

Dáil Éireann debate - Wednesday, 17 Jun 2020

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Covid-19 (Health): Statements

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[An Ceann Comhairle](#)

Given that all the strawberries in Wexford have been picked, we can resume our business, which is a statement by the Minister for Health on Covid-19, followed by questions and answers. The Minister, Deputy Harris, is very welcome. He has ten minutes for his opening statement.

[Minister for Health \(Deputy Simon Harris\)](#)

I welcome this opportunity to once again update the House on the Covid-19 disease and our ongoing national response and effort to it.

First, and most importantly, as I do every week I wish to express my sympathy to the family and friends of those who have been lost to this disease since I was last in the House. We should always be conscious of them as we talk about progress, statistics and numbers. Behind statistics and numbers are real people who are grieving and feeling an immense sense of loss. Our thoughts are with all of those who have been bereaved. I hope that as we work to move through the next

will be looking at. The modelling will need to continue its work and to continue to update on a weekly basis.

Deputy Ossian Smyth

Several months ago at the start of this epidemic I asked about sick pay for people who do not have it and the introduction of emergency measures to prevent the virus spreading. If people who traditionally do not have sick pay are forced to go to work, the virus could spread as a result. Emergency measures were brought in by this House. I am receiving telephone calls from constituents who work in private nursing homes to the effect that they are no longer entitled to sick pay. Have the emergency measures expired? I am concerned that people feel obliged to go to work because otherwise they will not get paid and will not be able to meet their rent payments. Can the Minister advise on whether sick pay is still available to people working in private nursing homes?

Deputy Simon Harris

I will have to revert to my colleague, the Minister for Employment Affairs and Social Protection, to get the Deputy an accurate answer on that matter. There is a broader issue around sick pay schemes and so on that operate in some workplaces but that is perhaps for another day's debate. I will revert to the Deputy on the matter tomorrow.

Deputy Brendan Howlin

Like others, I begin by expressing my sympathies to the families of the 1,709 people who have passed away because of Covid-19 and my solidarity with those who have been ill.

Unusually for the Opposition benches, I congratulate the Minister and his team and NPHET for handling this unique crisis with great dexterity and skill. The Minister has not been right in everything he has done but one cannot in the midst of a crisis make the right decisions all of the time. All of the actions to date have been based on expert health advice and have been explained setting out the reasons and underlying science for each decision. This has resulted in a response from an intelligent Irish people accepting and supporting each restriction and action to date. It is in this context I want to raise a number of questions, the first of which relates to the leaked guidelines and protocols for the reopening of pubs because I believe they require some explanation.

It appears that pubs that serve food are to be allowed to reopen and pubs that do not serve food will not be able to reopen. This is anchored in the Intoxicating Liquor Act of the 1960s referenced by Deputy O'Reilly, which is about controlling the consumption of alcohol and has nothing to do with infectious diseases. How is it that the consumption of food is an issue and that an arbitrary figure of €9, which apparently is an updated figure on the 5 shillings that was provided for in the 1962 Act, is to be the criterion? Under the protection of health criteria, it is not permissible for a person to attend a licensed premises for 90 minutes and not consume food. All regulations to date are anchored and designed to combat viral **transmission**. This has to remain at the heart of everything we do. Like others, I am contacted daily by hairdressers and people in other businesses who want to reopen. We need to have sound, logical expert reasoning to give to them. I regret that what is happening in terms of these draft guidelines erodes that. Consuming food provides no additional protection. Consuming a chicken korma or a cottage pie does not provide a person with extra protection against the virus. Why would that criterion be a determinant? I ask the Minister to explain that. Also, why is 90 minutes

a determinant? We had a long debate on the two-hour rule in regard to this House. We need to bring people with us all of the time. The Minister mentioned complacency. We cannot be complacent. We must have very clear guidelines. We brought people on this journey with us on the basis of explaining the facts and people understanding and accepting that this was the best advice. I ask the Minister to explain the science in regard to the 90 minutes and the consumption of food.

Deputy Simon Harris

I thank the Deputy for his kind words. I also thank him for his role. One of the reasons we have been able to bring people with us, apart from the brilliance of the Irish people and their own determination, is because no party has played party politics with this issue. I have sat in meetings with Deputy Howlin, Deputy Shortall and many other Deputies here since the start of this crisis, and particularly at the start of it. The approach of managing it in a public health-led way has made my role easier. I again thank the Deputy in that regard.

The Deputy is correct that viral **transmission** and suppressing viral **transmission** has to be at the core of what we do. Let us remind ourselves of how we got to the situation of the possible reopening of pubs that serve food. The public health advice was that restaurants would be in a position to reopen at an earlier stage than the traditional pub environment because people are seated and it is possible to move tables apart, etc. We are all aware of the situation in terms of people crowding at bars, etc. A number of publicans made the point, not unreasonably, that they effectively operate as restaurants in that they serve food as well. There are some such pubs in my own constituency. There was an effort to accommodate pubs that serve food and operate like restaurants. The Deputy is well able to differentiate between the

pub that serves food and has seating similar to that in a restaurant and the busy traditional bar.

I will explain how this happens. The relevant line Department or agency, in this case Fáilte Ireland, engages with the HPSC on how to proceed safely in each unique sector. The key words, as mentioned by the Deputy, are "draft guidance". I appeal to everyone to await the final guidance because I meant it when I told Deputy Feighan earlier that there must be public health advice guidance with common sense. It is important to clarify that cottage pie does not protect a person from Covid-19. In speaking about the production of final guidance, I will refer to the childcare sector as an example. I read everywhere about the debate on how to keep toddlers 2 m or 1.5 m apart, which is not possible. In that case, the line Department worked with the HPSC to come up with a bespoke solution for that sector, which is the pod.

That is the space all Departments and agencies of State need to be in. They should use the HPSC to get the best advice, interrogate that advice and interact with it. I am conscious that this is draft guidance, which I do not believe has been published or finalised yet. I encourage people to engage and get a common sense, finalised agreement.

Deputy Brendan Howlin

My concern is that we continue to be very clear in our guidelines that the objective is to prevent **transmission** of the virus, and that everything is understood and explained on that basis. We should not broker a deal on some basis that is self-evidently not anchored in science. That is my concern, but I will await the emergence of the final guidelines.

I want to ask the Minister about the availability of a vaccine, should one become available. Costa Rica has an initiative whereby when a vaccine

is discovered, please God, the intellectual property, IP, would be universally owned. It is supported by about 35 countries, though I have not checked recently whether it is supported by Ireland. Under this initiative, every pharmaceutical company in the world would be able to immediately produce the vaccine and distribute it in the widest possible way. As regards our own legislative position, what legal powers does the Minister for Health have to require a compulsory medicines licence? I have checked to see what the specific powers are and while there are some in the Patents Act 1992 that would allow for it, they are very restrictive. The patent has to be in existence for at least three years and there are other restrictions involved as well. Has the Minister looked at this with a view to ensuring that, should a vaccine become available, it is compulsorily licensed here so that it is not the property of one individual company? Many companies have already said that if they discover one they will create a public IP for the public good but we cannot guarantee that the company with the best vaccine will do so.

Deputy Simon Harris

This is a very timely question because only today I received correspondence from the European Commissioner for Health and Food Safety about this matter and I also had calls with six or seven separate European health ministers yesterday on it. We are spending an awful lot of time at a European level, at health ministers' Councils and the like, trying to take a joint European approach to this. We have invested most of our time and energy in trying to procure any vaccine that may become available on a European level and ensuring its fair and equal distribution among all member states. Four member states have already undertaken an initiative where they have agreed to meet the upfront costs but have also guaranteed fair distribution. While I welcome member states doing anything that is helpful, I am personally of the view that we need a European Commission led approach to this.

I have spoken to the Commissioner and I know that is her view as well. I have also asked my officials to advise me on any legal preparations we may need to make here, but I believe Ireland will be best served by approaching this jointly as a member state of the European Union.

Deputy Brendan Howlin

To be blunt, I am concerned about the European initiative because it would not actually make a vaccine available to everybody. It would only be available to those countries participating in the initiative and that is not acceptable. We had an online conference with many actors, particularly in Africa and India, regarding the internationalising of this intellectual property and it is important that we take a worldwide view on this in order that every country and pharmaceutical company in the world can produce a vaccine once we have intellectual property on it. I had hoped the Minister would confirm that was also his view.

Deputy James Browne asked about dexamethasone. It was not quite clear from the Minister's response whether that drug is in use in Ireland now, as it is in the NHS for critically ill patients, a diminishing number of whom - thankfully - are now in intensive care.

Deputy Simon Harris

The reason the Deputy is not quite sure is that I asked my Department only this morning to seek an update from the HSE on the matter. It is my sense that it is being used but I want to get that confirmed by the HSE today. This is something the NHS has started using literally from today and I expect to be in a position to update the Deputy on it by tomorrow.