rural regeneration grants.

I fully understand that physical travel to Northern Ireland would be more difficult the further away one is from the Border. However, we have recently discovered that distance is no obstacle to contact so we could mix and match. I ask the acting Leader to bring my proposal to Government and arrange a debate. I ask for this because we will build unity in this country, and ultimately a united Ireland, by the bringing together of hearts of minds and building of interpersonal relationships. My practical proposals are implementable and could have a transformative effect in a very short time.

**An Cathaoirleach:** I thank the Leas-Chathaoirleach for his excellent proposal. It is a very innovative idea. I call on our newly elected Senators and first call Senator Maria Byrne.

**Senator Maria Byrne:** I thank the Cathaoirleach for his kind welcome. I congratulate my colleague, Senator Horkan, and it was a pleasure for us both to be elected the other day. I thank everybody for their very kind welcome back today. I look forward to working with the many Senators who have never met me or engaged with me but heard from me via phone, Zoom or whatever. It is a great honour and privilege to be re-elected to Seanad Éireann. I enjoyed my four-year term from 2016 to 2020 and look forward to serving here. Many of the Senators who served with me in the past would know that I have always been very passionate about everything being for the greater good, and willing to support issues and debates here, certainly when I believed they were worthwhile supporting. I have always been prepared to give everything a fair hearing and my colleagues here will find that will be my mantra going forward.

I am disappointed that Senator Craughwell has left the Chamber because I am going to mention Limerick. He always says to me that I raise everything concerning Limerick. Senators Dooley and Burke raised issues concerning both the aviation and hospitality sectors. The aviation industry is very important for the mid-west, which is where I come from. I agree with the concerns expressed about the aviation and hospitality industries here today. I say that because I believe that wet pubs and gastropubs have experienced very difficult times and a special package should be created for them. I also support the call for the relevant Minister to address these issues.

I wish to pay tribute to the people who put their names forward for the Seanad by-elections and were unsuccessful. There were two former Senators, Billy Lawless and Ian Marshall, and Councillors Angela Feeney and Ciarán Ahern from the Labour Party, and Hazel Chu. I pay tribute to all of them. I have been in politics for more than two decades and for all of that time I have believed in competition as it is very healthy. I pay tribute to everybody who put their names forward.

Finally, it is an honour and privilege to be back here. I look forward to working with the Cathaoirleach, all of the Senators, Mr. Martin Groves, his staff, the ushers and everybody here in the House.

**An Cathaoirleach:** We look forward to working with the Senator and I now call on Senator Gerry Horkan.

**Senator Gerry Horkan:** I may have been in this Chamber once or twice to hear Nancy Pelosi and another couple of speakers but I have never had the opportunity to speak in this Chamber.

As Senator Boyhan said, people looking on may wonder whether we have been demoted, promoted or elevated. On 27 March last year, I did not think I would lose my seat and, when I did, I did not think I would be back less than 13 months later. I thank everybody here. It is a very strange experience, as a by-election candidate, and particularly one who happened to make it over the line on the first count, as did Senator Maria Byrne, to become aware that a majority of the Members operating in these Houses every day put a number one beside my name and elected me to this Chamber. I am humbled, privileged and delighted to be here. I thank everybody who was able to give me that number one but I equally appreciate the support of those who were committed to another candidate but who gave me twos and threes, which I may have needed, although I am thankful I did not. I aim to work with everybody, right across the Chamber, for as long as we are all here. Long may it last.

I pay tribute to the Taoiseach, Deputy Micheál Martin, as leader of our party, for instigating an open and democratic process with the 58 members of the parliamentary process in which 12 candidates were allowed to present and in which I was ultimately successful, thereby allowing me to be the candidate. I also thank everybody across the three Government parties, Fianna Fáil, Fine Gael and the Green Party. There was a little bit of a blip with some of that but it is fine and grand. We got through it. Equally, there are Members from every party, and Independent Members, who supported me and Senator Maria Byrne. I acknowledge that and appreciate it.

As group leader of the Fianna Fáil group in Dún Laoghaire-Rathdown County Council in 2014, I negotiated with the late John Bailey and Deputy Catherine Martin, who was then the group leader of the Green Party in that council, to form what was, I believe, the first Fianna Fáil-Fine Gael-Green Party arrangement in the country.

**Senator Vincent P. Martin:** It was a sign of things to come.

**Senator Gerry Horkan:** We did it before anybody else and it worked very well. The Green Party started off with two councillors in 2014 and came back with six in 2019 so it did not have anything to fear from being in a governing arrangement. The other parties also did quite well and came back with a good number of councillors.

It is great to be here. I thank everybody for their support. It is not a day on which to raise too many issues but I do want to reflect on the fact that, over the last 13 months, many people have lost loved ones and have suffered illness during the pandemic. Friends of mine have lost parents and people I know have passed away with Covid. Many of them had underlying conditions but they were alive and with us and no longer are. I want to remember that.

On the other hand, I also acknowledge the very difficult times businesses have had, particularly those in the areas of aviation, hospitality and tourism as well as restaurants and pubs. I support the calls made by Senators Maria Byrne and Dooley for no distinction to be made between pubs that serve food and those that do not when they are allowed to reopen, which should be done as soon and as safely as possible. People should be allowed to enjoy company and being sociable in the open air and in a safe way. The last thing people want is to be reliant on the pandemic unemployment payment. They want to get back to work and back to doing what they do well. It is to be hoped that, sooner rather than later, we will all have our vaccines and be back working, albeit to a new normal. I hope those opportunities will be there.

Again, I thank every single person in these Houses who gave me support in the last few weeks. I apologise to all of those I rang and spoke to too often. I appreciate the support.

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**Senator Seán Kyne:** I thank all Senators for their contributions. Senators O’Loughlin and Flynn raised issues with regard to maternity services. That is very important. It is a stressful time for expectant mothers, their partners and, indeed, their parents and anyone else who loves them and worries about them. It is not only a matter of the pregnancy. There are also scans. Expectant mothers may face a range of concerns. While there has been some relaxation in some hospitals and while individual hospitals have taken different approaches, there is certainly a need for a united approach. I agree with Senator O’Loughlin in her advocacy on that issue. I also agree with her with regard to the opening of third level education.

Both Senator O’Loughlin and Senator McGreehan raised the issue of domestic violence. Indeed, after the debate I will be texting “Safe” to 50300 to pledge €4 for domestic violence victims. I acknowledge the volunteers and professionals who provide services for victims across the country and those who advocate for them, such as COPE Galway, Women’s Aid Dundalk, which was mentioned by Senator McGreehan, and the other facilities around the country that do very important work.

Senator Boyhan mentioned all the candidates in the Seanad by-election. I join colleagues in acknowledging that, in any election, some people win and, unfortunately, others do not. There are many walking wounded in this House after campaigns in the past year, myself included. We all acknowledge that it is difficult for those who do not gain election. They should not be too despondent. Many people who have lost an election go on to serve at a future date. Indeed, Senators Horkan and Maria Byrne are examples of that. I acknowledge Billy Lawless, who is a good friend of mine, Ian Marshall, Angela Feeney, Ciarán Ahern and Hazel Chu. I wish them well in their endeavours and future campaigns.

As regards the call for the Taoiseach to come to the House, I know there are long-term demands or requests for the Taoiseach to come to the House from members of his own party and I am sure that will be forthcoming at some stage. It is a pity that we are not in the Seanad Chamber and cannot have a full house for such occasions, but Covid has an impact on everything.

Senator Hoey raised several issues. She mentioned conversion therapy, as did Senator Warfield. I acknowledge the work of Senator Warfield in the previous Seanad in terms of advocating for the Prohibition of Conversion Therapies Bill 2018. I acknowledge the work that has been done in the Northern Ireland Assembly in terms of banning the practice. I know the Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, has stated that his Department is preparing a scoping document and is engaging with the Department of Health and, presumably, the Department of Justice. It is an issue that crosses those three Departments. I hope that we will see progress on it very soon. I know there are strong advocates on the issue within the Government and an anti-conversion therapy coalition in the community. I wish them well in their work. It is a very important issue that we must solve as quickly as possible.

Senator Hoey also raised the issue of vaccinations for the housebound. The issue was raised with the HSE at a recent Oireachtas committee meeting. The National Ambulance Service, NAS, is engaging with the housebound. There are delays in that regard. I contacted Martin Dunne at the NAS headquarters yesterday on behalf of certain individuals in their mid-90s who were left without having received their first vaccine, never mind the second shot. I suggest that the Senator follow up in that manner. The NAS is responsible for this issue.

As regards the Debenhams workers, obviously, I cannot comment on Garda operational matters. There are other forums in which the issue can be raised, including as a Commence-

ment matter.

Senator Martin raised the issue of the Uighur people in the Chinese province of Xinjiang. Ireland won a seat on the United Nations Security Council because we have a reputation as a fair-minded country. As we are a small country, we can advocate without fear or favour on behalf of minorities across the world. I will ask my office or the office of the Leader to contact the Minister for Foreign Affairs, Deputy Coveney, to get an update on the issue. The Leader will keep the issue in mind in terms of a future debate on foreign policy.

Senator Flynn raised the issue of maternity services. In her absence, I congratulate her on her good news. I wish her well in that regard.

Senator Craughwell raised the issue of the vaccine and his concern that he has been offered one variety of vaccine. Obviously, I am not a health expert and I cannot advocate anything except to urge everyone to register for the vaccine when asked to do so and to take a vaccine of choice. This issue was raised at the Oireachtas Joint Committee on Health during the week. Professor Karina Butler of the national immunisation advisory committee, NIAC, appeared before the committee. I asked a question similar to that raised by the Senator on behalf of a constituent who is part of the vulnerable group and, having received a first dose of the vaccine, this constituent stated they would not take the second dose of the AstraZeneca vaccine. Professor Butler stated it is very important that everybody gets vaccinated and that it will protect themselves and everybody else, and that even the first vaccine dose provides a certain amount of protection. I can understand the concerns of Senator Craughwell on his own personal health issues and I suggest he contact his doctor, obviously. In terms of the issues of vaccine hesitancy, it is certainly a concern given the issues that have arisen with various types of vaccine, not just here in Ireland but also in other countries. I know NIAC will continue to encourage people to register, take the vaccine they are offered and protect themselves and their families. I would advocate for that.

Senator Cassells talked about the UEFA championships, the super league and the whole issue of sport. I will ask the Leader to contact the Minister of State, Deputy Chambers, and the Minister, Deputy Catherine Martin, in regard to a debate on the issue of sport. I know Senator Cassells is a huge advocate of our national games and the GAA. Most people acknowledge the volunteering spirit up and down the country in our clubs. I hope that the GAA, as a national game, will continue as an amateur sport with, if we like, a professional ethos in terms of training and athletes looking after themselves and their health. I will certainly contact the Ministers involved to raise the issue of a debate in regard to the GAA and the interesting development of the super league during the week which, thankfully in this case, showed that money did not trump the people who advocate, day in, day out, for their games and who go to attend games regularly. I know many Irish people have a love for the game and for various clubs across the water as well, so it is good that fans won out against money and big business on that occasion.

Senator Cummins raised the issues of the breaches of data by Sinn Féin and the electoral reform Bill. The electoral reform Bill is hugely important and is one that I know will generate a lot of debate in this House. I know members of the committee are engaging with that and I am sure they have done pre-legislative scrutiny, and that Bill will come before us in due course, as well as the issues around the electoral register and the Standards in Public Office Commission, SIPO. As candidates in various elections, we all have to fill out our SIPO returns. We fill them out truthfully and honestly and hope that every other individual candidate and party does the same. Certainly, if there are questions to be answered, they have to be answered by Sinn Féin

or by any other party that might be implicated.

There are a number of questions, such as when the database was first initiated, when it was moved from London to Frankfurt, why was it moved, did they ask any of the electorate could they store personal information first in London and then in Frankfurt, and is it the case that Sinn Féin is circumventing SIPO rules. There are a lot of questions that have to be answered. It is certainly free for any party to request debates, put down Commencement matters and advocate on Private Members' time. We will follow that but Senator Cummins has raised very important issues for the parties, Sinn Féin in particular.

Senator Moynihan talked about the taxi industry. The Tánaiste is coming to the House next Friday to talk about Covid and business supports, which will be an opportunity for the Senator or her colleagues on her behalf to raise concerns about taxis. I have a good colleague in Galway, Councillor Frank Fahy, who is a taxi driver. Like so many different businesses and self-employed people, they have had a difficult year because of Covid and the collapse in tourism, in the hospitality sector and in all of that area. It is an important question. I ask Senator Moynihan to raise that issue with the Tánaiste next Friday on behalf of taxi drivers.

Senator Gavan raised the cases of Alexei Navalny and Julian Assange. I cannot comment on Julian Assange and perhaps it would be more in order to put down a Commencement matter or we could look at a debate with the Minister, Deputy Coveney, in regard to foreign affairs. I acknowledge the bravery of Alexei Navalny, who voluntarily returned to Russia and probably knew what he was likely to face. I hope he recovers and gets independent healthcare in Russia.

Senator Davitt raised the issue of school places. This is a hugely emotional issue and is stressful for parents and children, probably more for parents, I suggest, than for children in most cases. People are registering with a number of schools. There is a situation where one might not know until the end if a place becomes available. There has been a lot of work done in the last couple of years on making the schools placement system fairer but there is always competition. I will ask the Minister, Deputy Foley, to consider the topic in a debate.

Senator Dooley asked for a debate on the important matter of reopening society. The Tánaiste will be before the House next Friday to discuss some of the issues involved in that regard. I will ask the Leader if that debate can be adjourned rather than concluded because I expect that there will be a lot of interest in it. The roadmap will be published by then. The aviation sector is hugely important and has effectively collapsed. We know its importance for Shannon, Knock, Dublin and Cork and the advocacy of so many Senators over the past year who raised the concerns of pilots and staff. Thankfully, supports have been provided but it will take some time for the system to reboot and reopen.

I am sure mandatory hotel quarantine will end when it is deemed to be safe. No one likes the idea or thought of it. It goes against the grain in the context of Ireland being a welcoming country and one that relies so heavily on tourism. I hope it will not last for a long time.

I fully agree on outdoor seating for wet pubs - I do not like the term either. I know the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, has introduced a grant. This matter was raised within our party meeting during the week and the Tánaiste said he would look at it and see if the pubs that do not serve food can be included in the grant scheme relating to outdoor seating.

Senator Lombard referred to building inflation and housing issues. People have been locked

up in their homes for the past year and have plenty of time to look around and see what is wrong with their houses and what things they might like to do or change, maybe put up an extension or do a refurbishment. Working from home might mean that a person needs to spruce up the office or build a new one. I am sure that creates demand for materials and labour but there are genuine issues. The ESRI was before a committee recently and Deputy Canney asked about building inflation. Dr. Kieran McQuinn of the ESRI has spoken about the significant build up of savings which are available for people to do up their homes. This could lead to heightened levels of demand, with supply still constrained. There is also an issue with labour shortages. There might be people who moved to England in recent months when the construction sector reopened there and there is an issue about getting them back. I will contact the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, to see if we can get a debate on a very important issue of housing and inflation in building.

Senator Paddy Burke also spoke about tourism and small businesses. The Tánaiste will be in the House on Friday but I will contact the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, again about tourism and hospitality. The Taoiseach and others have stated there will be a package for the sector when it comes to reopen and we will advocate for that.

Senator Joe O'Reilly spoke about cross-Border work in respect of a range of excellent schemes, including those relating to sport and town and village renewal. There is potential for the Oireachtas and the assembly linking up on projects that may operate on a cross-Border basis or where parishes are split by the Border. Coming from a Border county, the Senator knows more about that than me. I will contact the Minister for Rural and Community Development, Deputy Humphreys, to ask what plans she might consider. It is an interesting proposal. The Senator might put his thoughts and suggestions on paper and I will progress the matter. It is an excellent idea on which I commend him.

I congratulate the two new Senators. I know they will make a strong contribution in respect of matters relating not only to Limerick or Dún Laoghaire but also those relating to the panels to which they have been elected.

Order of Business agreed to.

### **Ninth Report of Committee on Parliamentary Privileges and Oversight: Motion**

**Senator Seán Kyne:** I move: "That the report be adopted, laid before the House and printed."

Question put and agreed to.

*Sitting suspended at 1.20 p.m. and resumed at 1.36 p.m.*

### **Personal Insolvency (Amendment) Bill 2020: Committee Stage**

Section 1 agreed to.

NEW SECTIONS

23 April 2021

**Acting Chairperson (Senator Pauline O'Reilly):** Amendments Nos. 1 to 6, inclusive, are related. Amendments Nos. 2 to 6, inclusive, are logical alternatives to amendment 1. Amendments Nos. 1 to 6, inclusive, may be discussed together, by agreement.

**Senator Alice-Mary Higgins:** I move amendment No. 1:

In page 3, between lines 18 and 19, to insert the following:

“Amendment of section 26 of Principal Act

2. Section 26 of the Principal Act is amended—

(a) in subsection (2)(c), by the substitution of “€1,500” for “€400”, and

(b) by the deletion of subsection (5)(b)(ii).”.

This set of amendments addresses a serious problem and obstacle of concern within the original legislation. It is around the inequity of how we treat the experience of insolvency, a very distressing experience for anybody. It is treated differently in Ireland for those who are poorer and perhaps were already struggling before reaching the point of insolvency. There is a gap in the original legislation whereby a person who receives a social welfare payment, including an in-work social welfare payment, is, effectively, barred from access to the insolvency programmes set out in the Act. A person who goes over the income threshold of €60 becomes ineligible for the personal insolvency programme. It is notable that the only social protection payments which are not counted towards the income threshold are child benefit and the children's allowance, which is, of course, a universal payment to which every family is entitled. Families in receipt of the qualified child payment because they are struggling to provide for the basic needs of children, or families where the parents are working but on a low income and in need of the working family payment to supplement that income, are ineligible for insolvency by the very fact that they are in receipt of the working family payment.

There is a suite of measures and one could argue about which payments should be included and are not. In amendment No. 1, I look to increase the asset threshold to €1,500, as has been called for by a number of people in civil society. That amendment also calls for the deletion of the inclusion of social welfare payments in deciding whether somebody has crossed the income threshold of €60. That is a fundamental and general principle.

In attempting to be reasonable, as I always try to be, I considered that there are certain categories of payments that the Government is concerned would intersect with the personal insolvency payment. Amendment No. 2 states social welfare payments that have been subjected to a means test and that a debtor is qualified to receive should not be taken into account. I am referring to circumstances where people are getting a social welfare payment that has already been subject to a means test to verify that they are without sufficient means and in need of a basic payment in order to manage day-to-day and weekly costs. That is one criterion.

Another amendment requires the Minister to look to those who are seeking employment or who are receiving in-work payments. In this regard, I make reference to the jobseeker's allowance, the jobseeker's transitional payment, the disability allowance and the carer's allowance, including the half-time carer's allowance. It is not clear whether being in receipt of rent supplement or a housing assistance payment to keep one in one's home might disqualify one from participating in the personal insolvency programme or trying to file for personal insolvency.

Perhaps the Minister of State can clarify this.

In amendment No. 5, I narrow the focus to those payments that are specifically made where recipients may be working, including the one-parent family payment, for which there is an income disregard, and the jobseeker's transitional payment, and also payments made where recipients must be working, including the working family payment. The back-to-education allowance is also really important. There is a lot in the materials on personal insolvency designed to help people to get back on track, with reference being made to further education and new opportunities, but the families who need the State to help them with these and who do not have any cushion of any kind are being blocked from qualifying for the insolvency arrangements.

Let us look at how this plays out where a business goes broke or a business owner becomes insolvent, which is extremely sad. Currently under the legislation, if the cleaners hired by such a business become insolvent, due to the debt of the business or the non-payment of income owed to them, they do not have access to the same safety net or the same pathway back to solvency and a better future for themselves and their families. I genuinely believe this is an oversight in the original legislation. The opportunity to address this arises now because revised personal insolvency legislation is before us. I ask the Minister of State to indicate to me that he is willing to work on whichever version of these amendments he feels can be accepted and to ensure, at a minimum, that those who are working will have the same access to the insolvency provisions as the others.

Let me give a little perspective. There are 46,600 families receiving the working family payment. The recipients are working just the same as those on incomes of €50,000 or €30,000 who, under the personal insolvency legislation, might be able to keep up to €30,000 of their income while still qualifying for the personal insolvency programme. Those whose income is below what is needed to qualify for the working family payment will be denied. This is not legislation for a certain category of person whom we expect to be wealthy again because they may have been wealthy before. We must ensure it is equitable legislation that recognises the difficulties and future hopes and aspirations of every kind of person and family in the State. I urge the Minister of State to indicate to me that he is going to recognise and address this issue.

**Senator Vincent P. Martin:** I support a large proportion of what Senator Higgins said in that one has to be insolvent to be eligible for the process. The purpose of the personal insolvency regime is to restore the person to solvency. I understand that there has to be 100% frank and full disclosure. Full incomes ought to be disclosed but there is a difference between reckonable and unreckonable income. Supporting people by way of various welfare payments, which is paid for by the Exchequer - the taxpayer - ought not to go towards paying down debt. For instance, a maintenance payment does what it is supposed to do. It supports parents with maintenance issues. It was never envisaged that welfare payments ought to be calculated to pay banks debt that is due to them, even if it is a reduced amount.

I will agree to disagree with Senator Higgins on a later amendment but she has spotted a lacuna in the debt relief notices. If that is the case it should be expressly outlawed. Welfare payments should not be considered to pay the debts. That is the case in the personal insolvency and debt settlement arrangements. In that instance the personal insolvency practitioner, PIP, would never include welfare payments in his or her calculation, although they will be fully disclosed in the statements. I would be amazed if a PIP looking after the other two arrangements would delve into welfare payments as part of a proposal to restore someone to solvency. It contradicts the purpose of a welfare payment.

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**Senator Niall Ó Donnghaile:** Cuirim fáilte roimh an Aire Stáit. I will not rehearse the points that have been made by colleagues in respect of this amendment but I endorse the points made by Senator Higgins. It is a sincere and genuinely helpful effort to try to address the issues. It would be of great benefit if the Minister of State were to accept the amendments in the sincere way they were tabled because they would be of much use and a great strength in assisting further in respect of what this legislation can do.

**Senator Alice-Mary Higgins:** I thank Senator Martin for his support. We will not agree on all the amendments and that is fine but I thank him for his support. To clarify, the concern is not just what is being counted against one's income in a personal insolvency case. The problem is access to the PIP. The very point of access is that once one's income goes over €60 per month, having paid reasonable living expenses one no longer qualifies. However, one might have a job paying €25,000 or €30,000 and anything within what is called reasonable living expenses will not be counted towards one's income. Reasonable living expenses includes many things such as educational costs, transport costs, the cost of one's mortgage, house or rent if one is renting privately. For somebody who has a reasonably high income, those reasonable living expenses will not be counted in terms of that €60 threshold. One can have all those things but unless one has €60 more than that it will not be counted in terms of the PIP process. The problem is that one could have very much less than that but have the exact same concerns such as feeding one's family, transport costs and maintaining the roof over one's head. If one is relying on a payment to help pay for those basics that all counts in terms of the €60 threshold. That is the fundamental point. There will be debate on those reasonable living expenses and how they are looked at but access is the issue. We know that many families have immense debt. Many of those who may have lost their jobs or had their businesses run into debt and finally close in the past year will not necessarily qualify for the PIP process if, for day-to-day costs, they are finding themselves reliant on social welfare payments. That is the concern. I hope that there is going to be a recognition of the need to address this.

**Acting Chairperson (Senator Pauline O'Reilly):** I call on the Minister of State, Deputy Browne, and welcome him to the House.

**Minister of State at the Department of Justice (Deputy James Browne):** I thank the Cathaoirleach Gníomhach. It is proposed to take amendments Nos. 1 to 6, inclusive, together. Before I comment on the detail of amendment No. 1, I propose to make a few preliminary remarks about the overall nature and effect of this group of amendments. The Senator's proposed amendments all refer to section 2 of the Bill which amends section 16 in the principal Act and the criteria for an insolvent debtor to be eligible for a debt relief notice. They appear to be mutually alternative amendments. Each of them maintains the change already proposed by the Minister at section 2 of the Bill, which increases the asset ceiling in section 26(2)(c) of the principal Act from €400 to €1,500. Each of the amendments then proposes to introduce a new change to 26(2)(b) of the Act to the income criteria for a debtor to be eligible for a debt relief notice. That section provides that an insolvent debtor must have a net disposable income calculated in accordance with the rules set out later in that section of €60 or less per month.

Subsection (26)(5) of the Act provides that for this purpose, net disposable income includes any income available to the debtor, including the welfare benefits, other than child benefit, of which he or she is in receipt. The costs are set out in section (26)(5)(c) of the Act, such as reasonable living expenses, income tax and social insurance contributions, which are then deducted in arriving at the net disposable income.

The Senator's intention in these amendments seems to be that welfare payments be disregarded in calculating whether the debtor's income is below that €60 per month ceiling. The six different amendments differ quite significantly in scope and I will come back to those points later.

I should say immediately that the senior Minister and the Minister for Social Protection have very serious concerns about each of these six amendments. While they are no doubt proposed with the best of intentions, they are unnecessary. They will create unfair differences between low income groups and are likely to provoke legal challenges to those differences of treatment and give rise to confusion and legal uncertainty.

The Insolvency Service of Ireland and the Money Advice and Budgeting Service, MABS, expressed equally serious reservations when consulted on the proposed amendments. MABS, of course, accounts for the large majority of approved intermediaries who are the specialised financial advisers qualified under the Personal Insolvency Acts to assist debtors in obtaining a debt relief notice. Accordingly, they have very extensive practical experience in this area.

I will explain briefly the nature of those concerns. First, the proposed changes appear unnecessary. The proposed amendments are seeking to make it easier for persons in receipt of social welfare payments to meet the income criteria for a debt relief notice. There is no apparent barrier for social welfare recipients to qualify for a debt relief notice under the current rules. MABS, for example, states that in its experience those who are on social welfare payments and have no other income source will have a net disposable income of less than €60 per month and will qualify on the income criteria under section 26. MABS added that, overall, its experience is that those who are in receipt of social welfare payments are not failing the debt relief notice criteria on the basis of net disposable income. It described the proposed changes as entirely unnecessary.

Second, the proposed changes will create unfair differences between low income groups and are likely to provoke legal challenges, confusion and legal uncertainty. Essentially, the amendments all propose that certain social welfare payments would be disregarded when calculating a person's income eligibility for a debt relief notice. The result is that if these amendments were adopted, a person in receipt of social welfare payments could qualify for a debt relief notice, where a person with the same level of income but working a part-time, low-paid job could not. That would be inherently unfair and open to legal challenges from individuals not in receipt of social welfare payments. This point was also raised by the Insolvency Service of Ireland and MABS. A debt relief notice is a solution for a person who cannot afford to pay his or her debts. Such people qualify when their income is too low to meet all the payments that they have to meet and the inadequacy of the income is the key factor, not the source of the income.

Third, the proposed amendments risk creating wider problems beyond the issue of access to a debt relief notice. For example, the Insolvency Service of Ireland raised the concern that if social welfare payments are disregarded as income under the Personal Insolvency Acts, this could then act as a deterrent to lenders to extend credit to social welfare recipients. There is a danger that this could cut people off from reputable sources of credit, such as credit unions, and leave them vulnerable to unregulated moneylenders. That, in turn, would run counter to the Government's personal microcredit initiative on encouraging credit unions to extend small loans to previous non-members who are in receipt of social welfare payments. Given the gravity of these concerns, the Minister strongly opposes each of these amendments and asks the Senator to consider not progressing them.

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**Senator Alice-Mary Higgins:** I am partially reassured but I ask the Minister of State to clarify a couple of points. There is one social welfare payment explicitly mentioned, namely, children's allowance. Why is that payment specifically mentioned but others are not? Am I to understand from the Minister of State's description - because it is not in the Act - that, in calculating net disposable income, social welfare payments which may contribute to the achievement of reasonable living expenses will be discounted in the calculation of net? If persons are in receipt of these payments and the payments bring their income towards the reasonable living expenses threshold, while remaining below it, will that income contributing to reasonable living expenses but below the reasonable living expenses threshold not then be counted as net disposable income? I want to be absolutely clear about social welfare payments and the receipt of them. The Bill explicitly states that social welfare payments will be counted towards the €60 amount. However, it will be counted towards it only after the threshold of reasonable living expenses has been met. That is what I want to clarify.

The Minister of State seems to be telling me, and I would be greatly reassured if that was the case, that social welfare payments may be part of how reasonable living expenses are achieved and that the consideration of non-disposable income rather than net disposable income is where social welfare payments may be effectively reaching the person. It is very clear in the Bill that social welfare payments are not counted towards the €60 when it comes to considering the €60 over net disposable income. Will the Minister of State confirm the payments are being dealt with in the non-disposable income towards reasonable living expenses section? I will then be assured we do not need to deal with them in this section around net disposable income. Why has the choice been made to name children's allowance in the Bill and not other child-related payments, such as the qualified child payment and the qualified child increase?

**Acting Chairperson (Senator Pauline O'Reilly):** Is the Senator asking the Minister of State to respond at this point?

**Senator Alice-Mary Higgins:** I will be delighted to hear this is being dealt with in a place other than this section.

**Deputy James Browne:** Social welfare payments are treated as income in the assessment of a person's income and the amount of reasonable living expenses is then deducted. Social welfare is treated the same as income from work done. Children's allowance is a universal payment and the policy decision was taken at the time to have that stand apart from the other welfare payments. After a person's income, including social welfare, is assessed, reasonable living expenses are deducted.

**Senator Alice-Mary Higgins:** I thank the Minister. That deals with my concern because the matter is being dealt with in a different place. However, I may introduce an amendment on the qualified child payment on Report Stage. Children's allowance is the general payment but qualified child increase is another payment specifically around children. I will take an advisement on the calculation of net disposable income and how social welfare payments play out in that. I will take on good faith the Minister of State's assertion that social welfare payments will be addressed within that space.

I will withdraw my amendments while reserving the right to come back to the issue on Report Stage.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 2:

In page 3, between lines 18 and 19, to insert the following:

**“Amendment of section 26 of Principal Act**

2. Section 26 of the Principal Act is amended—

(a) in subsection (2), by the insertion of the following paragraph after paragraph (b):

“(ba) any social protection payments of which a debtor may be in receipt, shall not be taken into account in calculating his or her income;”;

and

(b) in subsection (2)(c), by the substitution of “€1,500” for “€400”.”.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 3:

In page 3, between lines 18 and 19, to insert the following:

**“Amendment of section 26 of Principal Act**

2. Section 26 of the Principal Act is amended—

(a) in subsection (2), by the insertion of the following paragraph after paragraph (b):

“(ba) any social protection payments which have been subject to a means test and which a debtor qualifies to receive shall not be taken into account in calculating his or her income;”;

and

(b) in subsection (2)(c), by the substitution of “€1,500” for “€400”.”.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 4:

In page 3, between lines 18 and 19, to insert the following:

**“Amendment of section 26 of Principal Act**

2. Section 26 of the Principal Act is amended—

(a) in subsection (2)(c), by the substitution of “€1,500” for “€400”, and

(b) in subsection (5)(b)(ii), by the insertion of the following after “child benefit”:

“, jobseeker’s allowance, jobseeker’s benefit, jobseeker’s transitional payment, disability allowance, carer’s allowance, back to education allowance, one parent family payment, working family payment, increase for a qualified adult, increase for a qualified child, rent supplement, housing assistance payment”.”.

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Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 5:

In page 3, between lines 18 and 19, to insert the following:

**“Amendment of section 26 of Principal Act**

**2.** Section 26 of the Principal Act is amended—

(a) in subsection (2)(c), by the substitution of “€1,500” for “€400”, and

(b) in subsection (5)(b)(ii), by the insertion of the following after “child benefit”:

“, jobseeker’s transitional payment, one parent family payment, working family payment, back to education allowance”.”.

Amendment, by leave, withdrawn.

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

In page 3, between lines 18 and 19, to insert the following:

**“Amendment of section 26 of Principal Act**

**2.** Section 26 of the Principal Act is amended—

(a) in subsection (2)(c), by the substitution of “€1,500” for “€400”, and

(b) in subsection (5)(b)(ii), by the insertion of “, and the working family payment” after “child benefit”.”.

Amendment, by leave, withdrawn.

Sections 2 to 10, inclusive, agreed to.

NEW SECTION

**Senator Michael McDowell:** I move amendment No. 7:

In page 9, between lines 7 and 8, to insert the following:

**“Amendment of section 91 of Principal Act**

**11.** Section 91 of the Principal Act is amended—

(a) in subsection (1)(e) by the insertion of “or a confirmation of truth” after “statutory declaration”,

(b) in subsection (1)(g) by the deletion of “has made a declaration in writing declaring that he or she”, and

(c) by the substitution of the following for subsection (2):

“(2) The criterion referred to in subsection (1)(g) shall not apply where it has been established that, having regard to the financial circumstances of the debtor as disclosed in the Prescribed Financial Statement completed by the debtor, if the debtor were to have entered into an alternative repayment arrangement with the secured creditor concerned of a type provided for in any process relating to mortgage arrears operated by that secured creditor (being a process approved or required by the Central Bank of Ireland) the debtor would be unlikely to become solvent within the period of five years commencing on the date of completion of the Prescribed Financial Statement by the debtor.”.”.

I move this amendment in the context of the changes being made by section 11. I want to make a few points. Personal insolvency arrangements, PIAs, which were first introduced in 2012, were a valuable innovation because they offered individuals in financial difficulties a way of addressing their debts without recourse to bankruptcy. I fully accept that. The introduction in 2015 of a court review, where creditors had failed to honour a personal insolvency arrangement proposal, further strengthened the regime by incentivising banks and other creditors to agree sustainable long-term solutions to mortgage arrears cases that would enable borrowers to stay in their own homes. All regimes that offer to write off a borrower’s debt need to strike a careful balance. Those who truly cannot afford to pay off their debts should be treated with compassion and assistance. At the same time, there should always be some safeguards to ensure that the system is not abused by individuals who have the means to repay debts but are looking for a chance to avoid doing so.

Currently, a key safeguard is that to be eligible to seek a court review, a debtor has to have been in mortgage arrears as of a particular date, 1 January 2015. That cut-off date was borne in mind by the courts in the past. Having a cut-off date of that kind was a matter which the courts had regard to as limiting the scope for abuse by what could be called strategic defaulters, because debtors could not arrange their affairs to make themselves eligible for a PIA. In two cases, the JD case in 2017 and the Parkin case in 2019, the High Court specifically identified the cut-off date mentioned in section 115A(18) as underpinning what it said was the proportionality of the regime from a constitutional perspective. I am not arguing that the cut-off date has to be kept just because it has been mentioned by the High Court as a proportionate counterbalance. I agree that the removal of the 2015 date is necessary if borrowers who are in mortgage arrears because of the pandemic are to be allowed to avail of the section 115A court review process. However, I ask the Minister of State to bear in mind that if we are going to remove one safeguard, we may have to add an additional safeguard somewhere else to ensure the Act is not made more vulnerable to being opened up to abuse or a constitutional challenge as disproportionate.

That is why I am proposing this amendment, which was prepared for me by insolvency practitioners. I want to make clear that it is not something I thought up at my kitchen table. It relates to the eligibility criteria for seeking a personal insolvency arrangement, which are set out in section 91 of the 2012 Act. I am proposing that to be eligible to apply for such an arrangement, borrowers should have to prove that they engaged first with their lender but were unable to secure a sustainable alternative arrangement. They would have to demonstrate, in order to be eligible to be exempt from the 2015 cut-off date, that they attempted to engage with the lender. There is no point in having an expensive system whereby court debtors receive legal aid funded by the State under the Abhaile scheme, which uses up a lot of the limited court resources, if creditors would have been willing to offer a restructure voluntarily or if debtors

did not bother to seek one.

As things stand, debtors and their personal insolvency practitioners merely have to declare that they co-operated with creditors. In the Ali case in 2019, the High Court found that such a declaration was enough to make a debtor eligible, even if the declaration was untrue and the debtor had not, in fact, co-operated with the lender. It is a bit odd that a declaration would be taken as sufficient to make a debtor eligible, even if a court decided the declaration was untrue and the debtor had not co-operated with the lender. The amendment I am proposing provides that, to be eligible for a PIA, debtors should have to prove where the matter comes before a court that they had, in fact, co-operated with their lender. They cannot just put in a declaration that is afterwards found to be incorrect in order to get them across the threshold of eligibility.

The reason this proposal is justified is that it will deter strategic defaulters but will not discriminate at all against genuine cases. Going back to the Ali case, it is, arguably, ludicrous that it should be sufficient that a declaration is made, whether or not it is correct or substantially true. The purpose of this amendment is to bring some fairness to the operation of section 115A of the 2012 Act and have regard to the fact that the original cut-off date was regarded by the courts as a balancing factor in respect of proportionality. It will make it a requirement that those who apply to the court for review do not simply comply on paper with the eligibility criteria for making a declaration but will have to establish, as a matter of fact, that they made efforts to deal with their lenders. The courts should be in a position to ask such debtors whether there is substance in their declaration or if it has just been put in to delay the whole process, waste more court time and throw another log across the roadway by availing of legal technicalities. It is in that spirit that I offer this amendment to the House.

**Senator Vincent P. Martin:** I will speak to the amendment in more general terms. It appears that the amendment works in theory but does it work in practice. I have heard talk of strategic defaulters and opening the floodgates but that simply has not happened, although there are some isolated examples that we could use. I am not here to give advice to debtors but, by and large, the vast majority of debtors will get much fairer treatment from a personal insolvency practitioner than from their own lender. Debtors are afraid to take that plunge as they feel it is a formal process that involves litigation and some sort of a court process. In the vast majority of cases, the personal insolvency practitioner is an independent referee. As to whether people should take their chances with a personal insolvency practitioner or a lender, by all means, let us tick the box of the lender but I am not an advocate of unilateral box-ticking and checking borrowers. When do we hold creditors to account? I know this matter can be taken into account under the section 115A provision.

Borrowers have nothing to fear because the vast majority of them do their best. A PIP would double-check this before embarking on a journey with a borrower. I am interested in hearing the Minister of State's view on that. It is not a seismic move as long as it is not an indication of a change by the Department, which I do not believe to be the case. Borrowers are the small guys and they do not run off to a personal insolvency practitioner. A PIP would not let them in. I accept that PIPs may have helped in the drafting of this proposal.

The personal insolvency system is to support debtors. It is slowly ringing home, however, that it is also good for creditors because they will do far worse in a bankruptcy than in a personal insolvency agreement.

**Senator Michael McDowell:** I agree with Senator Martin that the vast majority of people

behave fairly and are genuine. The amendment has been drafted from the point of view of practitioners but all they are doing is signalling. The amendment is not drafted from the point of view of massive banks. It is merely saying that if we are going to remove this constraint, let us not have a situation where debtors will be advised not by conscientious personal insolvency practitioners but by people who will say to them that, by the way, they can get another two years or an extension simply by making a declaration and, according to the Ali decision, it will not really affect their eligibility if it turns out to be false.

I am not trying to stand up for big banks. I am trying to stand up for making the system work and support decent, genuine people, not work in favour of those who will simply decide that if they can get extra time out of this or obstruct justice being done in their case, they will make that declaration and see how they get on. I am not putting forward some kind of big moneylenders' philosophy but merely trying to fine-tune the effect of the abolition of the cut-off period so that it does not create an abuse or even a temptation to abuse the system.

**Senator Alice-Mary Higgins:** When we talk about creditors it is important to remember that not all creditors are necessarily big banking institutions. Creditors are sometimes businesses, service providers, subcontractors and workers who have been impacted. It is important. I support the concept of a “confirmation of truth”, which is being introduced in section 11 of this Bill. It is reasonable that instead of a declaration in writing, which can literally be just a declaration in which one says what one wishes, we would ask for a confirmation of truth, which is also basically a declaration in writing but one with a little bit of weight behind it in that there are consequences if it is not true. When one makes a confirmation of truth one makes quite a firm statement. The introduction of a confirmation of truth rather than simply a declaration in writing is important. It involves a balance and ensures good intent. It recognises that, as I have said, these cases are sometimes quite complex and that a range of types of creditor can be involved. It is not always a case of a bank against a hard-pressed individual. These cases will sometimes involve bigger companies owing money to much smaller companies or individuals owing money to others who are, in themselves, extremely vulnerable. It is reasonable to expect that efforts would be made to address this issue and to ensure that things simply do not fall off a cliff and that at least some attempt is made to find a mechanism to allow for repayment.

**Deputy James Browne:** This amendment refers to section 91 of the principal Act, which sets out the main criteria for persons to be eligible to propose a personal insolvency arrangement for creditors in order to resolve their debts. Among those criteria, section 91(1)(g) states that debtors must have made a declaration in writing confirming that they have co-operated with the secured creditors for a period of at least six months in respect of their principal private residence in accordance with the mortgage arrears resolution process, MARP, or another relevant Central Bank-approved process.

Section 91(2) then provides that such a declaration by debtors is not required if the debtor's personal insolvency practitioner, PIP, confirms in writing that, given the debtor's detailed financial circumstances as set out in his or her financial statement, the PIP believes that, even if the debtor had entered an alternative repayment arrangement of a type offered by the secured creditors under the MARP, it is unlikely that doing so would have returned the debtor to solvency within a five-year period.

This amendment essentially proposes to delete the proofs provided for in those two subsections, namely, a written declaration from the debtor and a confirmation in writing by the personal insolvency practitioner. The debtor would still be obliged to show that he or she had

fulfilled the condition of co-operating with the principal private residence secured lender under the MARP for at least six months and the PIP would still be required, in the alternative, to establish that the debtor was unlikely to have been returned to solvency within a five-year period if he or she had entered an alternative repayment arrangement offered by his or her secured lender. However, it would not be specified how those proofs were to be established.

As I understand it, the concerns underlying the proposed amendment appear to be that debtors might falsely declare that they had co-operated with their secured lender when they had not, in fact, done so and that the abolition of the cut-off date in section 115A of the principal Act under section 14(c) of this Bill carries a risk that debtors might prospectively go into arrears with a view to obtaining a personal insolvency arrangement.

Having considered this amendment very carefully, the Minister is not satisfied that these amendments are, in practice, necessary or desirable. Having consulted with the Insolvency Service of Ireland, the Minister considers that the risk that debtors would prospectively go into arrears with a view to obtaining a personal insolvency arrangement is very low. This was a concern held by some when the Personal Insolvency Act 2012 first came into operation but, based on the experience to date, this concern was not warranted.

Further, under the principal Act, the insolvency service and the court must be satisfied that the debtor meets the eligibility criteria. This is determined by way of their having regard to the documents provided with an application. As mentioned earlier, the application must be accompanied by either a declaration by the debtor under section 91(1)(g) or the PIP's confirmation under section 91(2), the MARP override letter. The proposed amendments delete the reference to such documentation but do not suggest alternative documentation to be used in their stead. The requirement for the PIP debtor to establish that either the debtor has co-operated or, in the absence of that proof, that the potential alternative repayment arrangement available from the secured creditor would not enable the debtor to achieve solvency within five years could over-complicate the eligibility requirements and make the process far more adversarial and documentation heavy. The secured creditor would have full records of all contacts and payments made by the debtor and so is well placed to challenge any apparent inconsistency. Although the proposed amendment might be intended to ensure that engagement is more likely, this uncertainty could result in a negative unintended consequence and might actually reduce engagement and participation in the process on the part of some debtors. On that basis, perhaps it is not the type of amendment that should be made at this stage.

It must be borne in mind that, under the personal insolvency framework, it is very much in the interest of the debtor to exhaust the process of engagement with the secured creditor before going down the personal insolvency route. The debtor needs the consent of a majority of creditors under the Act in order to secure their agreement to his or her proposal for a personal insolvency arrangement at the creditors' meeting. He or she has every incentive, even at that stage, to co-operate with the secured creditor. Failure to co-operate would make it much more difficult to obtain the consent of the secured lender. It is true that should the creditors refuse consent, the debtor has the option of applying for a court review under section 115A on condition that his or her home mortgage arrears are included in the proposed personal insolvency arrangement. Under section 115A(10)(a), the mandatory requirement to be considered and applied by the court in considering the debtor's application for a review expressly include the quality of the debtor's engagement with the secured lender. There is, therefore, a renewed and specific focus on that issue and the courts can and do question the quality of this engagement under section 115A, especially if this is raised by the creditor.

A further concern is that the proposed amendment to section 91(2) could be seen as undermining the independence and integrity of the personal insolvency practitioner. In view of these considerations, the Minister is not in a position to agree to the amendment and I ask the Senator to consider withdrawing it.

**Senator Michael McDowell:** I thank the Minister of State for his considered reply. I wish to reflect on the points he has made and, therefore, with the permission of the House, I will withdraw the amendment and consider whether to resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Sections 11 to 13, inclusive, agreed to.

#### NEW SECTION

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

In page 10, between lines 7 and 8, to insert the following:

#### **“Amendment of section 99 of Principal Act**

**14.** Section 99 of the Principal Act is amended—

(a) in subsection (2)(b), by the insertion of “in respect of secured debts less than €2,000,000” after “Personal Insolvency Arrangement”, and

(b) in subsection 2, by the insertion of the following paragraph after paragraph (b):

“(ba) the maximum duration of a Personal Insolvency Arrangement in respect of secured debts exceeding €2,000,000 shall be 120 months but a Personal Insolvency Arrangement may provide that this period may be extended for a further period of not more than 12 months in such circumstances as are specified in the terms of the Personal Insolvency Arrangement;”.”

Effectively, this amendment seeks to extend the period of observation in respect of larger-scale insolvency. It would extend to ten years, rather than six, the period in which a person is still under observance in terms of their insolvency and in which there is continued liability to debtors. This relates to secured debt rather than unsecured debt. Effectively, if one has written off a mortgage of more than €2 million or made a personal insolvency agreement in respect of a mortgage of more than that amount, one would remain in the personal insolvency scheme, attempting to address and use all parts of one’s income in excess of reasonable living expenses towards addressing that debt in respect of the mortgage for a period of ten years rather than one of six years. This is around recognising there is a difference of scale in insolvency. It is different if one has a family home and that home and its mortgage and so forth is placed in a situation of insolvency and that is secured debt. When we talk about secured debt, we are really talking about mortgages, properties and those kinds of assets. However, if, for example, one owned and was in debt relating to an apartment block of €2 million, in terms of having commercial properties or other business properties and so forth, where there is a mortgage of more than €2 million that is being written off.

We know that some family homes are worth more than €2 million. That is a very high-level

asset for a family to have, especially at a time when so many are struggling for housing of any kind and may not be in the position of having secured debt at all because they do not even have secure housing of any kind. In that context, I am not seeking to remove access to the personal insolvency scheme in these cases. I am simply trying to suggest that where we are talking about a very large amount of debt and a very large asset which will be retained at the end of this scheme, then it is reasonable that there would be a ten-year period where all efforts are being made. I know that, in many cases, it is bankruptcies rather than insolvencies that can often be the problem, and I know this whole scheme is designed to encourage people from going that bankruptcy route. However, we have seen people who are incredibly wealthy, who are then insolvent or bankrupt, and then, somehow, five years later, they are incredibly wealthy again. In between, people who have been struggling the whole way along continue to struggle the whole way along. Families with small amounts of debt that has been building up, who are doing without the basics and who are cutting corners in their lives and in their health to pay their debts, continue to have that slow incremental drip of more debt on them. Many people will try to do that rather than seek insolvency.

This is really designed to have an assurance that where people are in a position to have been so wealthy that they have €2 million worth of a secured asset, they will be asked to make a little bit longer of an effort to pay back. That is why I propose extending this to 120 months, which is about three to four years longer than will apply to others with an asset of less than €2 million.

**Senator Vincent P. Martin:** I have to agree to disagree with my fellow Senator on this one. I am not in favour of extending the term. I am unaware of the evidence which would suggest it is appropriate either from the point of view of creditors or debtors. Theoretically, at the moment, an arrangement can take place, if a person is very prompt about it, inside one day, and although that is theoretical, I think it happened once. I understand 60% of arrangements are agreed and done inside three years, and the current legislative provision provides for an extension of one further year, if required. I do not see the merit to either the debtor or creditor of extending it beyond such a relatively long period.

In this country, not so long ago, bankruptcy was a lifelong sentence. People took it to the grave. Slowly but surely, incrementally and positively, we have brought it down to the stage where a former Deputy, Willie Penrose, was instrumental in bringing us into the real world and having the same bankruptcy period that is enjoyed in the UK. I do not see the benefit to society or to individuals. I know where the Senator is coming from and the idea is that if we give the borrower an extra four or five years, perhaps we are throwing them a lifeline. However, I am unaware of the evidence that would suggest this is the case.

I would also be concerned that if we were to have such long periods of bankruptcy straddling the full arrangement, we could theoretically have an unsecured debt that is being repaid. For the duration of that unsecured debt that is being repaid, the debtor - the borrower - is less likely to get back in the real world as soon as possible. That is the whole ethos of the legislation. All over the world, people get into trouble but they have to get back in the world and support their family as best they can. The State, in this fair legislation which strikes a balance, can allow people not just to get back, as we do now, but to get back in a feasible, practical and fair period of time and not have an observation period of ten years plus over a borrower.

I know what is intended. Perhaps the motivation behind the genuine concern here is the elephant in the room that is not in the Bill today, which is to get rid of the current €3 million threshold, which some practitioners were expecting. Maybe it is due to Covid, but the Minister

of State kept the Bill tighter. I know how slow legislation moves, and while a Bill in this respect might be indicated for the autumn, that is a long time away. That is a priority of mine, I respectfully suggest, because there are cases where people cannot qualify for this excellent service if the secured debt is over a €3 million threshold. To all intents there might be a mast in a person's name on a piece of land that is long since gone, but it is keeping it all from happening because the legal process has not caught up and the person is way over the €3 million in secured debt. There are such people, they have families, like the rest of us, and they are trying to return to the economy to make a contribution to society but at the moment the personal insolvency legislation is not for them. I understand the Department is open minded on that. It is a win-win for society. There is nothing easy about this and it is the last place a debtor wants to be.

I do not believe that personal insolvency practitioners would support this amendment, although I have no evidence to suggest that. It is such an extended period that, though well-intended, it could be counterproductive to the ethos and whole motivation behind putting the personal insolvency regime on a statutory footing and what that is intended to do for the country and the people.

**Deputy James Browne:** The proposed amendment is to section 99 of the principal Act which sets out the mandatory requirements for a personal insolvency arrangement. Section 99(2)(b) provides that the maximum duration of a personal insolvency arrangement shall be six years or 72 months, with an option to extend it by 12 months in specified circumstances, if the personal insolvency arrangement itself so provides. The effect of this amendment is to provide that the maximum six-year term only applies to a personal insolvency arrangement where the secured debts total less than €2 million. I hear the Senator's concerns around that. As noted, a much larger Bill is coming later in the autumn and it is hoped many of these other issues will be addressed in that and as part of the review. Where total secured debt exceeds €2 million, the maximum duration is 10 years or 120 months.

While I understand the Senator's intention, having consulted the Insolvency service of Ireland, the view is taken that higher levels of debt do not mean greater income or repayment capacity. The debtor may have no assets to realise. A debt of €2 million could be secured by an asset that is of no value or by a personal guarantee. A term of ten years would run counter to the main purpose of the personal insolvency Acts, which is to provide mechanisms to the effective resolution of unsustainable debt in a reasonable period in the interest of both the debtors and the creditors and to get insolvent individuals economically active again. The amendment would appear to constitute a major incentive for a person whose secure debts exceed €2 million to opt instead for bankruptcy where the normal term is now one year, rather than facing into a personal insolvency arrangement of up to ten years' duration. Again, this appears to run counter to the object of the legislation, which is to provide a viable alternative to bankruptcy which can offer a better outcome for both creditors and debtors.

The insolvency service advises that there is no apparent demand for a very protracted personal insolvency solution. On the contrary, the clear trend is to conclude shorter insolvency arrangements than the permitted six-year maximum. The average duration of the personal insolvency arrangements that concluded successfully in 2020 was slightly under two years or 630 days. The concern is that the proposed amendment would create a two-tier personal insolvency arrangement that adds complexity and will be harder to administer. Moreover, such a change would have extensive implications and would require changes to the standard personal insolvency protocols and standard terms and conditions for personal insolvency arrangements negotiated and agreed between the stakeholders and the insolvency service. It would also

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require changes to the practices and IT systems of personal insolvency practitioners, the insolvency service and the courts. The administrative burden and extra cost that would be generated would appear to be quite considerable. On a technical point, the amendment as drafted does not address the issue of a debt that is bang on €2 million.

Based on these considerations, the Minister is firmly opposed to this amendment.

**Senator Alice-Mary Higgins:** On one level, I agree with the Minister of State that the real concern is bankruptcy. I will be frank in saying that I believe our bankruptcy legislation is too lax for those with very large-scale debts, although not for the majority. I find it difficult to understand situations where people who declare bankruptcy are, a few years later, engaged in multimillion euro property deals and receiving praise for it in the newspapers. I agree there are concerns about bankruptcy. However, those problems are caused by the pull factor of making bankruptcy an attractive option for persons with extremely high assets and debt, which sometimes includes high speculative debt. There is a concern, not for the general population but for people at high levels, that bankruptcy is as an option following a period of speculation. We need to address that.

My amendment in respect of personal insolvency would have two positive functions. Let us consider situations where there is a secured asset, for example, a shop. There are many people who, in good faith, will want to have a longer period and want to keep their businesses going because they have employees and so forth. A longer personal insolvency arrangement allows more time for those who want to manage to keep going, have a secured asset and do not want to go bankrupt because they realise that others depend on and engage with them. There are many people who may not have a high income but have a secured asset and for whom the ten-year period would allow them to maintain a reasonable standard of living while also maintaining the process. There are people who enter insolvency with the best of intentions but may not be able to economically turn the situation around. They may not be making large amounts of money with three, five or ten years. This would allow them to continue. However, the Minister of State is right that there is the danger of those who will opt for bankruptcy instead of insolvency. People sometimes do that to maximise their personal financial situation and it is a concern that needs to be addressed.

I have a concern about those who will enter the scheme for a long period of time until the next deal comes through. What do we do if somebody has been in the scheme for a long period and is then in the position of being significantly wealthy a year or two later? Is there any comeback for creditors who agree to a write-down of debt? I am thinking of smaller creditors in that regard.

The reality is that there are very different families, business owners and individuals who might go into this scheme. My amendment plans for those with the best intentions. I agree that it might create a disincentive for those with less good intentions but that is a problem of the pull factor in the way our bankruptcy legislation is constructed, rather than the push factor in my amendment.

**Deputy James Browne:** I hear the Senator's concerns. The purpose of the insolvency Acts is to provide an effective and clear resolution in a reasonable period of time, balancing the rights of both creditors and debtors and to get those applicants back to being economically active as quickly as possible. There will always be elements on either side of that and elements of unfairness at the edges but I agree with the policy of getting people back to being economically active

as reasonably and quickly as possible. Any kind of protracted insolvency runs counter to that.

While a bankruptcy may only be one year now, there are protections in cases where people sought bankruptcy in bad faith and sought to mislead the courts or lenders. Courts have extended bankruptcies for up to eight years. Those protections are available. As far as I know, though I am subject to correction, there is nothing in place for what we might call the lottery winner - cases where somebody comes out of bankruptcy and wins the lotto. There will always be such exceptions but, on balance, unfortunately, I must oppose the amendment.

Amendment put and declared lost.

Sections 14 and 15 agreed to.

## SECTION 16

**Senator Alice-Mary Higgins:** I move amendment No. 9:

In page 11, between lines 7 and 8, to insert the following:

“(e) may only be made in respect of debt not exceeding €1,000,000.”.

The Bill provides for a confirmation-of-truth mechanism. The confirmation of truth is a little more than a declaration you simply write yourself. At least, it has some consequence if you do not write it. The confirmation-of-truth mechanism, while appropriate in general, must be considered where there is a debt of over €1 million. The confirmation of truth can be made by the individual, who is effectively the only witness. The higher bar is a statutory declaration. While I acknowledge this ought not to be used all the time, owing to Covid concerns and so forth, many of us are nonetheless making statutory declarations, even despite Covid sometimes. Where there is a debt of over €1 million, it would be appropriate to maintain the statutory declaration requirement. It is very reasonable, where a debt of over €1 million is potentially being addressed, that the statement being made in respect of it would be made in the presence of a solicitor or lawyer so there would be a double layer. There would not just be the individual's declaration but also the knowledge that a commissioner or solicitor was present and was satisfied with it. That is an appropriate small extra layer of security that should be required where there is debt of the scale we are talking about.

**Deputy James Browne:** Section 16 of the Bill introduces the option for a debtor to make a confirmation of truth as an alternative to a statutory declaration when solemnly confirming his or her complete and detailed financial situation in an application for a personal insolvency arrangement, debt settlement arrangement or a debt relief notice. This confirmation of truth under the Bill is very similar to the statement of truth recently introduced by the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 as an alternative to making an affidavit or a statutory declaration within court proceedings.

Section 16 is a modernising provision of the Bill that has been widely welcomed. It is particularly important in the context of the Covid-19 pandemic. Stakeholders have reported that the current formal requirements in relation to making a statutory declaration before a commissioner of oaths can cause delay and difficulty. This particularly impacts an insolvent person who has limited mobility due to age or ill health or who is in a region subject to Covid-19 public health restrictions. Stakeholders particularly asked for an alternative, less formal option

along the lines of a statement of truth. However, the concern is that the effect of the Senator's amendment would be to limit the use of that modernising provision to cases where the insolvent person has total debts of less than €1 million. In any other case, the debtor would still have to make a statutory declaration. The Minister considers that it would be unwise and unsatisfactory to introduce a distinction of this sort. First, there is no need for such a distinction; a confirmation of truth does not need to be formally declared before a commissioner for oaths but it remains a solemn statement. Under section 16(3) of the Bill, making a confirmation of truth without an honest belief in it is a criminal offence, and penalties for a serious case include a fine not exceeding €100,000 or imprisonment for a term up to five years, or both. There is no need, therefore, to oblige an insolvent debtor to make a statutory declaration rather than a confirmation of truth.

Second, the Senator is proposing to introduce a distinction between insolvent persons with a total debt above €1 million and with a total debt below it. That seems somewhat arbitrary to the Minister. Merely having a significant level of debt does not suggest the person is necessarily dishonest. The last financial and property crisis saw many ordinary homeowners who ran into financial difficulties due to unemployment, ill health or separation confronted with sizeable debts due to mortgage arrears and accumulated interest over several years on quite standard homes that had been bought at boom-time property values.

Third, the Senator's proposal would require having two different documentation regimes based on this somewhat arbitrary distinction. We do not see any need for this and it will only complicate the work of personal insolvency practitioners, the insolvency service and the courts. Accordingly and unfortunately, the Minister must oppose this amendment.

**Senator Alice-Mary Higgins:** Briefly, to be clear, this is not to say that persons with a certain level of debt are dishonest. That would be a wrongful inference for the Minister of State to make. It is to say that where there is a debt of over €1 million it is a significant debt. There are those who are owed up to €1 million so, given the significance of the amount involved, it is appropriate that there would be a measure to address that. As the Minister of State said, an honest belief is the standard. That is not to suggest that somebody would be honest or dishonest. If somebody is dishonest it is clear he or she is covered by this provision. The question is that people who may be in debt are giving their statement on what might be their honest belief. I am saying that where there is a debt of €1 million, it is appropriate to have a solicitor present who is not simply expressing a belief or giving an estimation but who has expert knowledge and can give that confidence. A confirmation may be dated and may be given in the honest belief of somebody who is not an expert in these areas. A statutory declaration is made in the presence of a solicitor who will be in a position to advise the person as to whether his or her belief is correct and whether the facts meet the standard required. It is around the seriousness of the level of the debt for creditors that it would be required that a solicitor can give that expert view to layer that on top of the, no doubt, good intentions of the persons who might be making the statement. I believe that is an appropriate standard.

**Deputy James Browne:** I apologise if there is confusion over my language. I certainly was not implying that the Senator was implying that people may have been dishonest but it may be something on which some people may take a view if they were required to sign a different type of declaration.

**Acting Chairperson (Senator Eugene Murphy):** Is the Senator pressing the amendment?

**Senator Alice-Mary Higgins:** Yes.

Amendment put and declared lost.

Section 16 agreed to.

Section 17 agreed to.

#### NEW SECTIONS

**Senator Alice-Mary Higgins:** I move amendment No. 10:

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

#### **“Report to Oireachtas**

**18.** Within 12 months of the passing of this Act, the Minister shall prepare and lay before each House of the Oireachtas a report to include a comparison of the methodology, calculation and application of—

(a) the guidelines on Reasonable Living Expenses as developed by the Insolvency Service of Ireland under section 23 of the Principal Act, and

(b) the Minimum Essential Standard of Living as developed by the Vincentian Partnership.”.

This amendment calls for a report to be laid before both Houses of the Oireachtas. I hope the Minister of State might consider taking on board this amendment and seeking this report. The nature of reports is that we cannot put them into legislation but he has the scope and prerogative to indicate that he will produce them anyway. I would be very glad if he would indicate that this is something that will be examined. It is a report to the Oireachtas in respect of the reasonable living expenses standard as they are calculated. It is notable to me that the minimum essential standard of living developed by the Vincentian Partnership for Social Justice, the basics of life, contains the 2,000 items that families might need to live. The Vincentian partnership did a detailed piece of work for the Department of Social Protection in establishing a minimum essential standard of living for different household types including individuals, families, lone parent families, larger families and those who have retired. The Vincentian partnership looked in great detail at the shopping list for a week and the costs that are involved. It is a point of disgrace for the State that many social welfare payments do not bring people up to the minimum essential standard of living. We are talking about people who are relying on social welfare payments. They are not receiving enough to meet the minimum essential standard of living yet at the same time another group of people, and I do not begrudge them this but the concern is that it does not apply to everybody, have guidelines on the reasonable living expenses that are applied to them.

As an example, the minimum essential standard of living for a lone parent is €1,300 to €1,400 a month and many will not reach that figure. One of the websites gives the example of a man who may be parenting alone with half-time custody of a child and who can have €2,600 regarded as reasonable living expenses under the calculation of reasonable living expenses. There is a generosity of approach in the document and the review of reasonable living expenses was just published in August. It states the kinds of things that people are not used to hearing from these calculations, which is that, of course, one would need a car, otherwise how would a person get anywhere? Of course, a person should maintain his or her mortgage in the apartment

in which he or she is. If a person has a child in university, there are significant extra costs in that. It recognises reasonable living expenses for a category of persons.

We are coming back to those people on social welfare and whether they meet the insolvency payment criteria or not, but it recognises an expectation of what it is to live decently. Sadly, that expectation and understanding of the realities of what people might need is not reflected in the social welfare payments that we make to them in this State. One may be a person on social welfare payments and may not go for insolvency and may just be on the working family payment, doing one's best, continuing to make payments and go without some of those essential standards whereas a person who is in a different safety net system, whereby he or she had a large debt, in some cases credit card debt, and has become insolvent, will have a different experience. The reason these are comparable is that they are the two safety nets that we have. How we treat and think about the people in those two safety nets is very different.

I am not proposing an amendment as this is a report. I do not want to disimprove the position of people who are in insolvency and receiving reasonable living expenses. I urge, however, that the State would reflect and engage with the fact of how differently we approach our consideration of achieving even the minimum essential living standards for those in our social welfare system. These are two different safety nets and people come from different contexts. In some cases, persons who will access personal insolvency payments will have come from a position of having been wealthy. They can maintain an income, which is effectively above the median average income in some cases whereas those who may be struggling and in the social welfare system, who have not sought insolvency but are trying to go ahead, and, similarly, have aspirations for their children, face all of those different obstacles. For example, we are having a review of the SUSI grants right now. Does someone lose social welfare basic payments for his or her family if that person accepts the SUSI grant? This is compared then to the section recognises the importance of college education under the reasonable living standards calculation.

I am urging the Minister of State to consider and take from this that it would be very useful, as we are we are going to have, I hope, well-being budgets in the near future, to look at these kinds of contexts. What is well-being and what are decent ways of living? What do we expect as the basics of life for all those around us? We want to know about every person on the street with us is having as the basics of life. Can the Minister of State consider just a conversation to examine the minimum essential standards of living, the reasonable living expenses, and, specifically, the methodology, calculation, approach and assumptions that are applied in each case and how they are applied or are achieved for different households?

**Deputy James Browne:** Under section 23 of the Personal Insolvency Act 2012, the Insolvency Service of Ireland, ISI, is required to prepare and issue guidelines as to what constitutes a reasonable standard of living and reasonable living expenses, RLE, taking into account a list of specified criteria. These are now generally known as RLE guidelines. Section 23 also requires the ISI to re-examine and reissue these guidelines at least annually and to publish them on its website. Reasonable living expenses are adjusted according to factors like household composition, childcare or whether a car is needed, just like the Vincentian partnership model. The work of the Vincentian Partnership for Social Justice was the basis in 2013 for the ISI model of reasonable living expenses and the ISI has continued to work closely with the partnership over subsequent years in developing and renewing the RLE guidelines.

The ISI also consults regularly on the reasonable living expenses with stakeholders representing debtors and creditors and with personal insolvency practitioners and creditors also. The

consensus among stakeholders is that the guidelines are working well.

There are some differences between the model used by the Vincentian partnership and that developed by the insolvency service. Some specific items included in the Vincentian partnership model were not included in the insolvency reasonable living expenses. However, the ISI already publishes on its website a detailed background information document explaining these differences. One factor is that the Vincentian partnership standard is a long-term model while the insolvency service guidelines are designed to apply only for a limited period where a person is subject to an insolvency arrangement. The ISI states that in 2020, the duration of all three types of insolvency arrangements from start to successful completion averaged slightly over two years.

The insolvency service has informed the Department of Justice that it intends to hold a full public consultation on reasonable living expenses in 2021 to give everyone the opportunity to provide their views. We welcome all submissions on this issue. This consultation is based on important recent work by the Vincentian partnership, which completed a rebasing exercise on its own model late last year. This adjusted its figures to reflect changes in lifestyle and mood since the partnership's original research was carried out over a decade ago. Given the material already published by the insolvency service, a consultation that is already in preparation and the likely changes to the guidelines that will result, it does not appear the amendment proposed is needed at this point. I ask the Senator to consider withdrawing them.

**Senator Alice-Mary Higgins:** I am delighted to hear of that engagement and not surprised because I see many of the same principles reflected. The concern is not the impact of the minimum essential standards of living in respect of the ISI's calculations, but in the other direction - not on the Vincentian partnership but in respect of our social protection system.

There is a conversation I am hoping to start and I am happy if the Minister can give an indication on this. He has told me of the conversation between the Vincentian partnership and the ISI and I will monitor that. Long before I came to these Houses, when I worked with the National Women's Council of Ireland, I worked with the Vincentian partnership around that process. It is about the conversation between Departments and ensuring those kinds of detailed conversations on what is needed in terms of childcare costs and so forth, how they are calculated and reflected. Childcare is not really captured by our social protection payment system. There are child payments but there is not childcare or the guarantee of public access to childcare whereas there is an allowance in respect of childcare and its private costs, which is reflected in the reasonable living expenses. That is just one example.

This is about ensuring that conversation is two-way and there is some movement not just in the ISI and its annual review but that there is a conversation that goes into the Department of Social Protection reflecting this new revision of the minimum essential standard of living. Sometimes that minimum essential standard of living will not be achieved directly by income. Some of it will be achieved by services. That is the case in the context of reasonable living expenses as well, but in that instance allowance is made for presuming private access, while for those on social protection payments, there is a requirement to get public access to those services.

I am happy not to press the amendment but I ask the Minister of State to indicate that there will be some engagement with the Department of Social Protection to discuss how it is engaging with these issues and with the Vincentian partnership on that review, how it is learning from

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the additional factors the ISI have brought to bear when they think about certain households in a difficult situation in Ireland and perhaps looking at how those might be reflected.

Social protection payments are not always long term. That is an example of a somewhat insidious assumption that there is a kind of person who is on a social protection payment. Almost everybody in Ireland will be on a social protection payment at some point in life.

*3 o'clock* It is just like when we hear about taxpayers. Every person in Ireland pays tax and VAT. There is not a category of people who are taxpayers and a category of people who receive the social protection payment. We are the same people, families and households facing various kinds of challenging circumstances over the course of a life. It is about extending across government the joined-up thinking that is clearly taking place in the research bodies, and how we use that research.

I am happy to withdraw the amendment. Will the Minister of State engage with the Department of Social Protection in that conversation?

**Acting Chairperson (Senator Eugene Murphy):** With a little co-operation, we could complete Committee Stage in five or six minutes. Does it suit the Minister of State to spend a few more minutes here to do so?

**Deputy James Browne:** Yes. I will be brief. I agree with the Senator's views on the Department of Social Protection and about having consistency across the various Departments. I cannot speak for the Department of Social Protection but I can speak for the Department of Justice. I will certainly get the Department of Justice to convey that message to the Department of Social Protection.

**Acting Chairperson (Senator Eugene Murphy):** Senator Higgins and others were correct that this should be under section 18 but by the time we had it checked out, the Senator was in full flow and it would have been wrong to disrupt her. I hope the Senator is happy with that.

**Senator Alice-Mary Higgins:** That is absolutely fine.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 11:

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

**“Report to Oireachtas on secured debt**

**18.** Within 12 months of the passing of this Act, the Minister shall prepare and lay before each House of the Oireachtas a report to include statistical analysis of:

- (a) the use of the Principal Act in respect of secured debt;
- (b) the extent to which it has been used for secured debt under €1,000,000;
- (c) the extent to which it has been used for secured debt between €1,000,000 and €2,000,000;
- (d) the extent to which it has been used for secured debt exceeding €2,000,000;

and to conduct an outcome analysis in respect of the above.”.

This amendment does not need to be pressed. As a Senator, I do not have the option of asking parliamentary questions. If the Minister of State indicates he is happy to send me this information, I will not press it. The Minister of State has heard the concerns I have. I would like to have an indication, perhaps on an annual basis, of how many persons have engaged with the legislation since its enactment; how secured and unsecured debt have panned out with regard to the use of the insolvency option; and how many have people have availed of that option for debt of less than €1 million, between €1 million and €2 million, and more than €2 million, up to €3 million. That information would give us a sense of who is using the scheme. Given that the Minister of State indicated that he intends to look further at this area of insolvency and potentially bankruptcy in the autumn, it would be useful to have that breakdown. If the Department furnishes me with that information, I will not need a report. This is quite factual information.

**Deputy James Browne:** The Senator will be aware that under Standing Order 168, the Minister will be required to provide a report on the publishing of this Bill. As indicated, a full and extensive review of the personal insolvency regime is also being completed this year. On the specific statistics sought by the Senator, relevant statistics will be included in the post-enactment report on the implementation of the Bill. I am not in a position to say that I can give them to the Senator at this stage, as the Department would need to engage with the insolvency service on the feasibility and added value of providing the specific information set out in the proposed amendment. I will get an answer on that and give it to the Senator. I cannot guarantee I can get her the information she seeks as I am not sure if it is technically available. Notwithstanding that, I will get the Senator an answer and perhaps we can engage further from that point.

**Senator Alice-Mary Higgins:** I am happy with the Minister of State's reply but it is important that we have a sense of this. It is not personally identifying information. It is literally a question of how many people are using this legislation to deal with debt of over €1 million or €2 million. Do 40% of cases relate to small debt or do 70% of cases involve debt of more than €2 million? I doubt that is the case. It would be reasonable to provide that information. If that is not currently part of the review and data collection process, I hope the Minister of State might use this Bill as an opportunity to indicate that he expects it to be part of an existing review process. If he is told he cannot get that information, I suggest he consider tabling his own amendment to the legislation as it finishes its journey to ensure we can have it. As legislators, we are scrutinising issues of significant financial implication and we should have all the information.

**Acting Chairperson (Senator Eugene Murphy):** The Minister of State has confirmed that he will get the Senator an answer on that point.

Amendment, by leave, withdrawn.

Section 18 agreed to.

Title agreed to.

Bill reported without amendment.

**Acting Chairperson (Senator Eugene Murphy):** When is it proposed to take Report Stage?

**Senator Robbie Gallagher:** Next Friday.

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**Acting Chairperson (Senator Eugene Murphy):** Is that agreed? Agreed. I thank the Minister of State and Members for their co-operation.

Report Stage ordered for Friday, 30 April 2021.

*Sitting suspended at 3.07 p.m. and resumed at 3.19 p.m.*

### **Future of Gambling Regulation: Statements**

**Acting Chairperson (Senator Mary Seery Kearney):** Good afternoon everyone. I welcome the Minister of State, who has been here a lot this afternoon. The Minister of State has ten minutes, all spokespersons have eight minutes and all other Senators have five minutes.

**Minister of State at the Department of Justice (Deputy James Browne):** I am pleased to have this opportunity to update the Seanad on progress made by my Department to establish an independent gambling regulator for Ireland focused on public safety and well-being. As Senators will be aware, gambling reform has been in development for some time. The industry is large and complex. It is continuously evolving through technological development and many of our current arrangements are well outdated. Effective reform, therefore, requires fundamental and significant change.

To date, much good work and progress has already been made. My plans now are to advance the necessary legislation to drive forward this long sought reform. In doing so, I am determined to deliver on my Department's legislative programme to put in place a modern licensing and regulatory regime for the Irish gambling industry.

We have established a programme board in the Department of Justice to oversee the work and ensure that the different streams are progressed in parallel. The aim is to minimise the time between the enactment of the legislation and the date on which the regulator commences operations. We are targeting definitive milestones in the year ahead, and there is a clear pathway towards the gambling regulator being operational in early 2023.

I will now outline some of the key areas being considered. First and foremost, the new regulator will be an independent body established on a statutory footing. This reflects the recommendations in the 2019 report of the interdepartmental working group on future licensing and regulation of gambling.

The current regulatory approach, which is spread widely across a range of Departments and agencies, is fragmented. As such it facilitates an inconsistent regulatory environment and makes licensing of gambling activities cumbersome. It also limits the potential for revenue raising possibilities from licensing fees, duties and taxation. The new regulator will, when fully operational, assume all of the current gambling licensing and regulatory responsibilities as well as new and more extensive enforcement duties.

The current preparatory work involves a major updating of the proposals of the general scheme of the gambling control Bill published in 2013. It is envisaged that the draft general scheme will go to Government by the end of quarter 3 of 2021. The position of a CEO designate would also be advertised in quarter 3 this year with a finalised appointment scheduled for quarter 4. These will be important milestones. They will achieve objectives set out in my Department's statement of strategy and Justice Plan 2021, and build on the programme for

Government's commitment to establish a gambling regulator. This commitment is very much directed towards the protection of the public and the gambling customer. The regulator will have a major role in this regard.

In developing the general scheme, we will consider possible measures to promote safer gambling. This may involve limitations on advertising and promotions, on bonus offers and so-called VIP schemes. When it is established, the regulator will have the necessary enforcement powers for licensing and powers to take action where individuals or operators fail to follow rules and regulations. Its key objectives will be as follows: to prevent gambling from being a source or support to crime; to ensure that gambling is conducted in a fair and open way for companies to make decisions in certainty; and to require the promotion of safe and responsible gambling, and to combat problem gambling.

Operators offering activities in whole or in part online will be subject to the licensing terms and conditions similar to other licensees with any necessary additions. The regulator, therefore, will cover online and in-person gambling and will also have the powers to regulate advertising, gambling websites and apps.

Gambling activity impacts society in Ireland in a number of ways. It is of significant economic impact. The interdepartmental working group report estimated the value of the Irish gambling market annually as being between €6 billion and €8 billion and employs upwards of 8,000 people. That said, it is important to strike a balance between the needs of business and the social implications of gambling.

Many people enjoy gambling in the context of a leisure activity but, unfortunately, some people fall into addictive gambling habits. While addiction treatment is predominately a matter for the relevant health authorities under the responsibility of the Health Service Executive and the Department of Health, I am mindful of how the gambling regulator may provide enhanced protection of consumers and vulnerable individuals.

In developing the Bill, we will consider possible measures to promote safer gambling. It is very likely that the legislation, similar to the position in many other states, will provide provisions banning gambling on credit. This is surely a very sensible provision and one that some of the gambling operators have voluntarily adopted.

A social fund will be established to address gambling addiction. It will be financed by the industry, in the form of levies on licensed operators. The social fund will support research, information campaigns and treatment by relevant health professionals. While I envisage that the regulator would manage the process of collection of the levy, it would appear preferable that any disbursements for health-related treatments benefit from the involvement of professionals in that regard. I very much share the view that our young people must be protected, insofar as possible, from engaging in gambling activities that may lead to problematic behaviour. The new gambling legislation being prepared will require an effective "know your customer" process. This is already a requirement in the context of the prevention of money laundering. The development of an effective self-exclusion process to assist and protect persons prone to problem gambling is also part of this work. Age verification will be a central part of that approach so as to prevent persons under 18 years of age from engaging in gambling. The Betting Act 1931 and the National Lottery Act 2013 already impose an 18-year limit while the Gaming and Lotteries (Amendment) Act 2019, commenced on 1 December 2020, also provides for a minimum age of 18 years for engaging in gaming and lottery activity and betting through the Tote.

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I acknowledge that work on the establishment of a gambling regulator has been ongoing for a number of years. I share the concerns of those who wish that reform could be achieved quickly. The reality is that developing comprehensive modern licensing legislation, with effective terms and conditions and a new regulatory system with an effective operational structure, is a large and complex task. The industry itself and the engagement of gambling customers is constantly evolving, not least due to new technologies.

While the general scheme of a gambling control Bill was published in 2013, a considerable amount of work has been undertaken since then. The interdepartmental working group on future licensing and regulation of gambling, which I have already referred to, reported in 2019. A European Commission-funded consultancy report on the possible structure of a gambling regulator was provided in December 2019. These reports have provided valuable research and insights into the gambling industry, both domestically and worldwide.

The task now is to bring all these elements together within an operational framework. In order to achieve this, it is important that the regulator be established on a strong footing and adequately resourced to carry out this important task. It is not possible at this point to estimate the eventual annual costs associated with the establishment and operation of a gambling regulatory authority. These costs will be significantly influenced by the nature and extent of the regulatory tasks required in the context of the gambling activities to be licensed in the State. Appropriate staffing resources will be required to ensure compliance with licensing terms and conditions. Initial seed funding of €100,000 for the gambling regulatory authority was provided in budget 2020 and additional funding of €100,000 to support the establishment of the office of the gambling regulator is included in budget 2021.

Consultation is, of course, a particularly important aspect of informing and developing new legislation. In that respect, my Department organised a major seminar on the future licensing and regulation of gambling at Farnleigh House in May 2019. That seminar brought together a large number of interested persons and concerned stakeholders to discuss the report of the working group and to consider a range of critical issues and further developments.

As I have already stated, I hope to be in a position to publish a revised general scheme later this year. Following publication of that scheme, I expect there will be engagement with interested stakeholders. Information on how that engagement will be structured will be provided in due course. It is widely known and accepted in the industry and among stakeholders that reform of the gambling sector is on its way. My Department continues to welcome any submissions that stakeholders wish to make.

In conclusion, the Government, my officials and I are committed to driving reform in this important area. Significant progress has been made. Resources have been allocated and definitive milestones have been set to introduce comprehensive legislation and establish an operational office of the gambling regulator in early 2022. I acknowledge the importance of the co-operation of the Members of the Houses of the Oireachtas in bringing this legislation to enactment. I look forward to further engagement with all Senators.

**Senator Fiona O'Loughlin:** I propose to share my time with Senator Malcolm Byrne. I will take six minutes and he will take two. I thank the Minister of State for being here and for giving us his update. This is a really important debate. Any addiction is difficult and tough. Addictions often have very far-reaching consequences for individuals and for their families and friends. Families are often torn apart, trust is broken and finances are impacted. Obviously, it

not only the addicted individual who is impacted but also his or her family and friends. The good news is that many addicts have been able to turn their lives around and begin lives of recovery with the necessary supports. That is where we come in. Recovery is hard for any addict but regret is harder still. I say that having spoken to several of my friends who, unfortunately, have suffered with addiction.

Drugs and alcohol have a physical manifestation and, as such, others become aware of the issue and can help, intervene, encourage and support. However, gambling is different. It is a silent addiction; a serious problem that can silently destroy lives. Sometimes loved ones do not know about the problem until the bank manager comes calling, a person loses his or her job or members of the Garda come to the door.

Some of the statistics are stark and frightening. Ireland has the seventh biggest gambling spend in the world, while 75% of Irish people know a person who they know to be a gambler. A website for gambling addicts that I looked at this morning states that traffic to the site has increased by 46% since the pandemic started. Many of those who traditionally bet on sport have moved on to online poker and casinos. What I found particularly frightening is that 7.6% of teenage boys and 2.8% of teenage girls have developed a gambling problem. As all present are aware, it generally begins with a few small bets at the weekend or at an event such as the Punchestown Festival, which is coming up next week and which we in County Kildare always look forward to for a bit of a flutter. However, the problem gradually worsens over time, with the ever-present lure of the one bet that could be life-changing. I do not get to see many soaps on television but I happened to see an episode of “Emmerdale” recently. It really depicted this problem very well. The character says this bet will be the one that will work for him, he will have all the money he needs and it will change his life. Those who develop gambling problems may show no signs of them until their families become aware of missing mortgage repayments, maxed-out credit cards, money owed to moneylenders or stealing from employers. Apparently, approximately one in five of those with gambling problems attempt to steal from employers.

As the Minister of State is aware, Fianna Fáil has a long-standing commitment to implementing regulations for socially responsible gambling. He is bringing that commitment to reality and I thank him for that. He is setting out clear regulations to prevent the sector doing more harm. We absolutely need effective regulation of the industry to give those in the sector certainty through socially responsible gambling. The Minister of State referred to a gambling regulator being essential to oversee a rapidly evolving sector. That is absolutely the case. The regulator should cover the industry, issue fines, conduct research and operate a social fund funded by the industry to help individuals who are suffering from gambling addiction. It was certainly welcome that when the Government put together the programme for Government there was a clear commitment to establish a gambling regulator focused on public safety and well-being, covering gambling online and in person, and with the powers to regulate advertising, gambling websites and apps. A modern and effectively regulated gambling environment must provide enhanced consumer protection for players while limiting to the greatest extent possible the harmful effects on young people and those who may be susceptible to addiction.

No matter how far gone a person has gone on the road to addiction, there is always an inner voice telling that person to find relief by changing their habits. None of us were born to be enslaved by drugs, alcohol or gambling. As legislators, we have a responsibility to ensure there is a commitment to socially responsible gambling. Experience is not what happens to you; it is what you do with what happens to you. We all have the power to change things in our lives, be that overcoming addictions or whatever else comes across our path. What the Minister of

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State has outlined is very significant and important in terms of helping people not to go down that road or helping those who have gone down it to overcome their addictions. I wish him well with the implementation. I will hand over to Senator Malcolm Byrne.

**Acting Chairperson (Senator Mary Seery Kearney):** I apologise to Senator Malcolm Byrne but there is a difficulty as he has not been allocated a seat and, as a consequence, is not supposed to be allowed to speak. However, I understand from our conversation that the Senator made arrangements with Senator McGreehan on that.

**Senator Malcolm Byrne:** I thank the Minister of State and his officials for their work on this long-needed reform of our gambling legislation. I know he is personally committed to it. My colleague, Senator O'Loughlin, has underlined many of the challenges around addiction and I will speak around some of the regulatory issues that will arise.

It is important the new regulator's office will cover advertising, gambling, and social responsibility. We also need to address the taxation of gambling, which should also form part of the discussion. It is essential all players in the sector will come under a single regulatory framework because part of the problem in certain areas of gambling, including casinos, is that it is a wild west. There is a complete lack of regulation in this area. We must ensure there is fair competition and all players are treated in an even-handed way.

There will be new responsibilities for the media commission. The relationship between it and the new gambling regulator will need to be clarified, particularly around advertising. The legislation should maintain the role for local authorities especially around bookies, gambling halls, casinos and any other betting places. If they are to be located in a local authority area, control should be with the local authority and its elected members.

The Minister of State said this is legislation which has been coming for an awfully long time. In 2007, the then Minister for Justice and Equality and now Senator, Michael McDowell, in proposing setting up the office of the gambling regulator, said it would be coming soon. He gave a commitment then that the office of the gambling regulator would be located in Gorey, County Wexford. I ask the Minister of State, as a Wexford colleague, that he would honour that commitment of 14 years ago. I am sure he will agree.

**Senator Mark Wall:** I thank Senator McDowell for facilitating a change in speaking times. I welcome the Minister of State to the House for this very important discussion. According to some of the latest figures on gambling spending, Ireland is spending €9.8 billion a year, marking us out, as my colleague said, as the world's seventh biggest spenders on gambling per head, at almost €380 for every man, woman and child. That is the starting point of an industry that needs urgent regulation due to the large increases in those reporting gambling addiction problems and those who are suffering in silence, afraid to reach out for help or, more worryingly, think they can gamble their way out of their problems.

Over recent months, I have spoken to a large number of people who have developed gambling addiction problems and have taken time to speak to the dedicated people who, with very limited resources, are firefighting this almost invisible problem we, as legislators, need to tackle. Last Monday I introduced the Gambling (Prohibition of Advertising) Bill 2021 on behalf of the Labour Party to combat the takeover of ads on social and print media and TV screens by gambling companies. There can be no other description of what is happening. We are exposing children as young as six years to gambling ads as their parents home school them, and there is

no legislation to prevent this exposure happening.

In a recent survey which we carried out, 80% of respondents reported seeing an increase in the number of gambling ads they see. More worrying was that almost 65% said they were more inclined to gamble after seeing these ads, a figure that will please gambling companies but which should set off serious alarm bells here and for the health system. From the College of Psychiatrists to gambling addiction support advocates such as Oisín McConville, Niall McNamee and Davy Glennon, there has been one consistent recent message: we must get rid of the amount of gambling ads in this country. I hope the Minister of State and the Government will support our Bill and that it can be enacted quickly. Even given the timeframes he has outlined, we cannot afford to give oxygen to these companies and their ads much longer.

There are a few issues I would like to raise with the Minister of State. The first one, which has been raised with me by a number of people, is the very serious issue surrounding so-called loot boxes in various video games. Recent research in the UK has found that loot boxes are structurally and psychologically akin to gambling. The report found that 93% of children play video games and upwards of 40% had opened these loot boxes. The issue, of course, is that the players are sometimes charged for the privilege of opening these boxes in the hope of gaining an advantage in the game, the problem being that parents are unaware of the cost and the amount being spent by their children, or older players spending beyond their limits. It is time to legislate in this country for loot boxes. We cannot afford to develop more gambling behavioural problems.

During our research, many people raised an issue in regard to the national lottery. Notwithstanding the community benefits outlined in the House this week, there is a very important issue that I have been asked by many people to bring to attention in this debate. Every Saturday evening, thousands of Irish families sit down for family time and to enjoy the Saturday evening movie, but their family time is interrupted each week by the national lottery. Why does our national broadcaster allow this to happen? It is time for this to change and for families to enjoy their family time together and to simply have the lottery on after the movie.

In regard to the forthcoming legislation referred to by the Minister of State, I want to make the following comments. At this late stage in the debate, some important facts stand out. First, at no stage in the decades we have been working on this Bill has anyone in either party sought the views of the general public. There have been official reviews and working groups and so on, but they have all been stacked with officials and civil servants, with no outside or lay representation and no public consultation. In other words, no one at any stage has ever paused to ask the public if what we really need right now is more gambling, or how it is affecting them. We have tried, through the Labour Party's recent survey, but this hidden problem needs public discussion, now more than ever.

Another and more disquieting fact is that officials have told us for decades that there is some flaw in the 1956 Act and that the private clubs already mentioned are exempt from it. However, they have never had this theory tested in a court of law, so there is no court judgment to back them up, and they stoutly refused over the years to tell us exactly what the flaw might be so we might set about fixing it. We have a situation where these private casinos are, at best, of dubious legality but they are nonetheless registered and monitored by the Department under EU anti-money laundering regulations. There are establishments throughout the State where gambling takes place in a zone of uncertain legality, waiting for this Government Bill to sort them out and to put a legislative stamp on their licence. This Bill cannot come quickly enough

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to regulate these clubs.

As I stated, I have spoken to many citizens of this country who have lost so much as a result of gambling, from loving partnerships to family homes to their jobs. I would like to finish with an email from a young lady who reached out to me just last night. It is always important to tell the human side of these stories, and it is always important to listen and to give reasons urgent legislation is needed in this country. The email began:

I started gambling following a visit to my local pub. I wanted to join in the fun and I placed my first bet. I was lucky at first and the initial wins reeled me in. Then came the losses. I remember the first time I spent an entire day in the bookmakers and walked out without a penny to my name. At that time, I told myself that I had gotten a bit carried away and so borrowed some money to get me through until the next payday. Of course, when the next payday arrived, I thought the smart choice would be to take my wages and double it, so I could pay back what I owed and still have my own money. That, however, did not happen and the following years of my life would become a vicious cycle of self-destructive behaviour that would eventually lead to my hospitalisation. I felt like I was dying and I wanted the doctors to tell me what was this terrible physical disease causing these issues, rather than truly admitting to myself that my suffering was a result of my addiction.

At this stage of my life, I had become a mother and although I felt my children would be better off without me and my destructive presence in their lives, I also knew that I did not want them to grow up without me because I love them. I knew I had to change so from my hospital bed I rang an addiction counsellor who had a high-profile case of his own gambling addiction. His lived experience meant he could genuinely identify with every experience, every feeling, every emotion I had. He worked with me for some months, helping me to get in the right frame of mind for recovery, and now I am happily in recovery and living my best life. I feel joy in every day and gratitude for the people in my life, all of whom cannot believe the person I am without gambling in my life. This peace I have experienced in recovery is so powerful and those who are suffering from gambling addiction need to know that there is a light at the end of the tunnel and they can reach it.

As a mother of two young children, I have neither the money nor the time to access a residential treatment programme, and this is true for a huge proportion of the population. There is also the fact I am a woman and a mother, which meant it was even more difficult for me to access the help due to the stigma and shame that our society puts on those suffering with gambling addiction.

This is just one young woman who now wants to use her experience to help others out. That type of help is what is urgently needed here.

We need to enact the Gambling (Prohibition of Advertising) Bill 2021. We have to stop the bombardment of gambling advertisements. It is beyond time that we were all allowed to enjoy sport once again without this forced normalisation of sport and gambling. We must introduce a regulator through the Bill the Minister of State is proposing. The time for talking has long passed. I welcome his commitment to introducing this Bill and we look forward to it coming before us.

**Senator Barry Ward:** I welcome the Minister of State back to the House. I know my colleague, Senator Joe O'Reilly, has been a long-standing advocate of gambling regulation and

will agree with what the Minister of State has been saying. I also agree. I particularly welcome the fact that throughout this discussion, both before now and today, we have used the word “gambling” rather than “gaming”. The industry has attempted to use the more socially acceptable term “gaming” when what we are talking about is gambling. In recent years, the gambling industry has changed significantly. Gone are the small bookmakers we might remember. It is now much more a corporate, global industry. We have heard other Senators talking about how this particularly exists online and the impacts of advertising. The organisations behind gambling in Ireland are often not really known to us and are certainly not local. I welcome the idea of a regulator in this regard and look forward to the proposals the Department will bring forward.

Other calls for a single regulator are very important. We sometimes have a propensity in this country to have multiple agencies looking after different aspects of an area when, in fact, this issue crosses over many different areas. Having a single regulator with an eye on all aspects of gambling is tremendously important. In that regard, I think Dún Laoghaire would be an excellent location for its headquarters. We do not need to go to Wexford because the transport links to Dún Laoghaire are excellent. I would welcome that being considered.

The Minister of State will be aware that I have this week put forward a proposal for a Bill in respect of the national lottery. The latter is one of the few areas of gambling in respect of which there is regulation. There is a licence given by the State and there are safeguards in place. The national lottery is still gambling but there are restrictions in place to protect consumers to a certain extent. They can only spend so much on it per day and cannot bet after certain hours. That is in stark contrast with some of the online gambling offerings that are now available where people can bet large sums of money at any hour of the day or night, no matter their state of sobriety or state of mind. Those safeguards are not there for private betting organisations. The difficulty is that some of those bookmaking organisations are entitled to use the national lottery infrastructure to make money and make betting offers to consumers around Ireland. The reason that is a bad thing is because for the small shops throughout this country that give people access to the lotto and for the national lottery itself, there is a significant cost to the implementation of the infrastructure, both in terms of centrally drawing the numbers but also the machines that go into every shop across the country. That costs money. It is there for a reason and is a part of a collective, regulated industry. If we allow private companies to make profit out of that, we are taking revenue out of that stream and giving it to private organisations.

Another important thing is that up to 30 cent of every euro that is gathered by the national lottery in respect of its products goes back into the community through a good causes fund. That does not happen with private gambling organisations. A bookmaker in Ireland takes that money and profit. That is legitimate but the reality is that from the point of view of a social dividend, there is a much greater good available to the State through the national lottery.

People here have spoken about addiction and that is probably at the root of all of this. I am not opposed to gambling because it is not, in and of itself, a bad thing. In moderation, which is, thankfully, the only way I would ever do it, it can be enjoyable and worthwhile. The difficulty, as we have heard from other speakers, is there are people who are not able to do that, just as there are people who are not able to take other things in moderation, and I include myself in that regard. Such people are equally exposed to the constant barrage of advertising and attention from gambling organisations that attempt to draw them into their custom. The reality is that this has a very negative impact on them. Since there is a constant barrage, both online and on television but even on radio, it is a genuine problem. I absolutely agree with the sentiments expressed

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by Senators not just on regulating advertising but also on restricting it and the extent to which we can continue to invade the space of those who may be susceptible to becoming gambling addicts. We have heard from other Senators on the significant impact this can have. I have met and spoken to victims of a gambling addiction. It is as pervasive as any other addiction and we must step in to protect those affected.

I hope, based on what the Minister of State said about the gambling regulator, that there is an opportunity for the State to safeguard its citizens and to have a gambling regulator that has an eye out not for the industry but the consumer and that is willing to step in to identify the vulnerable and outline what it will do to protect them from exposure to what the gambling industry is doing. I welcome that idea and the fact that there is now an opportunity for the State to step in and protect people.

**Senator Joe O'Reilly:** I thank my colleague. I apologise as I made a mistake and believed we were starting at 4 p.m.

I thank the Leader for scheduling this debate, which I have called for three times. Let us establish first what we are not talking about. We are not talking about the 64% of the population who have the occasional flutter, buy a weekly lottery ticket or play bingo; we are talking about the more than 29% who gamble in a problem way, defined as gambling to a level that compromises, disrupts or damages family, personal or recreational pursuits. The 2019 interdepartmental report on regulation found that problem gambling can be associated with a range of harms, including a higher risk of psychiatric disorders, alcohol and drug misuse, physical and mental health issues, separation and divorce, unemployment and insolvency. All of us know people on whom the scourge of gambling addiction has visited devastation and harm. If Senators want a genuine insight into gambling, they should note that an amazing, riveting read is *Tony 10*, written by Tony O'Brien, who was himself an addict, and Declan Lynch from the *Sunday Independent*. It chronicles Tony's decline into the abyss from having a good, secure job and good family and from a first outing with a minuscule bet. His username with Paddy Power was Tony 10 and he became an addicted, self-harming being.

A systematic review of 16 studies on educational intervention found that while we basically need education, we also need limit-setting, as in a maximum amount of time or money that may be spent by an individual. I believe the limit should be €100 per day but that can be debated. Only debit cards, rather than normal credit cards, should be allowed. This is now the policy of the national lottery. Having stated the problem, we must consider solutions. As for the programme for Government, a well-resourced gambling regulator with adequate powers must be put in place along with gambling control legislation. Then we will need actions, including educational programmes and videos for young people in schools, etc. These, however, are not the most effective because young people do not have the problem at that stage. We also need bet limits. These are important. We need win and lose limits. Studies show that only when they are compulsory, irreversible and applicable through all gambling opportunities will these measures work. Also required are pop-up messages in the centre of telephone screens about time spent and losses, messages setting out the probability of winning and losing, an end to free start-up bets for youngsters, which are cynical in the extreme, and health warnings such as those on packets of cigarettes. Messages should be brief and easy to read, and gamblers should have to take action to remove them. Gambling behaviour surveillance, with information on support services, and direct interventions are required. There should be forced interventions that link people to the Gambling Awareness Trust and all the various NGOs and supports.

There is a gambling awareness trust funded by the industry. While that is good, my main focus would be on NGOs and Government agencies being funded independently. I thank the Acting Chairperson for the indulgence and I am sorry I was late. I consider this an extraordinarily serious human issue. The devastation that compulsive and addictive gambling has visited on many of our friends, neighbours and people we all know is enough to say that we, as legislators, have to address the issue urgently by bringing in the gambling control Bill and a gambling regulator.

**Acting Chairperson (Senator Mary Seery Kearney):** I thank Senator O'Reilly. I know he is very passionate about this issue.

**Senator Pauline O'Reilly:** I will not take all of my time. I would have been happy to share some of my time with Senator O'Reilly. Gambling is a booming industry in Ireland. We talk about solidarity with those financially affected most by Covid-19. I suggest this is one place to start because 100% of betting duty is going to the horse and greyhound industries. Everyone here will be in no doubt as to my views on that, and I respect different views. However, in terms of animal welfare alone, I suggest that needs to be examined and the industries decoupled. I was sad to see that we are the only party in this House that does not support the funding of the greyhound industry. In that regard I am powerless to act unless others join us and commit to supporting doing all we can in a practical way. At the very least that duty needs to be re-examined in light of one of the many pandemics in this country, namely, gambling, and redirected in part to support people affected by gambling.

The overall profits of the entire industry need to be examined. Gambling has increased during the Covid pandemic but it had sharply increased over recent years even without a pandemic. There are several reasons for that. Some aspects are not easily managed. Advertising, which was mentioned by many of my colleagues, is one. I look forward to seeing the legislation that the Minister will shortly bring before this House to address those problems.

The interdepartmental report specifically looks at the issue of advertising and has recommended that no gambling related sponsorship of events involving persons under 18 should be allowed, including branded clothing. We know that up to now, advertising has been largely unregulated in Ireland. When we talk about league tables in sport let us talk about our position as one of the countries at the top of the global league table when it comes to gambling. Currently, compliance with advertising standards is voluntary. The entire area is not easy to address given that our regulations cannot apply to those outside the jurisdiction and sport, in particular, crosses all borders. Advertising for gambling is everywhere. It is on our phones and apps. Betting odds are appearing at half time during matches. Essentially, it is in danger of taking the health and joy out of sport and making it something that is bad for us. None of us want to see that.

For those who are already identified as addicts, the pervasiveness of advertising means that falling back into their addiction is a real risk. An addiction devastates people in terms of the mental health impacts and the well-being of families financially, especially during the current ability to gamble on credit amassing debts not only for the gambler but also for entire families.

Gambling is also a child welfare issue. Based on census figures 3,400 Irish children aged between 15 and 16 gamble either problematically or excessively, with problem gambling having doubled in the past five years. However, that figure is likely to be far higher in the pandemic. Teenagers of that age have been at home, largely online, for much of the past year so, in fairness, what did we all expect? It is now time to address that problem.

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I am a fan of video games but at this stage they are not always a fun, innocent way to pass the time. Increasingly, they are a training ground for gambling. Loot boxes in video games are one of the key areas of concern. They are mystery boxes which can sometimes be purchased and the value in that box is entirely down to luck. Research published this month from the universities of Plymouth and Wolverhampton found that loot boxes are structurally and psychologically akin to gambling and impact on vulnerable people disproportionately. Of the 93% of UK children, and this was UK research, who play video games, 40% opened loot boxes.

Is it any wonder that we are seeing such a spike in gambling among our teenagers? This is why the work of a gambling regulator must be integrated with a digital safety commissioner.

*4 o'clock* The report recommends that the odds of winning are clearly shown, that no engagement in these types of games should be permitted until it is verified and that there is a warning on these games that they include loot boxes. I welcome the Gaming and Lotteries (Amendment) Act 2019, which was commenced last year and which went some way to get this country out of the 1950s when it came to regulation and legislation. It went nowhere near enough, however, and that is why the Minister of State is to bring forward this legislation which I greatly welcome. In the programme for Government the three parties commit to establishing a gambling regulator focused on public safety and well-being covering gambling online and in-person and the powers to regulate advertising, gambling websites and apps.

Many families silently look forward to the day when they are lifted out of the darkness that this silent addiction has created about them.

**An Leas-Chathaoirleach:** I thank Senator O'Reilly. Our next speaker is Senator Gavan and my understanding is that he proposes to share time.

**Senator Paul Gavan:** I propose five minutes and three minutes per speaker, respectively, if that is acceptable to colleagues.

**An Leas-Chathaoirleach:** The Senator will be sharing with Senator Boylan. Is that agreed? Agreed.

**Senator Paul Gavan:** It is good to see the Minister of State here today and I thank him for coming in for this very important debate. We need to first address the elephant in the room, which is the obvious fact to all of us, hopefully, that politics has failed in respect of gambling. It is eight years since the gambling control Bill was first thought about. Over that time, I have seen colleagues from all parties, including the Leas-Chathaoirleach's in particular, highlighting the need to address this critical issue. The fact is that it has not been addressed. While I welcome the Minister of State's commitment today and the plan that he has put in place, I have to question whether we really have to wait a further 20 months before we have a gambling regulator actually in force and working. The Minister of State alluded to the fact that a great amount of work has been done. If that work has been done, we should not then have to wait that long. This has been appalling.

I ask Members what has happened over the past eight years where politicians have failed to enact a gambling control Bill. What has happened is that gambling has become all-pervasive. It has literally reached into every aspect of our lives. When I drive home to Limerick this evening I will be bombarded with gambling advertising. When I sit down to watch Spurs on Sunday - please God we will win - I will be bombarded again with advertising. When I sit down

with my teenage sons, we are bombarded with images of people who look just like them. The gambling industry wants us to believe that it is not just normal but that it is necessary to have a bet. Otherwise, one is not really going to enjoy the game.

This has not just been a benign eight years of failure where we have not gone one way or the other. We have allowed this multi-billion euro gambling industry to work away and to do what it likes. As someone alluded to in this Chamber not so long ago, eight years ago we might have seen gambling advertisements at night, now it is literally day and night, 24-7, on radio, television and online. I was concerned that there was just one mention of advertising in the Minister of State's speech, in a reference to a regulation of advertising. We need to end advertising before the watershed time. We need that type of radical measure to fight back for families and for people because all of us - I know I am not unique in this - come across people whose lives have been ruined, and in some cases taken, by gambling. We have seen a failure of the State to regulate and to act. We need a severe change now.

I welcome a number of the comments that have been made as to what needs to be done. Of course, we need a gambling regulator. We have to end these incentives and free bets to sign up online with gambling companies. It is an absolutely disgraceful practice that needs to end. We also certainly need limits in betting.

Above all, we need the political will to make this happen but I worry. When the Minister of State responds, perhaps he might tell us honestly, although he has only had the job for the past year, what has been holding us back for these eight years? We know it is complex. So was nationalising the banks but we managed to do that in 24 hours. In eight years, we have not been able to deliver this. There is no end of statistics that demonstrate how much worse the problem is. There are estimates of 29,000 and, in one case, 40,000 people with gambling addiction problems. GambleAware tells us 1% of those addicts are getting the help and support they need. It is time for all of us to call out the industry. It has done nothing; it does the opposite. It takes people, exploits their addiction and insists its right to make money is more important than the rights, health and welfare of our people.

I can see there is a consensus across the Chamber about the urgency of this matter. I want to see a commitment from the Minister of State to fast-track this issue. We have had eight years of waiting already. If the Minister of State tells us it will be another two years, will that be in reality another three or four years? We need to make sure, above all, that it is not soft touch or light regulation, but real regulation to push back so we do not have gambling encroaching into our lives, particularly the lives of our younger people.

**Senator Lynn Boylan:** I welcome the Minister of State's statement on gambling control. We all know Ireland is the wild west of gambling and successive Governments have done nothing to rein it in. We have been talking about a gambling control Bill since 2013. Today, I will particularly focus on the issue of underage gambling and the impact of gambling on young people.

We know that in our nearest neighbour the number of people aged 11 to 16 with gambling problems has quadrupled in the last few years. Gambling rates there are higher in young people than they are for alcohol, smoking or drugs. Recent data for Ireland shows that problem gambling among male teens has more than doubled in four to five years.

In 2017, I held a conference called "We Need to Talk About Gambling". At that conference,

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Professor Samantha Thomas outlined the impact that gambling advertising has on young people, how it normalised the association of sport and gambling and how children identified teens with their betting sponsor. Terrifyingly, her data showed children as young as 10 had a basic understanding of odds. They knew if their team was 2/1, it was favourite to win the match. Her research was carried out in Australia and New Zealand but it could just as well apply here. We have a completely normalised relationship between sport and betting. We have no watershed on gambling advertising. Sports and gambling go hand in hand.

I encourage the Minister of State to go on Greyhound Racing Ireland's website. It says it is paused but dog tracks are continuing to offer communion and confirmation parties to families with at-table betting. For as little as €35 per table one can bring one's family along for a communion. Until as recently as 2019, when the Gaming and Lotteries (Amendment) Act was passed, the children making their communion were able to participate in that tote betting. Children are also targeted on social media platforms and through family-friendly gaming apps with cartoon characters that offer in-app purchases and gambling functions.

We have to stop the cycle of problem gambling and we do that through robust advertising legislation with no self-regulation and no soft touch. We need tighter age verification processes and the breaking of the link between sports, gaming and gambling. We also have to recognise that problem gambling is not just the extreme stories that make the newspapers of individuals who lose their homes or suffer marital breakdown. Problem gambling is when people have to sacrifice on essentials in their family because they are spending money on gambling. Problem gambling is when they sacrifice on quality time with their children and family because they are spending that time gambling. We need to recognise that it is not about the extremes. Problem gambling is a huge problem in this country.

**Senator Alice-Mary Higgins:** I will start by addressing the question of the horse racing industry and, particularly, the greyhound racing industry. While we are not a party, the Civil Engagement Group has been active in challenging some of the practices related to the funding of that industry and the animal welfare issues in the industry. Some have been addressed by rehoming but there are substantial issues with overbreeding and exporting of greyhounds, which have not been addressed.

We are here to talk about gambling and I am going to talk about the money. There was heated debate about the horse and greyhound racing funding last year. There was an increase to the greyhound sector of €2.4 million. Some €96 million goes to this area which, as a previous speaker said, uses up the entire betting levy. We need to be clear that none of the betting levy goes to anything else except right back in to those industries. Other issues about horse and greyhound racing have been aired but when we look to financial issues related to gambling, let us look to this year. This is important. What has happened this year? For many families, it has been devastating. There have been reports of increased rates of unemployment, bankruptcy and problem gambling associated with increased alcohol use and mental health issues. Those are concerns for families this year. It has been a hard year for many people.

Financially, it has been a good year for the gambling industry. Flutter, which owns Paddy Power, Betfair and others, has seen an increase in its earnings of €1.4 billion, a 23% increase in its overall earnings. The company that owns Ladbrokes has seen a 25% increase from its online operations. While the betting shops may be down on revenue, let us be clear that the gambling industry has treated this year as a bonanza of access online. In 2020, where profits increased so substantially, we saw the Government give a €50,000 relief to bookmakers from their paltry

2% betting duty. For context, that betting levy has gone down from 10% in 1999. As Senator Gavan said, it is not like we are standing still. We have been moving backwards, from a 10% levy on betting in 1999, which went back down to 1% and then crept back up to 2%, but then we took €50,000 in tax relief out of that too. That is the financial treatment that we have had for the gambling industry in this period, at a time when families have been in significant crisis. We have seen the increased use, advertising and relentless promotion of online gambling.

When we talk about Covid and the cost of the betting industry, let us also talk about all those events that were happening for betting purposes. I know others may have forgotten, but I have not forgotten Cheltenham last year, or the Covid spike and the coronavirus hotspots that came after Cheltenham, and the push for Cheltenham to continue, and the reluctance to send strong signals against that. We have seen races take place behind closed doors in order to maintain betting. This is not about sports that are happening behind closed doors but sports that are specifically and deeply tied to the gambling industry.

We were speaking to an addiction counsellor who said it is heartbreaking that the gambling regulator will not be in place for two years because Covid-19 has created the perfect storm for people with betting problems. I appeal to the Minister of State to please not let the appointment of a gambling regulator be postponed until 2023. I ask him to hear what we have been telling him, not just about gambling as a problem overall, but about this year and the moment we are at now, where there is an industry that has made much money and many people who are in distressed and difficult situations. We must make sure there is not more of the same in 2022. We have to protect people. There has been mention of the heartbreak caused by gambling. We must ensure hearts and families are no longer broken by this. Senator Boylan and others have spoken about the impact of gambling. I know people who have lost their homes. Things like that are not a rare exception. They happen quite frequently. There are also all the other losses in terms of time, relationships, all the essentials of life and opportunities for other family members. There is a huge impact on children. My colleague, Senator Black, who works with the RISE Foundation, has spoken about the impact of gambling addiction on families and the next generation.

Other speakers have pointed to the lack of online regulation of gambling advertising as a major issue. That lack of regulation means we are getting all-hours and all-locations advertising, which is a concern. We know we can take action to address this, as we did when we placed constraints in legislation on the advertising and sale of alcohol. It is something that needs to be done very soon, before the end of the year, in order that, by 2022, we are looking at a different situation in terms of online, radio and television advertising of gambling.

Another point to consider, which was made very eloquently by a couple of speakers, is to do with our relationship with sport. The idea of the *exception culturelle*, which was introduced in the 1990s, is something I really like. It is the principle that there are certain kinds of sporting activities that are of such importance that they are about a shared experience and cannot be treated as commercial activities. That principle is seen, for example, in the fact that the broadcasting rights to the all-Ireland GAA finals can never be sold or made available on a pay-per-view basis, because those sporting events represent a cultural good everyone should be able to access. If we turn that on its head and look at the other side, we should not tolerate a situation where advertising of, and sponsorship by, gambling companies is in any way acceptable as a price for having sport in Ireland. We should recognise that sport has value, needs investment and support, and it is not acceptable to have it made simply a by-product of, or subject to, a commercial market in gambling. To do so damages the relationship we have with sport as a

collective activity.

Others have spoken about loot boxes and the training of people in gambling and gaming behaviour. That is something we need to address. Related to that, we should consider moving away from the laudatory treatment of speculators, stock market investors and others who take big risks and gambles. We need to address the lionisation of that form of economic activity, as opposed to the kinds of economic activities engaged in by those who build businesses more slowly and steadily from the ground up. That is another way we can send a cultural signal to people, including children, around what should be valued in life.

**Senator Shane Cassells:** I am glad the Minister of State is here today for this discussion on gambling regulations. I am hopeful that he will act swiftly to take on the issues in this regard. It is a sector that, unfortunately, has free rein at this time. Without stringent protocols in place, it is wrecking the lives of hundreds of thousands of people, young and old, male and female, in this country.

The industry will be interested in what the Minister of State says here today. He should not kid himself that the companies involved will not parse every single utterance he makes. The reason for this is that the betting industry in this country is worth €10 billion a year. It is worth its while to listen to what the Minister of State is saying in this House. I have seen lobbyists for the industry in the coffee dock and elsewhere around this place for years. They have had free rein. We should think about that figure of €10 billion for a minute. We spend €9 billion on education, €3.5 billion on transport and €2 billion on agriculture, but nearly €10 billion is spent on gambling in this country.

A very sad statistic is that the money being spent in casinos, at bingo and in gambling machines exceeds the amount bet on horse racing. It is easy to recognise when someone has a bad drink problem because he or she may be seen stumbling around the streets but a gambling addiction can be hidden, unfortunately. In March of this year, Barry Grant who runs the website *problemgambling.ie* reported a 46% increase in gambling addiction problems during this pandemic. There is a human cost to gambling. There are kids who go hungry in this country because their fathers, and it is primarily fathers, gamble their income away leaving themselves and their dependants destitute and, in turn, that can lead to even further problems within the home. What the hell do the gambling companies think about that? They just stick up a logo and text number in small print that cautions people to gamble responsibly.

The people at the head of these companies are the best paid executives on the face of the earth. We have debated what Secretaries General are paid. The head of a betting firm would wipe their rear end with what a Secretary General is paid. The head of the betting company Bet365, Ms Denise Coates, set a new record last year for the best paid executive by getting €493.5 million a year, which made her one of the highest earning corporate figures in the world.

A few weeks ago, I made the point that RTÉ had an extensive discussion on its popular “Sunday Sport” radio show with Oisín McConville, who is a high-profile sports star and who has toured Ireland to explain how gambling ruined his life. He tries to make sure that people do not fall into that same hole. At the end of the debate, the coverage went to the Curragh where the opening day of the flat races was happening, and straight after the race there was a message on the radio show stating that today’s race meeting on RTÉ was brought to us courtesy of Boyle Sports. That is like going to a place to dry oneself out yet the place is sponsored by Guinness. The gambling organisations are laughing all the way to the bank. They would let RTÉ talk

about problem gambling all day because the little jingle advertising the betting company was played all day long. They think they are untouchable because, quite frankly, at this moment in time they are. I know that the Minister of State has taken on this project of providing gambling regulation with real gusto. More importantly, he has the steely toughness to see this through to the end. They will go after him because, mark my words, the lobbying factor involved in the gambling world is massive.

The Minister of State mentioned in his speech the technological advancements in the betting area. Of course, Covid has been a godsend to these guys as it has driven them online. They do not want the bookie shops because it is a hindrance to them to have to pay rates and staff costs. One can set up an online account without any age ID verification. If one wants to get one's money out of elsewhere one needs to show a passport but one can gamble away to one's heart content.

The advancement of online gambling companies means that they can target people by sending tailor-made ads to their mobile devices to get people hooked and they keep them hooked. Gone are the days of a €5 coupon on the front of newspapers because now an online voucher can be sent to one's phone.

I am someone who enjoys racing and I am a former sports journalist but the regulation does not come down hard on people who want to have a punt and enjoy a day at the races or Friday night in Dundalk. The companies are not interested in those punters. What do they want? They want people hooked on cartoon races. On top of that, the figures from Revenue are quite frightening. As many as 11,000 gaming machine licences were issued last year and the year before. It is crucial, therefore, that when we come to regulation that there is a wide encompassing view taken of this. We have 1950s legislation regulating an industry that operates with the latest algorithm technology available.

Finally, as with any other legislation that comes before the House, the laws can only go so far in tackling any social issue. There is a broad responsibility on everyone in this regard and the sports stars who charge very large appearance fees to perform on television and in online advertisements for these companies need to take a long, hard look at themselves because they are complicit, as are our premier sports clubs in this country. Shamrock Rovers is sponsored by 888, which is one of the largest sports gambling companies in the world. There is a social duty of care here. These are not harmless companies and everyone has their part to play. I urge the Minister of State to maintain his steely toughness and make sure to tackle gambling.

**An Leas-Chathaoirleach:** I remind Members that it is important that in their contributions, however passionate and emotional, that they do name any individuals outside the House as per Standing Orders.

I call Senator Seery Kearney and I understand that she wishes to share her time equally with her colleague, Senator Buttimer. Is that agreed? Agreed.

**Senator Mary Seery Kearney:** How does one follow Senator Cassells's very powerful contribution? Part of me just wants to say "Hear, hear." There is no question but that gambling is an appalling blight on families throughout our country. Senator Wall read out an email from someone who was affected by gambling. When he referred to this person as "she", it came as a surprise. That is one of the issues. There is misperception that this is a men's issue when it is not. It affects both men and women. Women are also affected through bingo and the many apps

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women can use which give them a sense of community. People are connected with one another if they are all in it together. All the while, lives are being stolen. Homes are being stolen from people as their vulnerability and addiction is preyed upon.

I welcome the establishment of the regulator. The Minister of State indicated that the regulator will be resourced. I really want him to make sure it has really strong teeth to allow it to tear apart those things that are undermining individuals, and their families, through the exploitation of their vulnerabilities. Throughout the Covid pandemic, we have seen an absolute explosion in addiction across the board, whether it is to drink, drugs or gambling. To hear the profits being announced despite the absence of those sporting events that would normally be bet upon is shocking and drives home the message that gambling, and people's spending on it, has just exploded.

The phones in certain people's hands are their greatest enemy. They cannot be escaped. At least a betting shop closes, as does the pub and the off licence in the case of a drinker. The phone in the hand is so accessible that we need to ensure that promotional codes are banned altogether. We need to take a strong stance against that. People can stop using the app but still find themselves getting emails and flashing promotional codes or free opportunities to bet.

My final point is on advertising. We need to make sure that this is kept to after the watershed. I am horrified that my six-year-old knows the name of one of the bookies. She knows the colour worn by that man who comes on the television and makes it seem so fantastic to be part of this. There are attractive, fluffy ads aimed at people who are lonely and isolated. We need to make sure these are shown only after the watershed. The national lottery should not be advertised in the middle of a family film on a Saturday evening.

**Senator Jerry Buttimer:** I will begin by praising the former Minister of State, Deputy Stanton, for his work prior to the Minister of State, Deputy Browne, taking office. Deputy Stanton did Trojan work.

This is an issue we must grasp. It is the generational issue of our time. We have an obligation and a duty. If we are waiting on the jungle that is the gambling industry to act, we might as well forget about it. The O.K. Corral must be shut down and it is up to us to do it. Social responsibility must be imposed on the gambling industry and betting shops.

It is not just about gambling, however. It is also about the issue of loot boxes. I commend a good friend of mine, Eoin Barry, who has done a lot of work with me on the issue of loot boxes and young people. This is a modern form of gambling for young people. Senator Cassells is right in that young people are on their gadgets morning, noon and night. We might only hear a beep but that beep could signify something sinister and insidious that involves spending their parents' money. We need gambling reform. It is absolutely necessary. A regulator is a prerequisite. We must also regulate the in-game purchase of loot boxes. That should be done immediately as a matter of priority. We are behind Europe on this. These hide behind the FIFA games and Fortnite. It is about capturing young people. Their experience of gambling is beginning at a very early and formative age. It is an insidious form of gambling and we have an obligation and a duty to work to ensure that we change and reform behaviour for a generation. If we do not, we will pay a significant social cost.

I am disappointed by the remarks of Senator Higgins regarding horse racing and the greyhound industry. These are very important industries. There are hundreds of thousands of jobs

in the industries and it is unfair to masquerade the men and women who work in the horse-racing and greyhound industries in the way that was done here today. It is very unfair. Some of the Senators who were waving flags last Saturday week for Rachel Blackmore are coming in here today and criticising the horse-racing industry.

**Senator Lynn Boylan:** On a point of order, Senator Higgins is not in the Chamber.

**Senator Jerry Buttimer:** I am not taking a point of order. I am entitled to make my point.

**Senator Lynn Boylan:** Senator Buttimer is referring to Senator Higgins-----

**Senator Jerry Buttimer:** I am referring to her contribution.

**An Leas-Chathaoirleach:** It is a political point.

**Senator Jerry Buttimer:** The horse-racing industry and the thoroughbred breeding industry are worth jobs and money. Sinn Féin has changed its position on the horse and greyhound fund.

**Senator Lynn Boylan:** Does Senator Buttimer think it is right that-----

*(Interruptions).*

**Senator Jerry Buttimer:** The point I am concluding-----

**An Leas-Chathaoirleach:** Senator Buttimer without interruption.

*(Interruptions).*

**Senator Jerry Buttimer:** Senator Boylan cannot have it both ways. I will conclude on this. It is important. We have unanimity on the fundamental point, which is that gambling reform is necessary. I support the endeavours of the Minister of State in that regard.

**Senator Erin McGreehan:** I am sharing time with Senator Murphy.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Senator Erin McGreehan:** I thank the Leas-Chathaoirleach. The Minister of State is very welcome to the House. I welcome his commitment on this issue. We need to push on with it. It is evident from the contributions on this issue from across the House today - I was following the broadcast of the proceedings in my office - that there has been unending commitment and that we have a common goal, which is for the Minister of State and his Department to succeed in implementing proper gambling regulations.

All Members recognise there is a significant gambling problem. There are other addictions such as drugs and alcohol and we need to be aware of those problems and deal with their consequences, but gambling is secret and goes on behind closed doors. It is usually only uncovered when it is a situation of last resort and homes and possibly lives are lost and families are ruined. I have seen lives being destroyed by gambling. It is incredible to see a family just torn apart. I hope this is the start of stopping that from happening.

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I have always advocated prevention being better than a cure. We need to prevent people falling down the rabbit hole of gambling addiction. Recent research found that 40,000 people in Ireland have a gambling addiction. More than 40% of the adult population plays the national lottery regularly and approximately 12% of adults bet with a bookmaker weekly. As a non-gambler, I find that phenomenal. Each year, €5 billion is gambled. That is approximately €10,000 every minute.

I very much welcome the commitment of the Minister of State. All Members agree that effective regulation is necessary for this industry. We need the gambling regulator to have teeth, be strong and have enforcement powers to stop advertising. The increase in advertising in recent times has been incredible. Senator Seery Kearney mentioned that her child recognises gambling businesses, as do my children. These advertisements portray it as a fun family activity, with everyone coming together in the living room and having great craic. It is not great craic because gambling can ruin lives. Everything in moderation, but there needs to be proper regulation. I look forward to such regulation being put in place.

**Senator Eugene Murphy:** I thank Senator McGreehan, the Leas-Chathaoirleach and Members for giving me the opportunity to speak for a few minutes on this issue. Like Senator McGreehan, I acknowledge the cross-party contributions from across the House. We have a serious issue with gambling in this country. Boy, do I admire the passion shown by Senator Cassells here today. He is dead right.

A person came to me recently who said that a gambling thing had come up on their phone but they had nothing to do with gambling. That is another issue, although I will not mention the companies. This thing flashes up in front of people when they might have nothing to do with gambling. This sort of interference on social media must be dealt with.

When I was a Member of the Dáil, I dealt with the Minister of State, Deputy Browne, in respect of addiction issues. He has been very good and he is a man who takes his responsibility extremely seriously. I have to acknowledge that the former Minister of State, Deputy Stanton, was very committed to this as well. I have no doubt that the Minister of State, Deputy Browne, will do it. I back Senator Cassells in saying to the Minister of State to take on these boys.

I want to give one interpretation of the way people respond at times. It is taken from a personal situation. By the way, I sometimes put on a small bet of €2 each way, and I might put a bet on today and then leave it for six months. I do not want to stop people who can handle betting from doing it. That is fine. Those small race meetings in places like Roscommon are very good. I want to give the example of something that happened a couple of years back when I was talking to a certain person I know, although I will not mention names. He said to me that such-and-such a lady had gone in because she had an addiction. I said I knew about that and I asked could we do anything for the young family. He said we would wait and see. I said I never knew that she was an alcoholic. However, she was not. She was a gambler and she gambled every penny. That man and those kids suffered and suffered, as do many families. It is simply not right to see that going on in our society.

We see these super advertisements and the Minister of State also referred to those on television, where we see a race and then we see that the programme is sponsored by such a company. I would tighten up on those companies because they are using and exploiting people. It is an addiction we have to handle. We have to be serious about it and we have to tighten up on it, there is no doubt about that. This debate is very important. With respect, I say to the Minister of

State to take this legislation forward as quickly as possible and to stop this epidemic. We have to try to help people out there who are in a desperate situation. As Senator McGreehan said, a lot of it is silent and people do not know about it. Even families do not know about it until someone comes knocking on the door and says that €10,000 is owed somewhere, which causes shock, horror and absolute outrage. Children suffer dreadfully because of this.

**An Leas-Chathaoirleach:** I thank the Senator for allowing the Minister of State the time to respond. I point out that as a number of speakers did not show up. For want of speakers, the debate finishes now. It would have gone on to another day had there been other speakers. I want to make that clear because there is an expectation abroad that there will be another day. The fact that there are no other speakers offering is why there cannot be, as per the rules of the House. I call the Minister of State.

**Minister of State at the Department of Justice (Deputy James Browne):** I thank all Senators for their contributions. The House is very much united in attacking the scourge of gambling and gambling addiction.

Senator O'Loughlin rightly pointed out that a key difference with this addiction compared with others that are every bit as devastating is that we can see the downward trend in people who have a drug or drink addiction. With gambling, the first time people often know that a partner or a loved one in the family has this addiction is when the sheriff is at the door, when there is a letter from the bank or when gardaí arrive to say that a family member has been involved in criminal activity or, even worse, that someone has taken their own life as a result of the stresses they put themselves under because of a gambling addiction.

Senator Malcolm Byrne rightly pointed out that was a major issue even as far back as the 2007 general election. Our laws date right back to 1956. What we now have, effectively, is analogue laws in respect of a digital world of gambling. It is not that long ago there were serious debates about a proposal to put a casino in Tipperary and the impact that would have on our society. Now, as Senator Buttimer pointed out, every ten-year-old is effectively going around with a casino in their back pocket. That is how dramatically the gambling situation has changed, even in the last ten years alone.

Senator Wall rightly pointed to the blurring of the lines between sport and gambling. In some cases, sport has almost become a means to an end, which is gambling itself. The whole purpose of sport is being lost. That has happened, especially in certain sports. We saw the proposals for the breakaway league in soccer during the week and how greed and corporates have completely taken over the sport. Senator Ward touched on how gambling used to be about independent bookies and small companies but it is now big business and big corporations. He pointed to the campaigning by Senator Joe O'Reilly and how passionate the Senator has been over many years, raising issues around betting limits and ending free bets and special odds that encourage people to continuing gambling when they are trying to get out as well as the need for interventions to tackle advertising.

Senator Pauline O'Reilly made the important point that the primary remit of the gambling regulator will be public safety and well-being. It will not simply regulate the industry but will do so from the point of view of public health, which is critical.

One reason for delays in this area has been the speed with which gambling has changed. The new scheme to be published in the summer is an update to the 2013 scheme but also a radi-

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cal change from it. This was necessary because of the changes in the area of online gambling. We have seen the impact of that during the pandemic in particular.

Senator Cassells spoke passionately of how the gambling industry is given free reign to wreck people's lives. We cannot deny that it is the wild west out there at the moment with our gambling laws. They are simply not fit for purpose, which is why I am determined to have them changed.

Senator Seery Kearney pointed out that more and more women are becoming addicted to gambling because of its availability online and on their phones. Traditionally, not many women visited the bookmaker's office. There is no gender distinction that makes one person more addicted than another. Gambling was just more of a tradition among men. Senator Cassells is completely right that we have a social duty of care.

Senator Buttimer referred to the work done in this area by Deputy Stanton when he was a Minister of State and Senators McGreehan and Murphy also made very important points.

When I was appointed Minister of State with responsibility for law reform, gambling reform was the key piece I wanted to get done because it had been talked about for so long. It has been discussed for decades but has not occurred for various reasons, which I will not get into. I was not in government before last summer but I am here now. I set targets in the autumn and we are still on target to publish the scheme in the summer, advertise the CEO designate as a gambling regulator during the third quarter and make the appointment by the end of the year.

I must address Senator Higgins who may not have been listening to my opening remarks. The regulator will be appointed this year, not in 2023. The reason we are appointing a regulator this year and not at the end of the process is to ensure the staff, offices, equipment and so on that are needed are in place when the legislation is passed by these Houses and signed by the President. The regulator will then be able to kick off with what it needs to do on the same evening. When we say operational we mean the regulator will be ready to hit the "Go" button the minute the legislation is passed and signed by the President.

**An Leas-Chathaoirleach:** I thank the Minister of State for his patently sincere and comprehensive responses and his proactive approach to this issue, on which there is clearly unanimity in the House. When is it proposed to sit again?

**Senator Eugene Murphy:** At 10.30 a.m. on Monday, 26 April 2021.

The Seanad adjourned at 4.45 p.m. until 10.30 a.m. on Monday, 26 April 2021.