



DEALING WITH DEBT

Executive Summary

The impact of the Covid-19 pandemic on people's jobs, incomes and household savings over the last six months has created the conditions for household debt crisis. Action is needed now.

To guarantee a fair recovery and avoid a mountain of debt overwhelming households and driving people into the arms of predatory loan sharks, Sinn Féin is demanding urgent intervention from the Government.

Debt relief procedures allow people to enter a manageable re-payment plan for a supervised period after which any outstanding debt is forgiven. Since the pandemic began a growing number of households need help with managing debt.

Unfortunately, many people who are struggling with debt as a result of the pandemic are excluded from accessing existing debt relief procedures because they are homeowners or have a car or cannot afford the services of a Personal Insolvency Practitioner.

Sinn Féin's proposals would reform and widen access to debt relief procedures allowing people recover from debt and move on with their lives.

Key recommendations:

Transform the Money Advice Bureaus (MABs) into a one-stop-shop for resolving problem debt including in-house Personal Insolvency Practitioners

Establish a Covid-19 rent arrears resolution mechanism

Strengthen consumer protection and financial products regulation by capping interest rates charged by moneylenders

Improve Data Collection

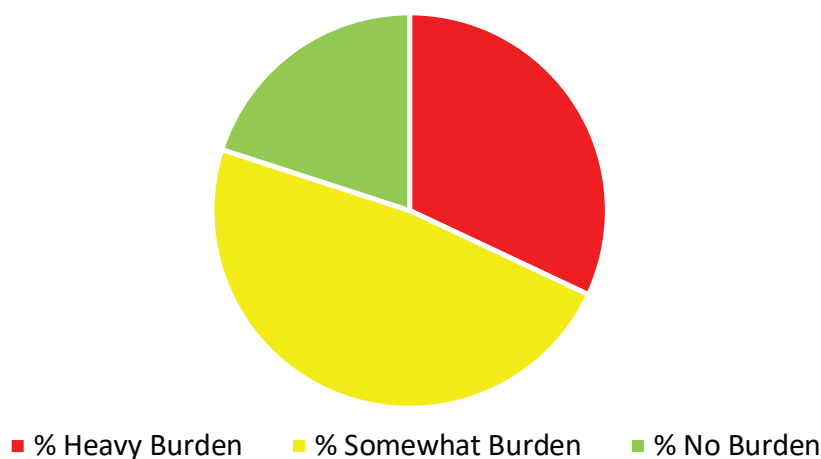
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Introduction

Irish households are the fifth most indebted in Europe.¹ Household debt stood at €136.9bn, or €28,186 per person in Q1 2019. The burden of household debt falls heaviest on the lowest income households. 40% of those in the bottom 20% of income earners expressed that debt repayments are a heavy burden.² 1-in-3 low income households are struggling with problem debt, and “a further 1-in-2 are ... potentially at risk.”³ This is highlighted below in Figure 1.

Figure 1: Low-Income Households (Bottom 40% of Income Earners) and Burden of Debt Repayment



The impact of the Covid-19 pandemic, and the resulting economic situation that low-income households find themselves in, has created an environment wherein an explosion in household debt has become a real possibility.

According to a senior figure in the Citizens Information Board (CIB), which oversees the Money Advice & Budgeting Service (MABS) that over 27,000 households are overindebted with no recourse for more than 2 years, and that “a tsunami of indebtedness” is coming. A survey published by MABS in September (2020) suggests that almost 1 million people are concerned about their future debt.⁴ Similarly, Social Justice Ireland has identified the need for problem debt to be tackled before it becomes a bigger problem in the wake of Covid-19.⁵

Families struggling with debt may have used savings during the period of moratorium on mortgage repayments to pay down some debt. However, now that this moratorium has ended, they will not be in any better financial position than they were before given that deferred payment obligations are now due.

September saw schools return and with that, the huge expense for parents in the annual back-to-school

1 Central Bank (2019), Household Credit Market Report 2019, p. 3 (<https://www.centralbank.ie/docs/default-source/publications/household-credit-market-report/household-credit-market-report-2019.pdf?sfvrsn=6>)

2 Lajoie, A. (2020), Exploring Household Debt in Ireland: the burden of non-mortgage debt and opportunities to support low-income households, p. 49 (https://www.tasc.ie/assets/files/pdf/household_dept_report_final_3320.pdf)

3 Lajoie (2020), p. 50

4 MABS (2020), Attitudes to Debt & Impact of Covid-19 (https://www.mabs.ie/downloads/publications/Irish_Attitudes_to_Debt_and_COVID19_MABS_June2020_V5.pdf)

5 Social Justice Ireland (2020), Need for Personal Debt Taskforce as Thousands Lose Their Jobs in the Wage of Covid-19 (<https://www.socialjustice.ie/content/policy-issues/need-personal-debt-taskforce-thousands-lose-their-jobs-wake-covid-19>)



season. This is being compounded by a new generation beginning third-level education, but whose parents have suffered income loss that may hamper their opportunities due to the astronomical cost of university fees and accommodation in our cities.

To ensure a fair recovery for all and avoid this tsunami overwhelming households, and possibly driving many into the clutches of predatory loan sharks and money lenders (where regulation and oversight is weak, with interest rates of up to an effective rate of 288%)⁶, Sinn Féin believes that urgent action is needed on the part of Government.

People struggling with problem debt must be able to avail of the full suite of services offered by a personal insolvency practitioner (PIP). MABS and CIB can offer this service, as they have made clear in every pre-budget submission since 2017, if the Government was willing to empower them.

The State must also act to protect workers and families from the legacy of problem debt and improve data collection practices. On foot of improved data, policy makers will be better positioned to make more informed decisions and strengthen consumer protection and financial product regulations.

The cost of not doing so will weigh far heavier on households, the economy and, ultimately, the public purse if this action is not taken. As the Society of St Vincent de Paul has shown, the cost of poverty to the state is in the region of €3 billion to €7.2 billion annually.⁷ Government must be in the business of poverty prevention as a moral and ethical duty to society, but there is a strong economic argument behind this as well. Simply, it is less costly to avoid problem debt than it is to service it. Thus, avoiding the consequences of problem debt such as bankruptcy within households, financial institutions, and society.

⁶ McCarthy, O., and Byrne, N. (2020), 'We've heard of moneylenders meeting customers at the post office as they collect their social welfare,' The Journal (online) (<https://www.thejournal.ie/readme/moneylending-and-covid-19-5120224-Jun2020/>)

⁷ Society of St Vincent de Paul (2020), The Hidden Cost of Poverty: Estimating the public service cost of poverty in Ireland (<https://www.svp.ie/getattachment/3b9f910a-4617-4592-abb0-edd0774f56e8/The-Hidden-Cost-of-Poverty-Executive-Summary.aspx>)

When Household Debt Becomes Problem Debt

There are various kinds of household debt. One of the major components of household debt in Ireland is mortgage debt. Along with debt obligations such as a car loan, this is a type of secured debt. Secured debt is covered by an asset and can wholly or partly be ameliorated by forfeiture of that asset. Unsecured debt poses different issues. Examples of unsecured debt are:

RENT ARREARS
UTILITY BILLS
STUDENT LOANS
PERSONAL LOANS
OVERDRAFTS
CREDIT CARD DEBT
TAX ARREARS
MEDICAL DEBT

Unmanageable debt can have multiple negative effects for the person(s) burdened by it, their wider family or household, the community and, ultimately, the State and economy which suffers two-fold. Firstly, it results in increased spending on services such as healthcare to treat the physical and mental ailments caused by the problem debt. Secondly, it dampens economic growth by curbing domestic consumption in favour of the profits of financial institutions and loan sharks. Households with high income to debt ratios will not have the disposable income available to spend and boost the local and domestic economy.

Over-indebtedness occurs when a household's "net resources (income and realisable assets) render them persistently unable to meet essential living expenses and debt repayments as they fall due."⁸ Stamp (2009) outlines the five key components of over-indebtedness, or problem debt:

- Persistency, a prolonged as opposed to once-off problem
- An inability to meet debt repayments
- Consequent problems meeting other financial obligations, such as utility bills
- A consequent inability to maintain a reasonable standard of living, which we would define in line with the Minimum Essential Standard of Living⁹
- Illiquidity (an inability to pay down debt by selling assets).

In other words, problem debt arises when a person or household's income cannot cover the costs of living and meeting debt repayment obligations. It is likely that households will face problem debt now that payment moratoriums have come to an end.

⁸ Stamp, S (2009): A policy framework for addressing over-indebtedness, p. 7.
⁹ Vincintian Partnership for Social Justice (2019), (https://www.budgeting.ie/download/pdf/mesl_2019_update_report.pdf)

With rising unemployment, looming redundancies and business closures in the wake of the Covid-19 Pandemic, much of this household debt is likely to become problem debt. Furthermore, as households are forced to borrow more to meet rising living costs, the level of indebtedness is likely to increase also. This will inevitably lead to an increase in problem debt.

People do not choose to become over-indebted. It is a consequence of the dominant economic logic which forces people on low incomes or from low wealth backgrounds to borrow, not to get ahead, but to stay afloat. We are all familiar with the annual loans needed by too many to buy school uniforms and books, and this year that has come on the back of mass unemployment and income loss for tens of thousands. Similarly, the onset of the Christmas period can have a serious negative financial effect on many struggling households.

There are many reasons why we should and must tackle problem household debt post-Covid.

Such as:

- To alleviate anxiety and support citizens suffering from, or at risk of, deprivation because of pandemic-related debt accumulation
- To avoid reliance on money lenders and predatory loan sharks, who often call door-to-door or wait outside social welfare offices to offer loans and collect extortionate repayments
- To ensure domestic consumption is kick-started rather than curbed to help stimulate economic activity
- The financial collapse of multiple households and communities has the potential to put the entire financial system at risk
- Crises begin at the periphery (in this case, households) and, in the absence of wealth cushions such as savings or other safety valves, eventually ripple back towards the centre (financial institutions)
- Early interventions to stabilise the periphery can therefore help mitigate stress at the centre of the financial system
- Measures to help households with problem debt directly will help instil trust and legitimacy in government interventions aimed at stabilising financial institutions.

As such, as part of the Government's response to the pandemic, and to guarantee a fair recovery, Sinn Féin is calling on the Government to act to prevent households being crippled by the financial costs associated with the pandemic.

Summary of 'Exploring Household Debt in Ireland' Report¹⁰

A significant number of working households are “struggling” and “squeezed:”

- 20% or 1 in 5 workers in Ireland with debt are struggling with debt repayment burdens
- Nearly 50% of all workers face debt repayment levels that are a “somewhat heavy burden” and are at risk of becoming over-indebted in the future, and less resilient to financial shocks
- 53% of all Irish households cannot save income regularly
- This number rises to 77% for low-income households.

Low income households (bottom 40% of income earners) are struggling:

- 22% or over 1 in 5 of all Irish households who are in debt are over-burdened by their debt repayments
- This figure climbs to 32% when looking at low-income households (those at the bottom 40%).

Renters are struggling:

- Over 33% of those in debt are overburdened by repayment
- 28% faced utilities arrears in the previous 12 months
- Only 40% are able to save some income on a regular basis
- This number drops to 20% for renters who are in the bottom 40% income brackets
- Those renting in private sector are nearly four times more likely to go without heating due to lack of money than those with their own homes.

Lone Parents “remain one of the most consistently struggling cohorts across household type:”

- In Dublin, there are 66,365 lone parent households and in Ireland there are 218,817 (which is 1 in 5 Irish households with children)
- Over 36% of lone parent households who are in debt are overburdened by debt amounts
- 1 in 2 said their overall housing costs are a heavy burden
- Only 30% are able to save income on a regular basis
- A further 21% faced utility arrears
- 27% faced mortgage or rental arrears.

Existing Debt Resolution Services

Insolvency Service of Ireland

The Insolvency Service of Ireland (ISI) was set up under the Personal Insolvency Act 2012, which introduced three new debt settlement procedures and reduced the term of bankruptcy from twelve years to three years. Bankruptcy now last generally for only one year.

The ISI is responsible for all matters concerning personal insolvency.

Its role includes:

- Administering the debt settlement procedures introduced by the Personal Insolvency Act
- Authorising Approved Intermediaries (AIs) who can access just one of the debt resolutions processes (Debt Relief Notices).
- Authorising and regulating Personal Insolvency Practitioners (PIPs) who can access all debt resolutions processes.
- Developing guidelines
- Providing information
- There are currently in the region of 90-100 active Personal Insolvency Practitioners licensed by the ISI.¹¹ They specialise on matters relating to debt and finances and act on your behalf in dealing with any Insolvency solution such as a Personal Insolvency Arrangement (PIA) or a Debt Settlement Arrangement (DSA).

Money Advice & Budgeting Services

The Money Advice and Budgeting Service (MABS) is a free and confidential service for people who are having problems with money management and debt. MABS money advisers provide advice and practical help to people to review their debts, deal with their creditors and work out solutions.

MABS is centrally involved in the aid and advice scheme for people in serious mortgage arrears, through Abhaile, the national Mortgage Arrears Resolution Service. The Irish Mortgage Holders Organisation has said that the Abhaile scheme did not go far enough. They have called for a one-stop-shop public insolvency service to resolve problem debt.¹²

As MABS does not have in-house Personal Insolvency Practitioners (PIPs), they can only issue vouchers to its clients which allows for a one off and limited consultation with a private practitioner. For an initial consultation, one such financial services firm charge €400, and the fees for subsequent consultations and work vary depending on the service provided. For assistance in making an application to the High Court for bankruptcy, they charge €4,305 for a Personal Insolvency Practitioner Report.¹³

For low-to-middle-income households burdened with problem debt, availing of the full services of a Personal Insolvency Practitioner is simply financially out of reach.

11 <https://www.isi.gov.ie/en/isi/pages/pipbyauthnum>

12 Carswell, S., 'Advisers paid €21,000 average for helping struggling debtors,' The Irish Times, March 23, 2017, Online. (<https://www.irish-times.com/business/financial-services/advisers-paid-21-000-average-for-helping-struggling-debtors-1.3022003>)

13 <https://www.frielstafford.ie/personal-insolvency/>



MABS can:

- Help you deal with your debts and make out a budget
- Review your income to make sure that you are not missing any entitlements
- Contact your creditors for you, with offers of payment that you can afford
- Help you decide on the best way to make the payments
- Provide access to a public 'Approved Intermediary' (AI) who can help administer a Debt Relief Notice, which is just one of the debt relief procedures.

Debt Resolution Procedures

The ISI has a central role in administering the three debt resolution mechanisms introduced by the Act - Debt Relief Notices (DRNs), Debt Settlement Arrangements (DSAs), and Personal Insolvency Arrangements (PIAs), and in monitoring their operation. It also plays a key role in administering bankruptcy procedures.

The process for resolving problem mortgage debt and arrears is set out in the Central Bank's Code of Conduct on Mortgage Arrears (CCMA).¹⁴ The Central Bank claims that this Code operates as intended "for borrowers who engage with the process," but many borrowers find it difficult to navigate the sector-specific language and procedures without professional advice. It is in this regard that the public provision of access to advisors and approved intermediaries through MABS has helped. However, the CCMA is weak in many regards and often not adhered to by lenders or vulture funds. For example, the CCMA states that a person seeking debt resolution should be offered at least 7 or 8 debt resolution pathways or options. This simply does not happen. Banks or financial institutions must also change their approach to supporting people engaging in debt resolution processes in a more coordinated manner. This could be done by appointing a case worker or agreed point of contact that does not change so that a clear line of communication between both parties is maintained.

Debt Relief Notices

Debt Relief Notices (DRN) are available to people with less than €35,000 in debt, who take home less than €60 a month after tax and 'reasonable living expenses' (which vary by household and are determined by the ISI), and have less than €400 in assets. There are certain exceptions, such as a car worth less than €2,000, but if someone owns a house, for example, with or without a mortgage, then they do not qualify for a DRN.

When the DRN application has been approved by the Circuit Court, the ISI publishes its details on the Register of Debt Relief Notices, which is accessible to the public. It then takes responsibility for the administration of the DRN for a 3-year supervision period. This can include handling any payments that the debtor is able to make; investigating any matters it considers relevant to the DRN; applying to the Circuit Court for variation or termination of the DRN; registering any amendments; and registering termination of the DRN.

When the DRN is terminated, the ISI removes all the information about it from the Register and issues a Debt Relief Certificate to the debtor, confirming that they have been discharged from the relevant debts. It also writes to all the creditors concerned, to tell them that the Debt Relief Notice has been removed from the Register.

Debt Settlement and Personal Insolvency Arrangements

Debt Settlement Arrangements (DSA) and Personal Insolvency Arrangements (PIA) are available only through application with a Personal Insolvency Practitioner (PIP).

¹⁴ Central Bank (2013), Code of Conduct on Mortgage Arrears (<https://centralbank.ie/docs/default-source/Regulation/consumer-protection/other-codes-of-conduct/24-gns-4-2-7-2013-ccma.pdf?sfvrsn=4>)



DSAs are available to resolve unsecured debt obligations that cannot be met and have no maximum or minimum limit in terms of income, assets or debt as long as it is unsecured. They generally last up to five years, with the possibility of extension to a sixth. After that, the remainder of the debt is written off.

PIAs are available where the debtor has both secured and unsecured debt. There is no maximum or minimum limit in terms of unsecured debt, assets, or income. There is an upper limit of €3 million secured debt that can be included in the PIA. More than 75% of the debt must be older than six months. PIAs aim to make a debtor solvent within five years and can last up to seven years.

A protective certificate can be issued for those applying for a DSA or PIA. This protects the debtor from the initiation or continuation of certain enforcement proceedings or other actions, allowing time for the debtor, PIP and creditor to come to an agreement.

When the Circuit Court issues a protective certificate, the ISI register it and notifies the debtor's PIP. The PIP notifies the debtor and creditors concerned and then works with the debtor to prepare a proposal to creditors. If this proposal is accepted, the PIP notifies the ISI and the ISI notifies the Court. If the Court approves the DSA, the ISI then registers it. After this, the PIP handles the day-to-day administration of the DSA or PIA. The ISI's role only involves registering any variations in the agreement, its failure or its successful completion.

Solutions and Recommendations

Sinn Féin recognise that when businesses close and workers no longer get paid, the bills for unpaid rent, mortgages and consumer loans can quickly accumulate. We recognise that many Irish households do not have the financial buffers to absorb this. Pre-Covid-19, Irish household debt was already the fifth highest in the EU. Household debt stood at €136.9bn, or €28,186 per person in Q1 2019.

Many of the interventions that the government have taken so far have targeted financial markets and businesses. Worker based income protection supports such as the pandemic universal payment have been prematurely reduced and will be cut further in the time ahead despite the ongoing public health restrictions and threat caused by the Covid 19 pandemic. Similarly, the Government has allowed the moratorium on mortgage payments to lapse and has refused to adequately extend the ban on evictions for renters also.

We urgently need debt relief for workers and families – focused on lower to middle income households. Households have long been treated as peripheral to the financial system. After the economic crisis in 2008 the banks and the financial sector were bailed out while at the same time households were pursued for repayments they could not meet, producing unnecessary, avoidable, and lasting harm to our society and economy.

These priority measures are designed to give households a break in the short and medium term to ensure that domestic consumption can rebound and play a vital part in a sustainable recovery. However, they are not a replacement for effective social policies that provide affordable housing, childcare, adequate social welfare rates and decent work with a wage that can provide a good living.

1. Transform the Money Advice Bureaus (MABs) into a one-stop-shop for resolving problem debt including in-house Personal Insolvency Practitioners

There are currently in the region of 90-100 active private personal insolvency practitioners licensed by the ISI.¹⁵ MABS should be resourced to employ, train and retain an initial forty PIPs, subject to an annual review of demand and service delivery.

This can inform future decisions regarding resource allocation to ensure that MABS is adequately resourced to provide this service. A report on the profile of debtor using the services, their debt obligations, service outcomes, and demand for public PIPs should be included in MABS' annual report, to be laid before the Houses of the Oireachtas by the Minister responsible for budgetary consideration.

MABS would, as it has, retain discretion in how it provides access to services and how it prioritises cases. However we would recommend, be it through amendment to criteria set in legislation or by ministerial regulation, that a framework for prioritisation be set out based on waiting times, level of debt, and should have regard for those with the most problematic debt-to-disposable-income ratio.

To tackle the problem debt faced by households because of Covid-19, most of whom will own their home or have a mortgage, or have a car worth more than €2,000, what is needed is the provision of Personal Insolvency Practitioners through MABS. The DRN application is a process which MABS can already assist

¹⁵ <https://www.isi.gov.ie/en/isi/pages/pipbyauthnum>



with because it has in-house Approved Intermediaries. Greater public provision of Approved Intermediaries through MABS will help resolve problem debt, but it is only a small part of the problem. Provision of PIPs will give people access to the DSA and PIA resolution processes. The criteria for availing of these processes must also be re-examined to ensure that debt accumulated during this pandemic i.e. last six months is included when quantifying a person(s) total level of accumulated household debt.

Under the current framework, access to these processes is limited to those who can afford it. It is, like our healthcare system, a two-tier system that favours those with means. This is particularly difficult for heavily indebted households who are effectively too broke to access insolvency services. If we do not widen access, the only option open to many, after exhausting legitimate credit and racking up bills to loan sharks, is bankruptcy. This is not what people want. People, just as they want to work, want to repay their debts. Bankruptcy will not pay off the debt and has wide reaching implications for families' ability to financially recover. It is better for everyone that families burdened with problem debt are empowered to find positive resolution and structured repayment plans through DSAs and PIAs.

MABS brings cases through Abhaile to banks for restructuring; however, this is problematic as there is no formal process for banks to do this. It is carried out as a personal network-based process. Therefore, there should be a recognised process for bringing portfolios of similar cases to banks and this can be done using PIPS.

As stated previously, initial consultations can cost €400+ with the entire process running in the thousands. An extension of the level of legal advice available to households through MABS would allow all households, not just the lowest income households with no wealth, avail of debt resolution services that will help alleviate the stress of problem debt on households and the wider economy.

2. Renters

Sinn Féin believe that a Covid 19 rent arrears resolution mechanism should be established within the remit of the Residential Tenancies Board (RTB). The process, involving both the landlord and tenant, would involve mediation and if a resolution cannot be found through this process then a legally binding adjudication would be issued. The process should ensure that there is a fair distribution of the debt incurred and the RTB should have the powers to write down portions of the debt where appropriate. Banks should also be part of the process. They should provide landlords with mortgages on the property with interest free payment breaks, if appropriate. A process needs to be put in place that is fair and transparent for both the tenant and the landlord.

Research published by the Economic and Social Research Institute (ESRI) in July 2020 on affordability and arrears suggested that the impact of Covid 19 on renters to date has been limited. However, crucially the paper concludes with the statement below:

‘While our analysis focuses solely on the immediate, short-run time frame, it is likely that the scale of the COVID-19 shock is such that, the longer the duration of the downturn, the higher the missed payments, and consequently, arrears rate will climb. This likelihood is magnified if the PUP or TWSS payments are withdrawn or are modified such that the effective rates of payment are considerably reduced.’¹⁶

Further to this the ESRI research states:

‘The removal of eviction risk and the scale of the affordability shock is likely to mean that higher rates of missed payments and a build-up of arrears are likely to occur as the economic shock begins to become ingrained’.

3. Consumer Protection, and Financial Product Regulation

Sinn Féin has proposed in the past and continues to press for the introduction of legislation to cap the rates of interest charged by money lenders. Our bill to cap these rates is currently at committee stage in the Oireachtas and should be progressed a matter of urgency. We must also prohibit the targeting

¹⁶ P.41 Exploring the short-run implications of the COVID-19 pandemic on affordability in the Irish private rental markets https://www.esri.ie/system/files/publications/RS108_1.pdf



of vulnerable customers with high interest financial products and ensure better monitoring of creditor's marketing and debt collection activities.

We must also enhance, and put on a statutory footing if need be, the Code of Conduct on Mortgage Arrears. MABS has highlighted a variety of issues with the current framework, especially in the restriction of options available to households to present a false choice that favours financial institutions and in the area of general non-compliance.¹⁷

4. Improved Data Collection

There is a significant gap in data on the collection practices of unlicensed money lenders, and this poses a significant problem for low-income households and policy makers. A lack of monitoring and data collection regarding money lender collection practices is of great concern.

¹⁷ <https://www.centralbank.ie/docs/default-source/publications/CP63/money-advice-and-budgeting-service-submission.pdf?sfvrsn=0>

Ireland currently over-relies on surveys and statistical datasets organised by the European Union and other intergovernmental bodies, such as the OECD, and rarely from domestic sources.

We recommend that more national sources of data collection should be supported here in Ireland through the Central Statistics Office and linked to existing mechanisms such as the Census.

The Citizens' Information Board should be resourced, in conjunction with the Central Statistics Office, to conduct annual reporting on the prevalence of problem household debt, the prevalence of money lenders both licensed and unlicensed, and their debt offering and collection practices. This data would be collected annually and published in an annual report to be laid before the Houses of the Oireachtas by the Minister for Social Protection for debate. This would better inform policy makers on the measures needed to enhance consumer protection and financial regulation in this area and protect workers and families from predatory practices.

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