



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 8 Deireadh Fómhair 2015

Thursday, 8 October 2015

Chuaigh an Ceann Comhairle i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Defence Forces Properties

1. **Deputy Seán Ó Fearghaíl** asked the Minister for Defence his plans for Magee Barracks in County Kildare; and if he will make a statement on the matter. [34865/15]

Deputy Seán Ó Fearghaíl: This question is direct and straightforward. It relates to the historic Magee Barracks in Kildare, which was originally a 64-acre site. Recently, a magnificent new Educate Together school was opened on part of the site but the remainder of the land is in an appalling state. It is a monument to dereliction and the site of continuous anti-social behaviour. I am trying to establish what the Minister intends to do about it.

Minister for Defence (Deputy Simon Coveney): I thank the Deputy for raising the issue, which we have discussed a number of times, and I understand why he might have an interest in it.

In July 1998, the Government approved a programme of evacuation and sale of six Army barracks considered surplus to military requirements. Magee Barracks was one of the barracks identified for closure. On 1 July 2003, the Government decided the former Magee Barracks in Kildare town would be among the State lands released to Kildare County Council for inclusion in the sustaining progress affordable housing initiative. On foot of this Government decision, the council prepared a local area plan for the site which encompassed a range of uses including community use. Following discussions between the Department, the council and the then Department of Environment, Heritage and Local Government, and in accordance with the terms of the housing initiative, it was agreed that the entire site would be transferred to the council. A final contract for transfer was issued to Kildare County Council in January 2009. Subsequently, however, the council advised the Department that it no longer wished to take possession of the property.

Officials from my Department recently met the chief executive officer and an official from Kildare County Council. The discussions centred on a number of issues including the Department's future plans for Magee Barracks. It is proposed to dispose of the remaining 50 acres of

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the barracks by public auction later this year. An auctioneer has been appointed to manage the disposal on behalf of the Department and the Chief State Solicitor's office is currently finalising the contracts for sale.

The local development plan for Kildare town, 2012 to 2018, has made provision for substantial community developments on the barracks site. Consequently, any buyer will be obliged to comply with these provisions, thereby ensuring the local community will benefit directly from the sale.

I said previously when we discussed this issue that we would engage with Kildare County Council and we have.

An Ceann Comhairle: I am sorry. I will let the Minister back in.

Deputy Simon Coveney: That is the result of that conversation.

Deputy Seán Ó Fearghail: The key issue is that when the barracks were initially closed, a firm written commitment was given at the time by the Department to transfer ten acres of the site to the benefit of the local community either by way of the land itself or the equivalent value. I welcome the fact that the Minister has had discussions with Kildare County Council. If the position is as simple as he portrays it and if the council, in its previous manifestation, refused to accept the land when it was offered in its entirety, then that was a massive dereliction of duty on its part. However, he said the land was subject to zoning. Any piece of land, particularly any block of 50 acres of land, in the centre of any town will be subject to zoning and criteria set out in a county development plan, but that does not constitute a replacement for the undertaking previously given.

Deputy Simon Coveney: Let me be clear. We have sold to the Department of Education and Skills an eight acre site which the Department made available and which, as Deputy Ó Fearghail states, has been the site for the building of a fantastic new school. We also intended to transfer the rest of the site to Kildare County Council. We thought that was what the community wanted and that is what Kildare County Council said it wanted at the time, but it has changed its mind. We are anxious that the dereliction to which Deputy Ó Fearghail has referred would not continue. The way to do that is to ensure this site is properly developed. The site is subject to appropriate zoning through the county development plan. Obviously there are restrictions and requirements on any developer in terms of how it would be developed in the interests of community development as well as what it is a developer wants to do. The responsible thing to do at this stage is to move the matter on to try to ensure that the site, which is a valuable one and has great potential for both the local community and other uses, is developed. We need to facilitate that progression because all we have had to date is stagnation. We have an obligation to move on it.

Deputy Seán Ó Fearghail: I agree absolutely with the Minister that we need to move this matter on and see the site developed. However, the Minister is saying effectively that he intends to renege upon the commitment given to the community.

Deputy Simon Coveney: No.

Deputy Seán Ó Fearghail: The Minister just said it and I am afraid the reality is that he wants and intends to renege on the commitment that land would be made available directly to the community. What might come to the community by way of community benefit from the de-

velopment of the land is incidental and has absolutely nothing whatsoever to do with the Minister's Department. He has no control over or role in that fact. The decision makers in Kildare County Council who decided, unbeknownst to the elected members of the county council, they would not accept the land are no longer there. They are no longer there to answer why they refused this land. I ask the Minister, finally-----

Deputy Simon Coveney: Kildare County Council can still decide if it wants the land.

An Ceann Comhairle: Just a second, please. There are time limits, which is why we have a clock.

Deputy Seán Ó Fearghail: Finally, is there any short-term intention to use the site for any purpose?

Deputy Simon Coveney: Let me make this absolutely clear. If Kildare County Council wants to acquire this land, it still has the opportunity to do so. Deputy Ó Fearghail should not start blaming this situation on previous management. Today, if Kildare County Council decided to pick up the telephone and say it wants to acquire the land and develop it for community use, social housing or other purposes, we are open to that conversation, as we have always been. Deputy Ó Fearghail should not try to spin this for political reasons, blame management who are no longer in place and start pointing the finger at me and others, saying we are not being co-operative. We are happy for this land to be transferred to Kildare County Council for what was previously agreed. Unfortunately we now know that the current management and council do not want to proceed with it, which is fine. They have instead decided that this land will be developed by the private sector but under zoning restrictions. This is how the situation will proceed.

An Ceann Comhairle: I thank the Minister.

Deputy Seán Ó Fearghail: The same restrictions would apply to any piece of land.

Deputy Simon Coveney: The Department of Defence is happy to facilitate the council, but Deputy Ó Fearghail should not try to twist-----

Deputy Seán Ó Fearghail: The Minister and his Department are renegeing on the commitment.

An Ceann Comhairle: Sorry, please.

Deputy Simon Coveney: We are not renegeing on anything.

Deputy Seán Ó Fearghail: You most definitely are.

Deputy Simon Coveney: We were happy to do a deal with the Department of Education and Skills, which we have done-----

Deputy Seán Ó Fearghail: Which was welcome.

An Ceann Comhairle: We are over time.

Deputy Simon Coveney: -----and with Kildare County Council, which we offered to do, but it decided against it. Deputy Ó Fearghail cannot expect the Department of Defence to do much more than that.

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An Ceann Comhairle: Before we proceed, will all concerned look at the clocks? Otherwise we will run short of time and the unfortunates on Other Questions will not get a chance to come in and ask their questions.

Defence Forces Medicinal Products

2. **Deputy Seán Crowe** asked the Minister for Defence if he is aware of a mounting body of evidence from experts that the use of Mefloquine or Lariam is linked with severe depression and other psychotic episodes and if he will consider suspending its use by the Defence Forces given that other safer options are potentially available. [34910/15]

Deputy Seán Crowe: The continued use of Lariam by the Defence Forces has been continually raised in this House with the Minister and his predecessors, now in opposition. Another question has also been tabled on it this morning. We are trying to find out why the Defence Forces continues to use this drug. Does the Minister know the number of people in the Defence Forces who claim this has triggered in them psychotic or severe depression? Other countries have stopped using this drug.

Deputy Simon Coveney: I thank Deputy Crowe for raising this issue, which has been raised regularly in the House. It has been debated in other parliaments in different parts of the world as well. The truth is that malaria is a very serious disease and is responsible for the deaths of hundreds of thousands of people every year. When we send our troops into conflict zones that are affected by malaria, we need to ensure we have the best medical treatment for those soldiers. I have stated repeatedly that I am not a qualified medical doctor. Politicians should not be making a decision on this matter except on the basis of the medical advice available. This has been my approach.

I am aware of the ongoing debate relating to the use of Lariam. The Deputy will be aware that the choice of medication for overseas deployment, including the use of Lariam, is a medical decision made by medical officers in the Defence Forces, having regard to the specific circumstances of the mission and the individual member of the Defence Forces concerned. The Defence Forces are aware of the range of reported side effects attaching to all anti-malarial medications. Significant precautions are taken by the Defence Forces medical officers in assessing the medical suitability of members of the Defence Forces to take any of the anti-malarial medications. It is the policy of the Defence Forces that personnel are individually screened for fitness for service overseas and medical suitability. A medical risk assessment for Lariam is carried out on an individual basis. The Defence Forces' policy in relation to the use of anti-malarial medication is in line with the current Health Products Regulatory Authority approved summary of product characteristics.

In January 2011, having regard to current and potential litigation, my Department established a working group to examine the use of Lariam and other anti-malarial drugs in the Defence Forces. The group produced its report to a former Minister for Defence in 2013. I am advised that the group investigated the allegations surrounding the use of Lariam and obtained the advice of leading medical experts, who concurred with the prescribing practices followed by the Defence Forces.

Additional information not given on the floor of the House

Since production of its report, members of the working group have continued to monitor developments in the area of malaria chemoprophylaxis. My Department has recently reconvened the malaria chemoprophylaxis working group. This group met in August and has engaged once again with experts, both nationally and internationally. The group expects to provide an updated report to me later this year.

By way of additional information, the Deputy may wish to note that Roche Products (Ireland) Limited, Roche, which distributes Lariam in Ireland, recently informed the Defence Forces that it is planning a discontinuation of Lariam from the Irish market with effect from 31 July 2016. I understand that Roche has indicated that its decision is based on a commercial assessment and takes into consideration medical needs, potential alternative treatments and prevention options. I understand that Roche has indicated that it is not aware of any withdrawal plans in other countries, particularly in the UK. It was indicated that in some European countries Lariam has however been withdrawn in the past due to low demand, malaria incidence and need for prevention. The implications arising from this decision by Roche are being considered in full by the Defence Forces medical branch.

I conclude by reminding the Deputy that malaria is a very serious disease killing approximately 1 million people per year in sub-Saharan Africa alone. It is a grave threat to any military force operating in the area. Anti-malarial medications must remain in the formulary of medications prescribed by the medical corps for Defence Forces personnel on appropriate overseas missions, to ensure that our military personnel can have effective protection from the very serious risks posed by this highly dangerous disease.

Deputy Seán Crowe: This sounds to me like a classic case of doctors differing and patients dying. If one looks at other militaries around the world, two years ago the US military declared the drug to be one of last resort. US Army Special Operations Command has banned its use. Defence Ministries in France, Germany, the Netherlands, Denmark and Canada have either banned its use or use it as a last resort only.

We would not knowingly put soldiers at risk if we could avoid it. It appears from the evidence coming from other jurisdictions that that is their conclusion as well. They have moved to some other drug. The producer, Roche, has also said there are potential side effects to this drug. Why is this happening? Is it because it is the cheapest drug? Is it because we have stockpiles of the drug? Families are suffering. They want to know what triggered this response in their loved ones, which is why we are trying to get to the core of the issue this morning.

Deputy Simon Coveney: I understand why the questions are being asked but we would not make any decisions on anti-malarial drugs which would unnecessarily put anyone at risk. The only priority is to make our troops as safe as possible when they are abroad. There is no simple solution here. There is no anti-malarial drug which is free of all side effects. They just do not exist.

Deputy Seán Crowe: There are alternatives to Lariam.

Deputy Simon Coveney: There are alternatives but each alternative has a complication.

Deputy Seán Crowe: The complications are not as serious though.

Deputy Simon Coveney: In all seriousness, there are lots of countries which still use Lariam. My Department has recently reconvened, on my instruction, the malaria working group.

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This group met in August and has engaged once again, because of the issues raised, with experts, both nationally and internationally. The group expects to provide an updated report to me later this year.

Roche Products (Ireland) Limited, which distributes Lariam in Ireland, recently informed the Defence Forces that it is planning to discontinue the supply of Lariam to the Irish market with effect from 31 July 2016. I understand this is simply a commercial decision but we will need to plan for the consequences of that decision. We are, and have been, considering alternatives to Lariam but there are no easy answers here. It is not as if one switches from Lariam to something that gives equally effective results with no side effects. Those drugs do not exist. We have to make a balanced decision in the interests of the safety of our troops and that is what we will do.

Deputy Seán Crowe: The key issue is the safety of the troops. We know from other countries that there have been huge psychotic disorders. We know from Roche that hallucinations, psychosis, suicide, suicidal thoughts and self-endangering behaviour have been reported and the drug may induce potentially serious neuropsychiatric disorders. The difficulty is that many people are asking why the Minister is adopting this position and if it is because of potential court cases. We always seem to adopt this approach of defending the State first and Joe Citizen second. That has been the pattern-----

Deputy Simon Coveney: That has nothing to do with it.

Deputy Seán Crowe: That has been the pattern with drug products and so on. The Minister defends the State rather than the individuals and the worry in respect of this is that there are many cases and will be court cases about this. There is no doubt about that.

Deputy Simon Coveney: If there are court cases, then of course they will go to court.

Deputy Seán Crowe: The Department of Defence will be paying that in the court.

An Ceann Comhairle: Thank you, Deputy. The Deputy has made his point.

Deputy Simon Coveney: What the Deputy is trying to do is-----

Deputy Seán Crowe: What we are doing about this is wrong. The Minister tries to defend the State when he needs to own up to what is happening.

An Ceann Comhairle: There are other Deputies waiting to ask questions.

Deputy Simon Coveney: What the Deputy is not referring to is the fact that 1 million people a year die of malaria. He is not referring to the fact that we send our troops into regions that have serious malaria issues. I need to protect them, to make sure they are not in those figures of people who die from malaria each year. There is a balance to be achieved here to make sure that when we make decisions to send troops to places like Mali, to other parts of North Africa and other parts of the world, where they are badly needed as peacekeepers, we protect them. We need to take the best medical advice available to us on those medical decisions. That is what we do. This has nothing to do with court cases in Ireland.

Deputy Seán Crowe: It is to do with dodgy drugs.

Deputy Simon Coveney: If there are court cases in Ireland we will deal with them. The

only priority for me is making sure that when we make the serious decision to send troops abroad on peacekeeping missions, they are protected with the best medication we can give them for any diseases they may encounter in those areas.

An Ceann Comhairle: Thank you, Minister.

Deputy Simon Coveney: That is the only issue and if that means moving away from Lariam because there is a better drug that can get better results, we will do that but it will be on medical advice, not on political point scoring.

An Ceann Comhairle: Would the Minister please respect the Chair? Thank you.

Deputy Clare Daly: Does the Ceann Comhairle want to change the order and take my Lariam question next?

An Ceann Comhairle: The Deputy can proceed with Question No. 3.

Deputy Simon Coveney: We will come to it in a while.

Shannon Airport Facilities

3. **Deputy Clare Daly** asked the Minister for Defence if he is satisfied with existing arrangements between his Department and the Department of Justice and Equality and the Department of Foreign Affairs and Trade regarding the presence of foreign military aircraft on Irish territory; if he has had discussions with these Departments to recommend a more active role for Defence Forces personnel in relation to protecting our neutrality; and if he will make a statement on the matter. [34754/15]

Deputy Clare Daly: Is the Minister happy with the arrangements between his Department and the Departments of Justice and Equality, Foreign Affairs and Trade, and Transport, Tourism and Sport with regard to the many foreign military aircraft that regularly land on Irish territory and indeed overfly with serious weaponry and troops? Could the Defence Forces be more active in respect of our neutrality?

(Deputy Simon Coveney): This is an issue we debate regularly in this House and that is fine. In accordance with the Air Navigation (Foreign Military Aircraft) Order 1952, primary responsibility for the regulation of activity by foreign military aircraft in Ireland rests with my colleague, the Minister for Foreign Affairs and Trade. Pursuant to this legislation, permission is required for foreign military aircraft to overfly Ireland or to land at Irish airports. The arrangements that are in place for seeking such permission are a matter for the Minister for Foreign Affairs and Trade, but I understand that these include a provision that such requests must be submitted to his Department by the embassy of the country in question. Primary responsibility for the internal security of the State rests with the Department of Justice and Equality and An Garda Síochána. There is ongoing and close liaison between my Department and the Department of Justice and Equality and between An Garda Síochána and the Defence Forces regarding security matters, including aid to the civil power, ATCP, deployments. One of the roles assigned to the Defence Forces is the provision of ATCP which, in practice, means to assist An Garda Síochána when requested to do so. This role was affirmed by the Government in the recently published new White Paper on Defence.

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In the development of the new White Paper, discussions were held with a range of other Departments and agencies on significant cross-cutting policy issues. This process of consultation did not result in any impetus to make changes to the arrangements that have been in place since 2003 when the Defence Forces were first deployed to Shannon Airport at the request of An Garda Síochána.

In relation to recommending a more active role for the Defence Forces in protecting our neutrality, I wish to stress that the use of Shannon Airport by foreign military aircraft is not incompatible with our neutrality. Successive Governments have made overflight and landing facilities available at Shannon Airport for well over 50 years and this is fully consistent with Ireland's obligations under successive resolutions of the UN Security Council. I am satisfied with the existing arrangements in place and I have no plans to recommend a more active role for the Defence Forces.

Deputy Clare Daly: As the Minister said, we have discussed this before and will certainly discuss it again. We particularly tabled it this time against the backdrop of information released under freedom of information requests to the Minister's colleagues in the Department of Transport, Tourism and Sport, which revealed that last year 272 flights received permits to take weapons or explosives through Shannon Airport, that the majority of flights were taking US troops between military bases and locations in the Middle East and that routinely US troop carriers and aircraft with machine guns, rocket mortars and other war *matériel*, is transited and flown over our air space. We ask this question because Defence Forces personnel are called out to Shannon to protect some of those aircraft almost daily. Against the backdrop of US involvement in the bombing of the hospital in Kunduz, can the Minister assure us that aircraft was not transited through Shannon?

Deputy Simon Coveney: I need to repeat again that I am not the Minister for Foreign Affairs and Trade. The Deputy should address the policy questions on the use of Shannon Airport to him. The job of the Minister for Defence, the Department of Defence and the Defence Forces is to assist An Garda Síochána when it asks for help. That is what we do in respect of Shannon. It is unfortunate that there is deemed to be a security risk for planes that land in, and take off from, Shannon but when An Garda Síochána requests assistance, it gets it. The broader foreign policy questions the Deputy seems to be raising need to be addressed to the Minister for Foreign Affairs and Trade.

Deputy Clare Daly: The Minister is a member of the Cabinet and has opinions and is touted as a future leader of Fine Gael but he cannot hide behind his Department in this matter. The fact that four Departments are involved has been used as a ploy by the Irish State not to give the correct information. It is a bizarre arrangement that military aircraft are allowed to transit on the myth that they are somehow unarmed and not involved in military exercises but civilian aircraft take in the guns and soldiers behind. How the Minister can brazenly say that does not affect our neutrality is beyond belief.

In September 2013, a US carrier, an AC-130W, very similar to the one that carried out the bombing of Kunduz hospital, landed and refuelled at Shannon. It is, I think, the one that forgot to take in the cannon on the wings. Does the Minister think it is acceptable that his personnel would potentially be there to guard such an aircraft which was ultimately involved in a war crime?

Deputy Simon Coveney: Of course I have views and the bombing at Kunduz was a tragedy

that should not have happened, but I am Minister for Defence and the role of the Department of Defence and the Defence Forces in Shannon Airport is very clear, just as the role of the Department of Justice and Equality on security issues is clear. Within the Department of Foreign Affairs and Trade, the policy decisions are clear. In the context of a foreign affairs policy decision and our decision to remain militarily non-aligned and a neutral country, that policy has been confirmed in the White Paper on Defence, just as it was confirmed in the foreign policy paper produced by the Minister for Foreign Affairs and Trade, Deputy Flanagan. If we felt that what happens in Shannon Airport undermined that policy we would have to deal with that, but we do not.

10 o'clock

Naval Service Strength

4. **Deputy Seán Ó Feargháil** asked the Minister for Defence the reason the Naval Service Reserve underwent such a drastic drop of 76% in seagoing days between 2013 and 2014; and if he will make a statement on the matter. [34866/15]

Deputy Seán Ó Feargháil: This relates to the Naval Service Reserve and the question of their seagoing days. In a recent parliamentary question it emerged that the reserve was at sea for 576 days in 2013, but this fell by 76% to 130 days in 2014 and a mere 58 days this year. It is strange to have a naval reserve that is not at sea. That is from a Kildare landlubber to a Cork seafarer.

Deputy Simon Coveney: First, I concede that we have had challenges in the Naval Service in the past two years on a number of levels. We have had to prioritise where our ships are. We have had ships in the Mediterranean since May and we had some problems with a delay in the delivery of the *LE James Joyce*. We also had issues with maintenance, all of which contributed to limited resource availability for the reserve.

The Naval Service Reserve trains its members to supplement and aid the work of the Naval Service in carrying out its wide variety of roles. As part of their training, naval reservists receive instruction in motor boat handling, sail training, navigation, marine communications, weapons training, fire fighting and sea survival. Subject to the availability of seagoing berths, naval reservists also receive annual training on board Naval Service ships when on patrol. The availability of seagoing berths was, however, significantly restricted in 2014 for a number of reasons, including the non-availability of *LE Orla* and *LE Ciara* due to the necessity of urgent remedial works on both vessels. In addition, there was a requirement to carry out unforeseen maintenance arising from a serious engine problem encountered by *LE Eithne*. Furthermore, the priority requirement for new Naval Service recruits to be rotated to sea duty on completion of their professional training further limited the availability of sea berths for members of the reserve. With the Naval Service fleet having returned to its full complement of eight ships, it is envisaged that there will be scope for an increase in the number of seagoing days for reserve personnel in the future. For this reason, I anticipate that there will be an increase in 2016.

I wish to place on record my admiration for the members of the Naval Service Reserve, who provide valuable support to the Naval Service at sea and on land. They also provide support for

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a range of ceremonial events, most recently in Dún Laoghaire at the naming and commissioning ceremonies for the newest naval vessel, *LE James Joyce*.

Deputy Seán Ó Feargháil: One thing on which everybody in this House would agree in light of international events is a greater need for coastal vigilance than at any stage in the past. In addition to the ships to which the Minister made reference, I understand the naval reserve had access to and use of four motor launches, three of which have been in dock at the naval base and awaiting repair since last year. I am aware that the flag officer commanding the Naval Service stated that due to a shortage of engineers within the Naval Service they have been unable to carry out these necessary and fairly minor works to these launches. That would appear to be another reason the naval reserve is not seeing the number of seagoing days one would expect.

Deputy Simon Coveney: I am a little surprised that people are going to the Deputy with this information when, if I had the information, we could fix it. I will find out if this is the case, but I have not been told of any problem with three out of the four naval launches. The real issue is getting reservists onto ships for patrol hours offshore to give them experience so that, if and when they are needed, they have the necessary experience on ships to support our Naval Service, fit in with a crew and train with them seamlessly. With respect, I do not think they will get those days on launches. We have had some particular and unusual problems with having to take ships out of use for a period to undertake work on them, but that is now done and we have our full complement of ships again, so I expect the numbers to improve significantly. I will, however, check the launch issue.

Deputy Seán Ó Feargháil: I do not think there is the same level of confidence within the reserve itself in the commitment of the Department. The Minister has constantly spoken positively about the reserve. What I have read in the White Paper about the reserve is positive, but people on the ground are telling me that this is not what they are experiencing. Every reasonable person in this House would say the work the Naval Service is doing to save lives in the Mediterranean is absolutely magnificent. We could get into the political aspects of what we should be doing, but fishing people from the water and saving their lives is enormously important. Has the reserve had any input into that process and does the Minister envisage its having an input into that service if it continues?

Deputy Simon Coveney: I am not quite sure what the Deputy is getting at when he says we could talk about the politics of what we are doing in the Mediterranean.

Deputy Seán Ó Feargháil: I am not talking about it. Others are.

Deputy Simon Coveney: The politics of it are that it is absolutely the right thing to do. The politics of it is that I made a decision that, instead of focusing our resources on fisheries protection, which is what we would normally be doing, we have diverted those resources, with a consequential loss in sea hours. I am not happy about that but I strongly defend the decision to do what we did, which was to prioritise resources to save lives.

In the White Paper, and in answering questions on the White Paper, I said that reservists generally, whether in the Army or the Naval Service, may well have a role to play overseas in the future, but it would be in specialist roles such as medical assistance, counselling and support services in humanitarian missions like the one in the Mediterranean. This has been a very demanding mission for the Naval Service. Our best and most experienced crews have been sent and they have done a phenomenal job. We will have to wait and see whether we include reserv-

ists in that mission should it continue into next year, which I think is likely. The most important thing is that the ships do an effective job and the crew are safe.

Defence Forces Medicinal Products

5. **Deputy Clare Daly** asked the Minister for Defence if he has followed the recent discussions in the Australian Parliament and in the British Parliament in relation to the impact of Lariam on the mental health of defence forces personnel; the action he proposes to take as a result; and if he will make a statement on the matter. [34755/15]

Deputy Clare Daly: This question follows on the earlier question put by Deputy Crowe on Lariam. It is not a question of making a choice between malaria and a debilitating life, and death through suicide. It is about listening to the best medical information that is available. We are joined in the Visitors Gallery by Mark O'Sullivan, who served 18 years in the Defence Forces and is facing medical discharge in approximately three weeks. He has served three times overseas and experienced very bad reactions as a result of Lariam in Liberia.

Deputy Simon Coveney: I totally agree with the Deputy on this. This is about getting the best medical advice, and I also agree with Deputy Crowe. The reason I am a little defensive is that it is not an easy decision. There are some problems with Lariam for some people. I have used Lariam and did not have any side effects, but I am lucky, as other people have experienced side effects. It is about balancing the health concerns of our troops who go abroad to conflict zones where there is malaria. Different strains of malaria require different drugs. Not all of our troops who go abroad are treated with Lariam. I have tried to be consistent on this and have tried to ensure that the decisions made are informed by the best medical advice in Ireland and abroad, which is why I have asked the working group on Lariam to look at this again and come back to me with a report before the end of the year. I have asked them whether there is updated information on better alternatives to Lariam that we can use, with a lower chance of negative side effects, and whether we can screen our troops more effectively before they depart to reduce the risk from the use of Lariam. All of these things are being considered. I would have no problem with saying we would not use Lariam any more if I felt that was the right decision to take for medical reasons. However, what I do not want to do is just say that and expose Irish Defence Forces personnel to a risk of contracting malaria, which is a killer disease.

I have made it clear within the Department that I want the working group to produce another report and to look again at what is being said abroad and at the medical advice available here at home. We will do all of that. Next year we will be forced into making a decision because Lariam may not be available here. That is fine. However, I cannot and will not send troops into areas abroad if I am not satisfied that we have reduced their risk of exposure to malaria to the maximum possible extent using the best available drugs. There is no perfect drug for malaria and if anybody says there is, I would like to hear about it. This is about minimising risk and taking decisions on the basis of good medical advice. That is the only consideration I have when looking at the issue of Lariam.

Deputy Clare Daly: There are two problems with the Minister's response. One is that it seems to be taking an incredibly long time for the Department to consider this matter, and there is no indication of any urgency at all. Nobody said that Lariam was the only drug, but the attitude of the Irish Defence Forces has primarily been of that view. Back in 1992, the World Health Organisation warned against the use of Lariam, specifically in regard to troops in Cam-

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bodia at that time. We are now in 2015, and the more we delay, the more people like Mark are subjected to Lariam and its potential side effects in that scenario.

The select Defence Committee in Britain is examining this issue in a proactive way, and the Australian Senate Committee on Foreign Affairs, Defence and Trade has launched an inquiry into the use of Lariam. It is not good enough to say we have a working group and hopefully it will provide findings soon or that we will not be able to have this drug next year anyway. We need action to be taken now. Would the Minister be available to meet Mark to discuss this after these questions?

Deputy Simon Coveney: I am not saying “ah sure” anything. I am saying that the working group looked at the issue and came back with the recommendation that on balance we should continue using Lariam. I have asked the group to look at the issue again. That work only started in September and the group will report before the end of the year. This is not a blasé attitude, as the Deputy is suggesting, but quite the opposite.

I will continue to ask for ongoing assessments of whether this is the right policy. People are asking questions, including people like Seán, who I am delighted to see here today and who is very welcome. Obviously, these people are very concerned about the issue. As Minister for Defence, whose primary focus and responsibility is to ensure our troops are safe where they are trying to help protect the safety of others, I try to ensure that they are given the best possible medical treatment we can give them both at home and abroad. As soon as I get an updated report from the working group - there are experts on that group - we will act on that. I cannot be more up-front than that.

Deputy Clare Daly: I do not know what is the nature of the assessment such that it will take three months to get it. Concerns have been raised about the ability or professional status of those who have reviewed this. Why does the Minister not consider the views of the troops involved and some of the people who have had direct experience and a negative reaction? Why can we not have open hearings similar to those that have been held in Australia on this issue, at which the testimony of those badly affected can be heard? People like Mark have had to spend a fortune on private medical opinion, which gives a very different interpretation of Lariam than the one the Minister has recounted, based on the advice given by his people. The delay on this is not good enough. We have been discussing this for years and, tragically, more people who have been given Lariam will probably have had negative reactions during that time.

Lariam is the subject of inquiries in Britain, Australia and other areas, but I see no urgency on the part of the Minister on this issue. The facts have been presented to his Department but we need more urgency.

Deputy Simon Coveney: Regardless of what I say here, the Deputy will not be satisfied. An ongoing review is taking place which takes into account the experience of Irish troops. That is the point of it. It aims to achieve results that ensure our troops do not get malaria and to assess what side effects there have been for our troops and for people like Mark. I will act, but on the basis of medical advice, as opposed to what Deputy Daly is demanding.

There are differing views in the context of the private sector, as the Deputy termed it. When I used Lariam, it was given to me by my local GP. It was not a public policy issue. There are varying views and no easy solutions to protect our troops from malaria. I believe that putting together an expert group that is not influenced by the politics of this issue but that wants to make

a decision based on the medical facts available at home and abroad is the right way to go, and that is what we are going to do.

Other Questions

Defence Forces Records

6. **Deputy Seán Kyne** asked the Minister for Defence if he will report on the progress of the recruitment campaign for the Defence Forces; and how he envisages this will impact their regional structures. [34384/15]

Deputy Seán Kyne: This question relates to the recruitment campaign for the Army, which was launched on 4 August 2015. What progress is being made on it?

Deputy Simon Coveney: I am glad to say we are recruiting strongly, because recruitment is needed.

The Government is committed to maintaining the stabilised strength of the Permanent Defence Force at 9,500 personnel, comprising 7,520 Army, 886 Air Corps and 1,094 Naval Service personnel, as stated in the 2015 White Paper on Defence. I am advised by the military authorities that the strength of the Permanent Defence Force at 31 August 2015, the latest date for which details are available, was 9,082, comprising 7,337 Army, 726 Air Corps and 1,019 Naval Service personnel.

The manpower requirement of the Defence Forces is monitored on an ongoing basis in accordance with the operational requirements of each of the three services. Personnel are posted on the basis of operational needs across the organisation, both at home and abroad, and not on a regional basis. As there is a significant turnover of personnel in the Permanent Defence Force, targeted recruitment has been and is currently taking place so as to maintain the agreed strength levels.

A total of 157 personnel have been inducted into the Army to date in 2015 from the panels formed from the general service recruitment competition which was launched in March 2014. The induction of a further 80 recruits in the coming months will result in these panels being exhausted. A new general service recruitment campaign for the Army was launched on 4 August 2015. The induction of successful candidates from this competition is expected to commence in early 2016.

A recruitment competition for general service recruits for the Naval Service was launched on 6 March 2015. The selection process for this competition is progressing and 40 personnel have been recruited from the panel this month. It is planned that a further 40 will be recruited from the same panel in December 2015.

The intake of cadets into the Permanent Defence Force is normally carried out on an annual basis, taking into consideration the operational requirements of the Defence Forces and the resource envelope allocated to defence. Ten Air Corps cadets were inducted on 21 September 2015, 9 Naval Service cadets were inducted on 22 September 2015 and 30 Army cadets were inducted on 5 October 2015.

Additional information not given on the floor of the House

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Direct entry competitions are held as required from which specialist appointments are filled. To date this year, 19 instrumentalists and five engine room artificers have been inducted for the Defence Forces school of music and the Naval Service, respectively. It is expected that 25 Air Corps apprentice trainee technicians, a conductor for the Defence Forces school of music and a medical officer will be inducted by the end of 2015.

A Reserve Defence Force, RDF, competition was also launched in March 2014. Future recruitment into the RDF will be informed by Reserve strength figures. A total of 300 personnel, 279 male and 21 female, have been inducted into the Reserve Defence Force to date in 2015.

With the support of the Chief of Staff and within the resources available, it is intended to retain the capacity of the Defence Forces to operate effectively across all roles and to undertake the tasks laid down by the Government both at home and overseas.

Deputy Seán Kyne: I thank the Minister for his response. I welcome the Government's commitment to maintaining a strong defence base of at least 9,500 personnel and also the recruitment campaign. It is good to hear the induction will take place in 2016 in respect of the Army recruits. Obviously, the Minister's predecessor reorganised the defence structures. A regional balance is important in terms of the allocation of personnel to the different barracks, with particular reference to Dún Ui Mhaoilíosa, Renmore, Army barracks. How is the recruitment progressing given that the campaign highlighted that there would be full equality irrespective of gender, ethnicity and sexual orientation?

Deputy Simon Coveney: Direct entry competitions are also being held as required from which specialist appointments are being filled. To date, this year 19 instrumentalists have been appointed and five engine room personnel have also been inducted. The Defence Forces school of music and Naval Service accommodated those respectively. It is expected that 25 Air Corps apprentice trainee technicians, a conductor for the Defence Forces school of music and a medical officer will be inducted by the end of this year. There is also a recruitment campaign for the Defence Force Reserve which needs to dramatically increase its numbers. Active recruitment is taking place to do that.

An important issue is to ensure we are an equal employer for everybody. Yesterday, I was in Galway for the PDFORRA conference. The new Chief of Staff, Vice Admiral Mark Mellett, made it clear that a major priority for him is to ensure that in our recruitment campaigns we are equal employers regardless of sexual orientation, regardless of who one is or where one comes from, or whether one is male or female. We want an appropriate balance with the Defence Forces. The targeting within recruitment campaigns will try to reflect that.

Defence Forces Reserve

7. **Deputy Seán Ó Fearghail** asked the Minister for Defence his plans to expand the Army Reserve. [34447/15]

Deputy Seán Ó Fearghail: This question allows the Minister to expand on some of the views and policies he set out in the White Paper on the Army Reserve. He has indicated that he is embarking on a programme of recruitment but there is real concern about the declining membership and the declining level of participation and we would like to hear his plans.

Deputy Simon Coveney: I thank the Deputy for giving me the opportunity to raise this issue because it is a matter on which we agree. There was a perception among some in the reserve that it would be phased out. I certainly hope the White Paper has put that fear to bed. There is a strong role for reservists in Ireland. The policy now is that they train as one entity with the Defence Forces and we want to build the strength of the reserve and ensure we get quality people.

The White Paper on Defence sets out a development path for the Reserve Defence Force, RDF, which builds upon recent initiatives. It sets out clear roles for the RDF which are to augment the Permanent Defence Force in crisis situations and to contribute to State ceremonial events.

The focus for the Reserve Defence Force will be on achieving a level of capability that can quickly and safely allow for the provision of aid to the civil power, ATCP, supports, aid to the civil authority, ATCA, supports, and barrack duty and associated supports. This will ensure that the RDF has the flexibility to augment the Permanent Defence Force in the event of a broad range of crisis situations. The development of higher levels of capability such as for conventional military operations in defence of the State will require an appropriate extended training lead time.

As the Deputy is aware, the Army Reserve, AR, and the Naval Service Reserve, NSR, are currently significantly under strength. As at the end of August 2015 the effective strength of the Army Reserve was 2,175 and this represents 56% of the establishment. The current establishment for the four Naval Service Reserve units is 200 and this will be expanded to 300, an increase of 25 for each unit. The effective strength of the Naval Service Reserve as at the end of August 2015 was 144 personnel, representing 48% of the revised planned establishment. As outlined in the White Paper, Reserve Defence Force organisational structures will be kept under review but there are no plans for further changes or expansion.

Additional information not given on the floor of the House

The immediate challenge for both the AR and NSR is to recruit and train sufficient personnel to meet the respective establishments. A major recruitment campaign last year did not achieve the desired effect with the process yielding only 152 inductees. Following a review of last year's campaign, a number of changes were introduced. The most recent returns indicate that there have been 300 inductees to date and this is a welcome improvement on the mid-year position, which I reported on last week. The military authorities estimate that there will also be a further 100 inductees by year end. The Defence Forces will continue to strive to improve the level of RDF recruitment in 2016.

While recruitment is an immediate challenge, the retention of members is also a key requirement in order to meet strength targets. The implementation of measures set out in the White Paper will provide opportunities for certain members of the reserve to undertake duties. I believe that this will be a key motivating factor in encouraging more people to join the reserve as well as making it more attractive for current members to stay.

I am confident that the measures set out in the White Paper will, in due course, lead to a more vibrant RDF which will deliver enhanced military capabilities for the benefit of the State.

Deputy Seán Ó Feargháil: As we know, the RDF is a committed volunteer force that gives of its time in the service of the State and the vast proportion of that time is unpaid. We can

look at international best practice and see that countries with a small military capability tend to have a very large part-time reserve to call on. That, unfortunately, is not the situation here. When I read the White Paper, I thought there appeared to be a strong commitment on the part of the Minister and the Department of Defence to the reserve. However, when I spoke to people who are actively involved, they were not reassured by the objectives set out in the White Paper. They have told me that there are practical continual difficulties, that recruitment is being made continually difficult and that the type of reserve the Minister and I speak about here is not being achieved because of the practical impediments on the ground.

Deputy Simon Coveney: The immediate challenge for both the Army Reserve and Naval Service Reserve is to recruit and train sufficient personnel to meet the respective establishments. A major recruitment campaign last year did not achieve the desired effect with the process yielding only 152 inductees. Following a review of last year's campaign, a number of changes have been introduced. The most recent returns indicate that there have been 300 inductees to date and this is a welcome improvement on the mid-year position. Progress is being made but it is slow and not as fast as I would wish. I want to send a clear signal that I want more people in the reserve. I want them to apply but they must be the right kind of people in terms of being fit for the job, both physically and mentally. We cannot allow everybody in. This is a serious commitment. It is one that many people will enjoy and get much from. I invite people to apply during the recruitment campaign that is under way. It will take time to build up the reserve but we will do it and are fully committed to it.

Deputy Seán Ó Feargháil: I accept the Minister's bona fide on this issue but the difficulty rests within the operational capacity of both groups, the Permanent Defence Force and the Reserve Defence Force. We have created a single force but there is not the type of happy relationship between the two groups that would be necessary and conducive to achieving the development to which the Minister has referred. One of the particular difficulties is that the old military cadre that existed to work with, assist, promote and develop the reserve no longer exists. I gave the Minister the example at the meeting on the Estimates a few weeks ago. I accept his point that we need people who are fit and able and capable of doing the particular job. I gave the example of 100 people who, apparently, had passed the various tests and fitness tests but whose applications to join were dependent on Garda approval and the 100 applications were left sitting on a desk and not sent to the Garda vetting unit until it was too late.

Deputy Simon Coveney: I am not sure about that. What I do know is that it is predicted there will be another 100 inductees by the end of the year, amounting to 400 this year which would be a significant improvement in terms of where we were but we have a long way to go. We approved the White Paper only a couple of months ago. That involves much positive change. In many ways we have a new chapter for the Defence Forces which will be very positive. Despite the fact that other parties want to reduce spending on defence, I am glad to say we will increase spending on defence to ensure our troops are safe and can do the peacekeeping jobs we ask them to do and that they have the right equipment to do that. We will see growth in the Reserve and new and better equipment available for our Permanent Defence Forces. That is what I am trying to deliver, both through the White Paper and as a Minister. That will result in more people wanting to be part of the Reserve in the future. We will try to continue to adjust, assess and improve the recruitment process to make sure that happens.

Cyber Security Policy

8. **Deputy Clare Daly** asked the Minister for Defence the reason Defence Forces personnel were in contact with a controversial Italian surveillance company (details supplied); the extent of the contact; and by whom it was authorised. [34262/15]

Deputy Clare Daly: This relates to the leaked documents that emerged over the summer about contact between the Defence Forces and the controversial Italian company Hacking Team, a well-known surveillance software company used by governments to tap into phones, computers and so on. What possible contracts did the Irish Defence Forces want to achieve from their dealings with Hacking Team, who was involved in negotiations, what were they looking for and how much was the Government going to spend?

Deputy Simon Coveney: The core role of the Defence Forces is to contribute to the security of the State. Military intelligence contributes assessments in respect of State security and the safety and security of Defence Forces personnel deployed overseas on peace support operations and liaises with An Garda Síochána as appropriate on matters of common concern. In relation to cyber-security, the primary focus of the Defence Forces is the protection of military networks. The Defence Forces are also assisting in the national response on cyber-security, working under the leadership of the Department of Communications, Energy and Natural Resources.

In order to deliver effectively on behalf of the State in this regard, the Defence Forces are required to develop and maintain the necessary capabilities. It is not appropriate, for operational security reasons, to divulge the details of how these capabilities are developed and maintained. I can confirm, however, that no services were purchased by the Defence Forces from the company in question.

Deputy Clare Daly: The fact that nothing was purchased misses the key point. Why would the Irish Defence Forces deal with a company that has a very dubious international reputation? This company was named in 2012 by Reporters Without Borders as one of the corporate enemies of the Internet. It has been accused by the Citizen Lab, a digital rights group, of human rights abuses, of using and transferring software that was used to repress minority and dissident groups, journalists and so on in Africa and the Middle East. Their clients include European countries, the FBI, the US Drug Enforcement Agency, Egypt, Ethiopia, Morocco, Nigeria and Saudi Arabia. These are the clients this company deals with. The Minister is telling us it was to do with developing and maintaining operational capabilities, but he is not giving us any details. No matter what the Government is buying, why it would go to a company like that is beyond me and the Minister could tell us more.

Deputy Simon Coveney: I am sure I could tell Deputy Daly more, but there are some things I do not tell her in respect of intelligence. Anybody who understands how intelligence works would understand that. We have not done business with this company. Despite what Deputy Daly is trying to portray, we are not doing business with this company. This company is, by the way, doing business all over the world, with many European and western countries, as well as some of the countries Deputy Daly has referred to. Presumably it is out there in the market, selling its services, its products and its technology. We have decided not to purchase from it. That decision was made by the Defence Forces. However, the responsibility of the intelligence element of defence is to make sure people like me and others who have to make decisions in respect of security questions are properly informed. That is as much as I am willing to say in terms of the broader responsibilities relating to intelligence. On the company concerned, we

are not doing business with it.

Deputy Clare Daly: The point is that the Minister was and he has brushed it off-----

Deputy Simon Coveney: No, we were not.

Deputy Clare Daly: -----saying “we decided not to purchase in the end”. The correspondence, which was leaked and which is not being disputed, referred to multiple contacts with this company and a number of meetings. Who was at those meetings? At what level were they? Even if the Minister cannot tell us specifically what the Defence Forces were looking to purchase, we are entitled to a little more detail than he has given us because it is a company about which serious concerns have been raised internationally. Warnings went out about the conduct of only five private sector companies and this happened to be one of them. I would like to know at what level inside the Defence Forces somebody thought it was a good idea for us to do business with them. I know the Minister cannot tell us everything and I am not sure whether he knows everything, but there is a contradiction between talking about transparency and so on and then seeking cover behind the old reliable, national security. We are entitled to more and the fact that nothing was bought is irrelevant.

Deputy Simon Coveney: It is not irrelevant. Deputy Daly keeps saying we are doing business with this company, but we are not.

Deputy Clare Daly: There were no meetings, then.

Deputy Simon Coveney: There is an obligation on the Defence Forces to make sure they are aware of all the equipment that is out there and how it works and to ensure that we have the best technology available to do a job we need to do. They have an obligation to ensure we have an appropriate intelligence infrastructure in Ireland to give me and others the information that is needed to make informed decisions on sensitive and sometimes very confidential security matters. Most people understand that.

Defence Forces Deployment

9. **Deputy Seán Crowe** asked the Minister for Defence given the increase in violence and attacks in the Golan Heights area, if there are new measures or protocols in place to protect and safeguard Irish soldiers serving in the United Nations Disengagement Observer Force mission. [34518/15]

Deputy Seán Crowe: We all know how turbulent, dangerous and unpredictable the Golan Heights are and collectively we share a deep and genuine concern for the Irish troops stationed in the area. The 48th Infantry Group has returned to Ireland safe and sound and has been replaced by the 50th Infantry Group. I would like to take the opportunity to welcome those troops home.

My question relates to any new measures or protocols in respect of the change in the circumstances on the ground. Are there any plans to reinforce the base’s security area, equipment, support vehicles and weaponry given the changed circumstances in the Golan Heights?

Deputy Simon Coveney: A contingent of the Permanent Defence Forces has been deployed to the United Nations Disengagement Observer Force, UNDOF, on the Golan Heights since

2013. The current Irish contingent, the 50th Infantry Group, comprising 130 personnel, is based in UNDOF headquarters in Camp Ziouani. It operates in the role of a quick reaction force, which is on standby to assist with ongoing operations within the UNDOF area of responsibility. Eight other Defence Forces personnel are also deployed in UNDOF headquarters, including the Deputy Force Commander, Brigadier General Anthony Hanlon.

Following the significant events in August 2014 in the area of separation, there was a fundamental realignment of the UNDOF mission with a view to minimising unacceptable risks to peacekeepers, while continuing to implement the mission's mandate where possible. Most UNDOF personnel, including the Irish contingent, are now deployed on the Israeli side of the area of separation. As such, they are not within the area of separation where significant fighting continues to take place.

The UNDOF mission has faced a challenging time, especially during the past year. The escalation of the conflict in the Syrian Arab Republic has affected the mission's area of operations. While the security situation in the UNDOF area of responsibility remains volatile and unpredictable, with ongoing fighting between different elements, I am advised that UNDOF has not detected any significant increase in violence or attacks on UN personnel or facilities.

Ongoing threat assessments are carried out in the mission area and personal equipment and force assets are continually reviewed to ensure that Defence Forces personnel are appropriately equipped to fulfil their role. In this regard, following a recent review of the locations occupied by personnel of the Irish contingent, a Defence Forces engineering team was deployed early last month to undertake additional protective works. The contingent also undertakes regular drills and exercises to ensure that all personnel are ready to respond rapidly to any deterioration of the security situation.

The reality is that no peacekeeping mission is without danger. I am satisfied, however, that all appropriate security measures are in place to ensure the safety of all Defence Forces personnel serving in the UNDOF mission. The presence of the UNDOF mission remains an important element in ensuring stability on the Golan Heights and in the Middle East region.

Deputy Seán Crowe: The reason for the question was to send a message to the families of soldiers who are gone over there that, with the changed circumstances, as the Minister's reply states, there is beefed-up security in the area. Rockets are still landing in the Golan Heights and Israel has made several incursions into Syria since the last war began. Our troops are on the front line of the most brutal and violent conflict in the world. Has there been any decision on whether this will be the last contingent sent on this mission or will there be more sent after the 50th Infantry Group completes its tour?

Deputy Simon Coveney: First, I would ask other parties to reflect when they call for a reduction in defence spending on the situation in which many of our troops find themselves in parts of the world and their requirement for the equipment and resources they need to ensure their safety. When I am making decisions to increase defence spending, people try to twist that into some kind of hawkish attitude towards defence on my part. The reason we are doing it is to ensure I can reassure families that have loved ones in places such as the Golan Heights, southern Lebanon, Mali and the Mediterranean that we have the best equipment and resources available to keep them safe.

I also have a responsibility to ensure we are constantly in conversation with the United Na-

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tions at headquarters level in New York to ensure there is an ongoing assessment of the UNDOF mission because it is constantly changing. Deputy Crowe is right to raise it. The civil war that is taking place in Syria is not only tragic for Syrians but also poses dangers to peacekeepers, but we have reconfigured this mission. At present, we have an engineering team to ensure all the resources and preparations are in place to ensure our soldiers are safe there. Within reason they are, but we need to keep a very close eye on it because what is happening on the Golan Heights is still quite unpredictable.

Deputy Seán Crowe: I welcome the reply that the Minister is continuing to review the circumstances on the ground. Ultimately, it is all about the safety of the troops. I would have been critical of the idea of sending them over because I believed the circumstances on the ground had changed. I am glad the previous contingent has come back safe. I wish the ones who are over there the same safety and I hope they all return safely.

Deputy Simon Coveney: That reflects the view of us all. Every time I speak to troops before they leave and speak to their families, I am conscious of that. I wish to reassure families who have sons and daughters and husbands and wives serving in the Golan Heights that we continue to focus on ensuring we are managing risk in an acceptable way. This is a very important mission for the United Nations and it relies heavily on Ireland's participation in it, but I do not make any decisions lightly in terms of putting our troops in harm's way. They are contributing to the creation of a sense of stability in a very volatile region. They are safe and we are managing risk as best we can. That would be reflected in the troops who came back on the previous occasion. I do not expect that the mission will change significantly in terms of going back into the area of separation any time soon. That is obviously the long-term objective but for the moment, staying on the Israeli side of the line of separation is the most prudent and safest thing to do, and that is why we have made the changes we have.

An Ceann Comhairle: I am afraid our time has expired. I would reiterate that it is important we get to start on time. Unfortunately, that was beyond our control.

Written Answers follow Adjournment.

National Cultural Institutions (National Concert Hall) Bill 2015: Instruction to Committee

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I move:

That, pursuant to Standing Order 177, Standing Order 131 is modified to permit an instruction to the Committee to which the National Cultural Institutions (National Concert Hall) Bill 2015 may be recommitted in respect of certain amendments, for which it has power to make provision in the Bill in relation to:

(a) changing the name of the Irish Film Board to Screen Ireland or in the Irish language *Fís Éireann*; and

(b) giving effect to the change of name of the Irish Film Board in all enactments, legal proceedings, statutory instruments and all other documents;

and to change the title of the Bill to take account of these provisions.

The amendments I am introducing to this Bill are necessary to change the name of the Irish Film Board. As the National Cultural Institutions (National Concert Hall) Bill was in the pro-

cess of being enacted, I considered that the most effective way to give effect to this change of name was through this Bill. The Bill deals with one of the agencies under my auspices. The Irish Film Board also operates under my auspices. As both agencies operate in the cultural arena, this Bill offered the means to give effect to the change of name in a timely manner.

The current full name of the Irish Film Board, the Irish Film Board-Bord Scannán na hÉireann, has been considered out of date when used in an international arena. The use of the word “film” in the title is considered limiting. The proposal to change the name to Screen Ireland or Fís Éireann will reflect the broader remit of the agency as the promoter of the Irish film, television and animation sector.

The Irish Film Board is our primary agency for promoting and supporting the audiovisual sector. Its work extends far beyond the traditional realm of film and encompasses the domestic and international television sector as well as our growing animation sector.

The board is supportive of this change and the change of name can only take place by way of legislation. In fact, I had agreed verbally with the late Bill O’Herlihy, former chair of the Irish Film Board, shortly before his sudden death that I would make this change.

Deputy Seán Ó Fearghail: I thank the Minister. I have no particular difficulty with this change. The Minister has not given us any great understanding of the need to achieve this or what significant difference it will make whether we call it the Irish Film Board, Screen Ireland or Fís Éireann. In fact, I wonder about the translation, “Fís Éireann”. I do not know whether that is the most appropriate translation of what the Minister is proposing but I assume her officials have looked at that.

I am conscious that the British Film Institute has not renamed itself to, for example, “Screen UK”, but it is successful. Bord Scannán na hÉireann or the Irish Film Board has been successful. It would be appropriate to recognise the outstanding service given by the late great Bill O’Herlihy to that particular board and to acknowledge the considerable success this country has experienced in recent years in the audiovisual sector. It has been most impressive. The list of international awards coming to the sector has been impressive. I read of a figure of €550 million of a benefit to the economy, with 6,000 employed in the sector and more than 500 small enterprises involved. All this is very positive and the future looks bright. Every Deputy wants to support the continued expansion and development of the talent and genius that exists in the sector and the Minister is committed to it. While we have no difficulty with the proposal, I do not see it as a matter of major significance requiring legislation. I would like to be further convinced that in renaming the Irish Film Board, something else is happening in the Department - that it marks a willingness on the part of the Department to more actively and aggressively support and promote the work of the board and achieve greater investment in it.

Investment in the sector returns real dividends to the Irish economy through both the employment opportunities that can be generated and the way it conveys to the world a sense of the dynamism that exists in Ireland. It is probably the most powerful method we have of communicating with the world, of saying Ireland is open for business across a spectrum of areas in which the country can avail of international investment and encourage the continued development of the tourism sector. While the tourism sector is doing well, we must continue to grow it into the future. I support what the Minister is doing, but I would like to hear that there is additional oomph behind it. My party has no problem with what the Minister is about.

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Deputy Sandra McLellan: The overall aim of the Bill is provide a statutory basis for the conversion of the National Concert Hall from a company limited by guarantee to a statutory body. The motion, which is technical in nature, changes the name of the Irish Film Board to Screen Ireland, in Irish Fís Éireann, and gives effect to the change of name in all enactments, legal proceedings, statutory instruments and all other documents. The Title of the Bill is also changed to take account of this. We have no difficulty supporting the changes.

Question put and agreed to.

National Cultural Institutions (National Concert Hall) Bill 2015: Order for Report Stage

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I move: “That Report Stage be taken now.”

Question put and agreed to.

National Cultural Institutions (National Concert Hall) Bill 2015: Report and Final Stages

Bill recommitted in respect of amendment No. 1.

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I move amendment No. 1:

In page 5, line 9, after “music;” to insert “to change the name of Bord Scannán na hÉireann;”.

Amendment agreed to.

Bill reported with amendment.

Deputy Seán Ó Fearghail: I move amendment No. 2:

In page 5, between lines 22 and 23, to insert the following:

“ “national venue” means the area occupied by the National Concert Hall at Earlsfort Terrace, Dublin and such additional or alternative venues as the National Concert Hall, with the agreement of the Minister, may determine from time to time;”.

The Minister and I engaged on this issue on Committee Stage and she understands what I am about. As I indicated on Second Stage, I am concerned that the Bill lacks vision and ambition for the NCH. If we believe the NCH is for all the people of Ireland, why is the Bill restricting it to a single national venue at Earlsfort Terrace? There is a compelling argument that, at some stage in the future, the NCH should be permitted to operate a number of venues, not just one in Dublin. The proposed amendment recognises the current home of the NCH, provides for alternative sites should they be required in future and, critically, allows for additional venues, be they on the western seaboard or in Cork, Limerick or Monaghan, where the Minister would welcome it.

Our experience from our direct engagement with the NCH is that it has strong sense of its purpose and a commitment to reaching out. One could not but be impressed by the work it is doing with the children’s hospitals. Why, therefore, would the Bill cut off the opportunity for

the NCH to expand by identifying a venue somewhere else that could be an adjunct to what it does in Earlsfort Terrace? Although it may never want to do so, why would we not allow for the possibility? Given the manner in which the Government has trumpeted the success of the Limerick City of Culture initiative, some future city of culture might emerge. A particular venue could be developed and provide the platform that the NCH provides here in Dublin. If such a venue could augment the work of the NCH, why not allow for the possibility in the legislation?

Deputy Heather Humphreys: A reference to alternative venues is unnecessary. The NCH can promote the performance of music at locations other than the national venue. My officials have discussed this with the Office of the Parliamentary Counsel. Sections 7(b), 7(c) and 7(d) of the Bill include the possibility. We are not cutting off the opportunity for the NCH to perform outside the Earlsfort Terrace venue, and it operates many outreach programmes. I agree with the Deputy that we must move the national institutions, and the concert hall must have a regional impact. Section 7 includes as objectives of the NCH:

(b) in the public interest, to promote and support the performance, knowledge, appreciation, creation and enjoyment of music as an integral part of Irish life,

(c) to entertain, educate and engage the public through musical experiences, and

(d) to encourage and promote inclusivity, participation, creativity, experimentation and involvement in music through engagement with diverse individuals and communities as performers, participants, composers or audience members

The section allows the NCH to take the broader approach the Deputy mentioned.

While I am sympathetic to the Deputy's concerns about a reference to the location of the NCH in the building on Earlsfort Terrace, it has been the subject of ongoing discussion between my Department, the NCH, the OPW and the Office of the Attorney General, and a proposed amendment has been agreed. This clarifies the position regarding the location of the NCH, which shall be situated, for the time being, at Earlsfort Terrace in the city of Dublin.

11 o'clock

As Deputies are aware, the National Concert Hall has been based at Earlsfort Terrace since it opened in 1981. To most people, the National Concert Hall and Earlsfort Terrace have been synonymous, particularly since the vacation of the site by UCD in 2007. The main issue for the hall in the short and medium terms is not its location. Of course it is in an excellent location. The main issue for the hall is how it can secure the necessary funding to secure its long-term future at its existing location and thereby maximise its potential as a centre of excellence for music and the performing arts. The security of tenure of the National Concert Hall at Earlsfort Terrace is seen as an important element in any case being made to all potential governmental, corporate and philanthropic funders in the years ahead. Rather than accepting the Deputy's amendment, I am proposing amendment No. 2a, which would insert the phrase "situated, for the time being, at Earlsfort Terrace in the city of Dublin" in section 5(1) of the Bill.

Deputy Seán Ó Fearghail: I have no problem with that. It makes sense. I would like the Minister to clarify one aspect of this matter for the record. I accept that the National Concert Hall can arrange performances around the country. That goes without saying. Can we take it from what the Minister is saying that this Bill will allow the National Concert Hall to acquire a venue somewhere else in the country and operate it as part of the National Concert Hall's remit?

8 October, 2015

Perhaps that is what she is saying, but I am afraid it is not how I have read the legislation. I am not the Minister, however. I presume the Minister knows what she is talking about.

Deputy Heather Humphreys: Yes. As I have outlined, section 7 of the Bill provides that the “principal functions” of the National Concert Hall shall be “to provide and operate, having regard to international standards and good practice, the national venue for the performance, appreciation and enjoyment of musical, creative, artistic and cultural activities including the promotion of concerts and recitals of artistic, educational and cultural value”. Earlsfort Terrace is where the National Concert Hall’s home is, but there is nothing to prevent it from having performances elsewhere or from moving around the country. The Deputy raised the question of whether the National Concert Hall will acquire properties elsewhere in the country at some point down the road but our focus has to be on where the hall is based at present. I know the National Concert Hall is very concerned to ensure Earlsfort Terrace is identified as its home. When officials from the hall go abroad to look for philanthropic funding, etc., it is important for them to be able to mention an address to show the people they meet that they are dealing with a permanent entity. We took legal advice on this matter. The National Concert Hall is satisfied that its requirements will be met if this amendment is made and the legislation includes the words “situated, for the time being, at Earlsfort Terrace in the city of Dublin”.

Deputy Seán Ó Fearghail: The Minister is still not answering my essential question. I agree with what she is saying. Does the legislation as currently drafted preclude the National Concert Hall-----

Deputy Heather Humphreys: No.

Deputy Seán Ó Fearghail: -----from acquiring and operating on an ongoing basis a venue somewhere else in the country?

Deputy Heather Humphreys: I apologise to the Deputy. His question can be answered by referring to section 5(2) of the Bill, which provides that the National Concert Hall “shall be a body corporate with perpetual succession and an official seal”. This section of the Bill also provides that the National Concert Hall has the “power to acquire, hold and dispose of land or an interest in land, and acquire, hold and dispose of any other property”.

Deputy Seán Ó Fearghail: Okay.

Deputy Heather Humphreys: So if it wants to acquire more property, it can do so.

Deputy Seán Ó Fearghail: Good.

Deputy Heather Humphreys: I apologise for the confusion.

Deputy Seán Ó Fearghail: Well done.

Amendment put and declared lost.

Deputy Heather Humphreys: I move amendment No. 2a:

In page 6, line 13, after “ “NCH”),” to insert “situated, for the time being, at Earlsfort Terrace in the city of Dublin,”.

I have spoken on this amendment, which clarifies the issue.

Amendment agreed to.

Acting Chairman (Deputy Joe O'Reilly): As amendments Nos. 3 and 4 are related, they may be discussed together.

Deputy Seán Ó Feargháil: I move amendment No. 3:

In page 7, line 10, after “time” where it secondly occurs to insert “and subject to section 16”.

The basis for these amendments is that it is normal and good practice in all democracies for strategic statements to be prepared by public bodies and submitted to the relevant Ministers for consideration and approval. The reasons for this approach are obvious: it enables the alignment of strategic plans from across different institutions; it avoids turf wars, which is something we are all anxious to achieve; it secures consistency with Government policies, priorities and funding; and it respects ministerial accountability to this House for bodies within the remit of individual Ministers. The Bill as it stands makes no provision for ministerial oversight or review of strategy statements. The Minister is basically a messenger. He or she will receive the strategy, lay it before the Houses of the Oireachtas and do nothing more. The amendments to sections 8 and 9 that I am proposing seek to address this pretty critical deficit. They will allow the Minister to meaningfully review strategy statements and where necessary amend them. However, this intervention is carefully circumscribed, as it should be. Basically, the Minister can only intervene where the strategy is in conflict with Government policy or is misaligned with that approved for other cultural institutions. Additionally, a Minister will be obliged to consult the board of the National Concert Hall where revisions are contemplated before amending a strategy statement. These balanced and sensible measures will protect the public interest and respect the National Concert Hall while upholding ministerial accountability to the Oireachtas. I would have been accusing the Minister's predecessor, not on a personal level, of pursuing a policy agenda that was allowing the Department to pull too much of the control over the cultural institutions back into the Department. While it is important that we respect the autonomy of our cultural institutions, we should not readily abandon the whole idea of ministerial oversight. I advocate these amendments to the Minister and ask her to consider them positively.

Deputy Heather Humphreys: I have listened to the Deputy's concerns on this issue. Amendment No. 3 purports to link section 8, which deals with the independence of the National Concert Hall, with the statement of strategy provision in section 16. I take the view that section 8 is a strong and clear statement of the independence of the National Concert Hall. This is an important statement of principle for any cultural institution. Indeed, this provision came about because of concerns that had been expressed to the effect that the Bill was not sufficiently clear on this important point. I think the section should stand as it is currently and is best left unchanged. Therefore, I cannot accept the Deputy's amendment.

I do not consider that amendment No. 4 is necessary because I believe the principle of the independence of the national cultural institutions should be maintained. The statement of strategy will be a matter for the board, which is responsible for managing the institution and directing its operations. I do not want to impinge on the independence of the National Concert Hall, or any of the national cultural institutions, when it comes to artistic matters. The artistic programming will be an integral part of the statement of strategy. I want to strike the right balance between artistic independence and accountability to the taxpayer. I went back and had a look at the recommendations that were made by the joint committee. It came through very

strongly in those recommendations that the joint committee agreed that for the avoidance of doubt, the arm's length principle with regard to artistic programming should be enshrined in this Bill. Regarding head 9 of the Bill, the joint committee also agreed that for the avoidance of doubt, the arm's-length principle with regard to artistic programming should be enshrined in the Bill. I am happy with section 8, which deals with the independence of the National Concert Hall and states, "The NCH shall be independent in the exercise of its functions subject to such general policy guidelines as may be issued by the Minister to all national cultural institutions from time to time." I am satisfied that the National Concert Hall will have to comply with policy as set down by the Minister but I want it to be independent in its artistic programming. I am happy that we still have sufficient control which is my reason for not accepting the Deputy's amendment.

Deputy Seán Ó Fearghail: I agree that there cannot be a situation where Ministers are interfering in the artistic or cultural role of any of these institutions. That is not what I am talking about. In fact, if the Minister was proposing that level of interference, I would be on my feet, criticising and opposing it. I am talking here about balance and specifically about the strategy statement. I am not saying that the Minister should interfere in the compilation of a strategy statement but that she, as a Minister accountable to this House, should be able to do a little bit more than simply receive the strategy statement and lay it before the Oireachtas. The Minister should not be powerless to even comment on such a statement. One assumes and hopes that there will never be a conflict between one cultural institution and another or between the board of the National Concert Hall and the policy of the Government of the day. However, the idea that a Minister would totally surrender his or her oversight role is going from one extreme to the other, from the vigorous pursuit of an arm's length policy, which we saw before, to a point where the whole idea of oversight is to be abandoned entirely.

Deputy Heather Humphreys: I direct the Deputy to section 16, which deals with the statement of strategy and which says that the National Concert Hall "shall prepare and present to the Minister, in such format as shall be approved by the Minister, a statement of strategy." Perhaps that particular phrase will alleviate the Deputy's concerns somewhat.

The Minister of the day should have a good working relationship with the various national cultural institutions. Contact and discussions are ongoing and I do not expect a situation to arise where there would not have been some discussion and agreement on the strategy statement. I am also very conscious that the statement of strategy mainly relates to artistic matters and programming. In that context, I want to respect the independence of the National Concert Hall. The National Concert Hall obtains approximately 40% of its funding from the Government and the point has been made to me very strongly that it wants to maintain its independence. It is for that reason that I cannot accept the amendment.

Amendment put and declared lost.

Deputy Seán Ó Fearghail: I move amendment No. 4:

In page 10, between lines 32 and 33, to insert the following:

"(3) The Minister may, having regard to the policy of the Government and alignment with the strategies as approved by the Minister of other national cultural institutions, accept without revision or make revision to the National Concert Hall statement of strategy received under *subsection (1)*.

(4) Where the Minister proposes to make revisions under *subsection (3)* to a statement of strategy he or she will consult with the Board before so doing.”.

Amendment put and declared lost.

Acting Chairman (Deputy Joe O'Reilly): Amendments Nos. 5 and 6 form a composite proposal and will be discussed together.

Deputy Heather Humphreys: I move amendment No. 5:

In page 10, line 37, to delete “3 months” and substitute “6 months”.

The purpose of amendments Nos. 5 and 6 is to deal with a potential timing issue that exists between the time limit for the submission of the annual report in section 17 and that for the preparation of the annual accounts in section 26. The amendments will amend section 17(1) to delete the three-month period and replace it with a six-month period. That will align it more closely to section 26. The aim is to bring the annual report and the annual accounts into the same time limit period.

Amendment put and declared carried.

Deputy Heather Humphreys: I move amendment No. 6:

In page 10, line 38 and in page 11, line 1, to delete all words from and including “or” in line 38 down to and including in page 11 “permits” in line 1.

Amendment put and declared carried.

Deputy Seán Ó Fearghail: I move amendment No. 7:

In page 12, after line 41, to insert the following:

“(2) Notwithstanding *subsection (1)* the Minister may, with the agreement of the Minister for Public Expenditure and Reform, delegate authority to the Board in respect of such and so many persons to be members of the staff of the National Concert Hall and the grading of such staff, having regard to the financial resources available to the National Concert Hall.”.

This amendment seeks to insert a new subsection (2) in section 19. The basis for this amendment is that the Bill, as currently drafted, is modelled on the strict staffing controls exercised by the Minister for Public Expenditure and Reform on Civil Service staff numbers and grading. This is inappropriate and fundamentally deficient in the case of a State body which earns the vast bulk of its income from commercial activity - selling concert tickets and hiring out its premises. It is my understanding that up to 75% of the National Concert Hall’s income comes from trading activity and it is a dangerous noose around the organisation’s neck to tie it so closely to the practices and controls of bodies that are wholly funded by the State. The amendment I have proposed would enable the Minister, having due regard to the financial position of the National Concert Hall, to confer delegated authority on the board to manage its staffing affairs. This is not a *carte blanche* but a balanced proposal which retains appropriate ministerial oversight while enabling the board to staff the concert hall, having regard to its financial capabilities and trading needs.

This goes to the nub of the earlier conversations in which we engaged. The Minister says

that she wants to empower, enable and facilitate the concert hall and its board to get on and do its business and I say that is a good idea. However, in terms of its staffing, the legislation as drafted does not appear to allow it to do that. I say that we need to have ministerial oversight but the Minister was not too enthusiastic about that a few minutes ago. I am now saying that we should empower the board to recruit the staff that the organisation needs and to appoint them at the grades it deems appropriate in order that the concert hall can function and be as commercially viable as possible. We should do that with the prudent degree of ministerial oversight that my amendment envisages.

The Minister has not accepted any of my amendments thus far. Indeed, one wonders what is the point of tabling amendments to any legislation if none of them are ever going to be accepted. I would argue that this particular proposal has merit and that the Minister should consider it and take it on board.

Deputy Heather Humphreys: I have listened to the Deputy's concerns on this issue but I believe his amendment is unnecessary. This section is a standard one which reflects the approach across the public service. Following the ending of the public service moratorium on recruitment, staffing matters at the National Concert Hall can now be dealt with between it and the Department under a new delegated sanction arrangement. This provides sufficient flexibility for the concert hall in regard to staffing. The subsection does not require amendment because it is a standard provision that applies to all public servants, and public servants make up the majority of staff at the National Concert Hall. The Department can deal with staffing issues at the National Concert Hall without interference from the Department of Public Expenditure and Reform.

The strategy statement relates primarily to artistic programming and, as I made clear, I intend to allow the National Concert Hall to operate independently in that area. Funding for staffing and so forth is provided in line with public service staff agreements. If the board wishes, it may hire temporary or casual staff, which may be appropriate for the staging of events. It may also determine the level of payment for such casual staff, as they are not public servants. While I cannot accept the amendment, it should be noted that we were able to reach a compromise on a previous amendment tabled by the Deputy.

Acting Chairman (Deputy Joe O'Reilly): Deputy Ó Fearghaíl has two minutes to respond.

Deputy Seán Ó Fearghaíl: I would waste the time of the House if I were to speak for two minutes, as it is clear the Minister will not accept the amendment.

This is a missed opportunity. It is not acceptable for the Minister to argue that the National Concert Hall will be able to recruit a few casual staff to deal with circumstances as they arise, nor is it good enough that the dead hand of the Department of Public Expenditure and Reform will continue to be held over the NCH. There is a dynamism and phenomenal reservoir of ability available on Earlsfort Terrace and we should empower the National Concert Hall to do its business and develop. The legislation does not enable it to do so.

Amendment put and declared lost.

Deputy Heather Humphreys: I move amendment No. 8:

In page 21, after line 15, to insert the following:

“PART 7

MISCELLANEOUS

Change of name of Bord Scannán na hÉireann to Fís Éireann

39. (1) The name of the body (established by section 3 of the Irish Film Board Act 1980) the present name of which is, in the Irish language, Bord Scannán na hÉireann and in the English language, the Irish Film Board shall, on and from such day as the Minister appoints by order, be known, in the Irish language as Fís Éireann, or in the English language, as Screen Ireland.

(2) References in any enactment, statutory instrument, legal proceedings or any other document to Bord Scannán na hÉireann or the Irish Film Board shall, on and from the day appointed under *subsection (1)*, be construed as references to Fís Éireann or Screen Ireland, as may be appropriate.”

Amendment put and declared carried.

Bill, as amended, received for final consideration and passed.

Sitting suspended at 11.30 a.m. and resumed at 11.40 a.m.

Climate Action and Low Carbon Development Bill 2015: Report Stage (Resumed)

Debate resumed on amendment No. 152:

In page 22, between lines 30 and 31, to insert the following:

“Reports on annual targets

16. (1) The Minister shall lay before the Houses of the Oireachtas a report in respect of each year in the period 2015-2050 for which an annual target has been set (a “target year”).

(2) The report shall state whether the annual target for the target year has been met. If the annual target has not been met, the report shall explain the reason for same.

(3) The report shall also state whether the domestic effort target has been met in the target year to which the report relates.

(4) If the domestic effort target has not been met, the report shall explain the reason for same. The report shall also contain the information mentioned in *section 17*.

(5) The report under this section shall be laid before the Houses of the Oireachtas no later than 31 October in the second year after the target year.”

- (Deputy Mick Wallace)

Acting Chairman (Deputy Joe O’Reilly): We resume on amendment No. 152. Deputy Clare Daly is the next speaker and I note that amendments Nos. 152 to 160, inclusive, are re-

lated and are being discussed together.

Deputy Clare Daly: I have had ten different hats on this morning and to get my climate change one on now is going to be pretty difficult.

Acting Chairman (Deputy Joe O'Reilly): Ditto. It is the same all around.

Deputy Clare Daly: We are all struggling today with the schedule going too far. We have discussed these issues at length over the course of the past week and there is grave concern on our side of the House that excluding targets and failing to put any meat on its bones makes the legislation probably worse than having nothing. I do not say that lightly. It is said very much in the context of the fact that climate change is undoubtedly one of the most significant challenges facing humanity at the moment. It is a challenge which has not been given sufficient attention by the Government or the establishment internationally. Too often, we continue to put the interests of big business and profit ahead of the needs of society. It is interesting that even elements at the top of the business world are beginning to take that point on board and acknowledging that we must do something. Putting forward a Bill which does not put meat on the bones is not adequate. We must divide out where we are setting the targets and how we are going to achieve them.

When the issue arose originally, there was a great deal of dialogue about the individual's actions and the view was that the person was responsible. In my view, society is responsible and we need to take collective measures. Transport is one of the key areas that needs to be broken down. The Government made a big fanfare about the capital programme, which we discussed yesterday, elevating rail. Rail is not being sufficiently elevated in Ireland. In fact, to grapple properly with climate change, one should have a system of free public transport to get people out of private cars. At the moment, if one lives in parts of the north side of our capital city which are not on the coastal DART line and are not connected, one is condemned to use a private car. That is not viable in the city and it is a huge cause of pollutants. We must have targets which are linked to economic policy. That is what our amendments are about. We can put forward general guidelines and blurbs about this type of thing, but if there is no meat on it, it will not be good enough. The same is true of energy where we have a backdrop of a lack of any serious programme to retrofit houses to achieve proper energy efficiency.

Climate change is particularly relevant when we consider the issue of migration. Along with our European peers, we have been grappling in the House every week since we came back with the issue of refugees from war-torn countries. Clearly, it will not just be people affected by war or economic refugees in future; the biggest group of new refugees the world will face will consist of victims of climate change. Dealing with that will be a huge consequence of climate change. It is important that there be chapters in the legislation to deal with public bodies' duties of climate change mitigation, adaptation programmes, land use, forestry, energy efficiency, waste reduction and recycling. Scotland put the detail in its plan whereas what we have are vague aspirations and no substance. That is not good enough and will not lead to us achieving our targets.

I am conscious that many environmental groups contacted everyone and told us to get the Bill through, but something is not always better than nothing. In the absence of these amendments, the Bill is not sufficient to address key concerns and achieve what is necessary. For this reason, we will seek votes on these amendments.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): We are discussing a group of amendments that would require the Minister, Deputy Kelly, to lay a range of reports in respect of domestic mitigation targets before the Houses. I have stated my position on this issue a number of times, but I will reiterate it to facilitate further progress on this important legislation. I do not accept the validity of establishing domestic mitigation targets that are divorced from the EU processes and, therefore, I cannot support the amendments. My focus is on securing enactment of the Bill as soon as possible in order that we can introduce Ireland's first national mitigation plan. In this plan, the emphasis will be on meeting our legally binding mitigation targets up to 2020 as part of the EU's effort-sharing decision, but we will also look ahead to 2030 in the new effort-sharing decision, yet to be agreed, and beyond that again to 2050 with the aim of substantially decarbonising the economy.

As we near the end of the debate on Report Stage, I restate the fact the Government has introduced a range of amendments to enhance the Bill's functions following extensive discussions on Second Stage and Committee Stage. Where reasoned and reasonable arguments have been made, the Government has listened and responded accordingly. For many years, there has been extensive debate about the shape of Ireland's first ever climate change legislation. As many Deputies have stated, action is required. The national mitigation plan will present an opportunity for all of society's stakeholders and citizens to produce a plan that is fit for purpose, sustainable and meets our needs while ensuring we reform and innovate in order that Ireland contributes significantly to the wider global challenge.

I do not agree with Deputy Clare Daly that doing nothing is sometimes better. There is a danger that if we do nothing, we will lose positive momentum on several fronts, namely, the national mitigation plan and the sectoral adaptation plans which are key to meeting the challenge facing us. We need to move on climate change now. This legislation will be an important vehicle in our delivery of that.

Deputy Clare Daly: I thank the Minister of State but the essence of my point was that a bad Bill was worse than no Bill. No one is arguing that we do nothing. We could build on the great deal of preparatory work that has been done elsewhere. The amendments are self-explanatory, being taken from the Scottish climate change Act. Enacted six years ago, it contains copious details on how the advisory group should operate, the work it does and the content of its reports. We have tried to incorporate in this Bill that Act's chapters on the duties of public bodies. Scotland wrote the framework of its mitigation plan into law. Why are we discussing a Bill that contains no targets, details or specifics six years later? The plan, whatever it consists of, will not need to exist for another 18 months. By the time we have monitored the progress of our first mitigation plan, the EU will be knocking on our door and telling us that it is time to pay up for non-compliance. This is the backdrop to our amendments.

There is probably nothing more important than climate change. According to the European Commission, early action on climate change will save lives and money. The cost to the EU of not adapting could reach at least €100 billion per year by 2020 or €250 billion per year by 2050. Elaborating on the internationally accepted position that climate change poses a threat so serious that it could reverse the past 50 years of progress in global health and development, the European Commission stated that action on climate change would present benefits of €38 billion per year through reduced mortality rates caused by air pollution.

These are actions that we need for the good of humanity, the health of our people and the

survival of the human race. The World Health Organization, WHO, has estimated that this issue is likely to cause approximately 250,000 deaths per year by 2030. This is a major challenge. It would be wrong to do nothing and that is not what we are arguing, but this Bill could be better. We owe it to the Irish people and our European counterparts.

Amendment put:

<i>The Dáil divided: Tá, 25; Níl, 61.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Bannon, James.</i>
<i>Boyd Barrett, Richard.</i>	<i>Butler, Ray.</i>
<i>Broughan, Thomas P.</i>	<i>Buttimer, Jerry.</i>
<i>Collins, Niall.</i>	<i>Byrne, Catherine.</i>
<i>Colreavy, Michael.</i>	<i>Byrne, Eric.</i>
<i>Coppinger, Ruth.</i>	<i>Carey, Joe.</i>
<i>Cowen, Barry.</i>	<i>Coffey, Paudie.</i>
<i>Creighton, Lucinda.</i>	<i>Collins, Áine.</i>
<i>Daly, Clare.</i>	<i>Connaughton, Paul J.</i>
<i>Ferris, Martin.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Halligan, John.</i>	<i>Costello, Joe.</i>
<i>Higgins, Joe.</i>	<i>Coveney, Simon.</i>
<i>Keaveney, Colm.</i>	<i>Creed, Michael.</i>
<i>Kelleher, Billy.</i>	<i>Daly, Jim.</i>
<i>Kirk, Seamus.</i>	<i>Deasy, John.</i>
<i>McGrath, Finian.</i>	<i>Deenihan, Jimmy.</i>
<i>Mathews, Peter.</i>	<i>Deering, Pat.</i>
<i>Murphy, Paul.</i>	<i>Dowds, Robert.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doyle, Andrew.</i>
<i>Ó Cuív, Éamon.</i>	<i>Durkan, Bernard J.</i>
<i>Ó Fearghail, Seán.</i>	<i>English, Damien.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Farrell, Alan.</i>
<i>Smith, Brendan.</i>	<i>Feighan, Frank.</i>
<i>Stanley, Brian.</i>	<i>Ferris, Anne.</i>
<i>Troy, Robert.</i>	<i>Fitzmaurice, Michael.</i>
	<i>Fitzpatrick, Peter.</i>
	<i>Hannigan, Dominic.</i>
	<i>Harrington, Noel.</i>
	<i>Harris, Simon.</i>
	<i>Humphreys, Heather.</i>
	<i>Keating, Derek.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Seán.</i>
	<i>Kyne, Seán.</i>
	<i>Lawlor, Anthony.</i>

	<i>Lynch, Kathleen.</i>
	<i>Lyons, John.</i>
	<i>McEntee, Helen.</i>
	<i>McGinley, Dinny.</i>
	<i>McGrath, Mattie.</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Eoghan.</i>
	<i>Naughten, Denis.</i>
	<i>Nolan, Derek.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>Penrose, Willie.</i>
	<i>Perry, John.</i>
	<i>Rabbitte, Pat.</i>
	<i>Ryan, Brendan.</i>
	<i>Shatter, Alan.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Twomey, Liam.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>

Tellers: Tá, Deputies Clare Daly and Michael Colreavy; Níl, Deputies Emmet Stagg and Paul Kehoe.

Amendment declared lost.

12 o'clock

Debate adjourned.

Leaders' Questions

Deputy Barry Cowen: Today, there is another report from Simon stating that rents in Dublin are up 8.2% since last year. *Daft.ie* says that nationally rent for a two-bedroom house is 20% above the rent supplement. Families with children are being squeezed out of the rental market, yet the Minister has refused to increase the rent supplement, even though the Minister, the Tánaiste and their Government colleagues have been asked to do so since 2012.

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The supply of private housing, in Dublin in particular, is stagnant. House repossession cases continue apace, with 100 alone in Cork today. There could be thousands more on the housing waiting list by the end of the year, according to Fr. Peter McVerry.

Let there be no doubt that, unfortunately, this Government has let this national crisis develop. It has reacted with too little, too late. Even though it has made many announcements, subsequent actions have been few and far between.

There is chaos in the housing sector and the number of homeless people is mounting. There is no easing off at all and the Government has failed to address the issue. It is not just me or any other Member of the Opposition who is saying this, it is being said by Simon, Focus Ireland, the Society of St. Vincent de Paul, Brother Kevin and Fr. McVerry.

Up to 3,000 vacant units across the country require refurbishment before families can move into them, yet the Minister for the Environment, Community and Local Government, Deputy Kelly, and the Government have cut €6 million from the refurbishment fund. It makes no sense whatsoever. In fact, it is a lesson in how to make things worse. For the past four and a half years, the Government has insisted that rent supplement will not be increased as it would drive rents higher. Why is the Government persisting in using rent supplement to control the private sector, rather than as the poverty-alleviating measure it is meant to be?

Lastly, I want to ask a question that has been answered in many different forms in recent weeks, so I would like to have some clarity on it. The Minister, Deputy Kelly, and the Taoiseach have sought to answer it. Last Tuesday week, the Taoiseach said that on foot of a Cabinet meeting that morning, the Government had ordered 150 modular housing units for Dublin families. How much have they cost, when will they be delivered, is emergency planning legislation required for them to be placed and, most importantly, when will families be moved into them?

Minister for Communications, Energy and Natural Resources (Deputy Alex White): First of all, it is not acceptable that in Ireland in 2015 we have families living in emergency accommodation. It is not acceptable to the Government, the Oireachtas or the people.

Deputy Barry Cowen: The Minister is in government.

Deputy Alex White: That is a shared perspective on the fact that we have a serious problem here.

Deputy Barry Cowen: The Minister is not in opposition now. He has been in Government for four and a half years.

Deputy Alex White: As the Deputy well knows, many of the problems stem from a chronic lack of supply of housing, which is causing knock-on problems across the property market and the wider society, including renters, first-time buyers and low-income households. What we have to do is take action to resolve it, as the Deputy is calling for. That is what this Government is doing. As the House will be aware, the Government is progressing a number of suitable property and policy solutions for families who are in emergency accommodation.

There is a range of measures already under way taken by the Minister and by the Government. I will mention a few of them. For example, returning void units to full use is in train. The Minister, Deputy Kelly, has indicated to local authorities that additional funding will be made available. Indeed, he has made additional funding available in circumstances where local

authorities exceed their 2015 targets. The most recent projections we have indicate that over 2,500 voids will be returned nationally by year's end. I am giving that as an example.

As regards the scale of homelessness, we accept that we have a problem. Some 3,372 adult individuals used State-funded emergency accommodation nationally during a week in August 2015. Those figures identify 707 families in emergency accommodation consisting of 959 adults and 1,496 dependants. We understand that the problem is serious and we are addressing it.

How are we addressing it? In 2015, there was an allocation in the Dublin region of €37.16 million. That was confirmed for the Dublin region and represents more than 70% of all the funding allocated nationally. The Dublin region homeless executive has confirmed that its expenditure to the end of August was €33.4 million with further expenditure committed but not yet paid out. These are the actions that are being taken.

Officials of the Department of the Environment, Community and Local Government are in ongoing liaison with the Dublin region homeless executive and Dublin City Council on further possible 2015 requirements.

The Deputy raised the issue of modular housing. I note that the latter proposal, which is only one aspect of resolving this problem, has been well received by organisations, including NGOs and other interested bodies and individuals in this sector. They have welcomed it.

The Government has approved the immediate initiation of a programme for the early delivery of 500 modular housing units. They will be delivered in two tranches of 150 and 350. The first 150 units are planned to be delivered within four months, on sites in the Dublin City Council area, utilising the most expeditious procurement and planning provisions available to us.

A parallel process to develop a national framework will be overseen by the Office of Government Procurement to address the issue raised by the Deputy. This framework will be used to deliver the additional 350 units I mentioned. It will also be available to any local authority to procure further modular housing.

There are many other policy instruments that are being adopted and pursued by the Minister and the Government, including tenancy protection and the allocation of local authority tenancies. We have a taskforce on social housing and homelessness.

Deputy Billy Kelleher: This is a second stage speech, in fairness.

Deputy Alex White: This issue is an extremely challenging problem for the Government and nobody is making light of that for one moment. However, it has to be addressed through practical, systematic measures taken by the Government and the Minister, Deputy Kelly, in particular, to ensure that we address this difficult and challenging problem.

Deputy Billy Kelleher: The Minister might answer the question. We are not down in the Four Courts now.

Deputy Alex White: The Government is doing that and we will deliver the answers that are required in terms of bringing these issues to a conclusion.

Deputy Barry Cowen: The Minister is a great man to commentate, like some of his colleagues beside him.

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Deputy Mattie McGrath: Where is angry Alex?

Deputy Barry Cowen: It is similar to a lot of his announcements and press releases, talking about it being a number one priority, but there is no action to follow up on any of this. I asked the Minister, notwithstanding-----

Deputy Robert Dowds: What utter rubbish.

Deputy Barry Cowen: Excuse me, if you do not mind. The Government has had four and half years to address the issue and has not addressed it to date.

(Interruptions).

An Leas-Cheann Comhairle: Please.

Deputy Barry Cowen: I have no doubt-----

Deputy Pat Deering: What was Fianna Fáil doing for 14 years?

(Interruptions).

Deputy Barry Cowen: Between 2007 and 2010 some 14,500 units were built by local authorities on foot of Government policy.

Deputy Bernard J. Durkan: That was when Fianna Fáil was destroying the country.

Deputy Barry Cowen: In the first three years of this Government, it built 107. Ten local authorities have built none. That is the Government's legacy.

(Interruptions).

Deputy Barry Cowen: I will leave that with the Government Deputies. They may wish to mull over that for a moment.

(Interruptions).

An Leas-Cheann Comhairle: Please.

Deputy Barry Cowen: If I am allowed, I will ask a supplementary question with regard to the answer I got from the gentleman across the floor.

Deputy Derek Keating: That was when the country was awash with Fianna Fáil's borrowed money.

An Leas-Cheann Comhairle: Can we have order, please? Deputy Cowen has the floor.

(Interruptions).

Deputy Billy Kelleher: The Government is driving them onto the streets.

An Leas-Cheann Comhairle: Deputy Cowen has the floor. This is Leaders' Questions.

Deputy Barry Cowen: I will get to the nub of the question I specifically asked. A sense of immediacy and urgency is required to deal with the terrible situation that exists on the streets of Dublin and many other parts of the country. This morning we heard people talking about

living in tents. We heard a woman on the radio some weeks ago who was living in a hotel. A total of 1,500 families are in emergency accommodation. A sense of immediacy and urgency is required to address this issue.

Some weeks ago, the Taoiseach and the Minister for the Environment, Community and Local Government said the 150 units that had been ordered would be in place before Christmas. The Minister for Communications, Energy and Natural Resources, Deputy White, is now telling me it will be up to four months. At this stage, that means it will go on to February. Is the Minister sure, even at that, where they will be located and whether planning permission will have been secured for them in order that they can be in place within four months? It is highly unlikely, given how the procurement and planning process works and the length of time it takes. Deputy White should know that as well as I do.

That being the case, what can the Government do at this stage, further to what the Minister said on television last Sunday and what he and the Taoiseach have said in the House previously? Will the Government bring forward emergency legislation to allow for planning permission to be more forthcoming than it is under the normal procurement process? That is the sort of immediacy and urgency that needs to be brought to the House to address this emergency issue in real terms. Some 130,000 people are on the waiting list, but there were 90,000 when the Government came to office. Fully 2,600 homes throughout the country are empty.

An Leas-Cheann Comhairle: Deputy, you are over time.

Deputy Barry Cowen: The Government has cut the amount of refurbishment funding by €6 million year-on-year. These are the facts. The Government must now deal with the urgency and immediacy of the situation if those responsible want some legacy in this area before they go to the country.

(Interruptions).

Deputy Colm Keaveney: Deputy Durkan should relax and take a deep breath.

An Leas-Cheann Comhairle: The Minister has the floor, please.

Deputy Alex White: The Deputy accuses me-----

(Interruptions).

An Leas-Cheann Comhairle: Could we have order, please? The Minister is replying.

Deputy Colm Keaveney: The Deputy will not be happy until everyone is in a shed.

Deputy Alex White: The Deputy accuses me of engaging in commentary. That is strange coming from him. He says there has been no action. An additional €2.2 billion in funding was announced in budget 2015 in respect of the social housing strategy.

Deputy Ruth Coppinger: That is for three years.

Deputy Alex White: The strategy is a comprehensive response - reasonable people and those in the House will accept that - to the need for social housing. We need to build houses.

Deputy Robert Troy: Fifteen hundred children are in hotels.

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Deputy Alex White: We have a problem and we need to build houses. Even the Deputies opposite must understand that it takes time to put together a process by which we can actually build houses.

Deputy Robert Troy: The Government has had four and half years to do it.

Deputy Alex White: We have a target of 110,000 social housing units by 2020, including 35,000 new social housing units and 75,000 through the housing assistance payment.

Deputy Richard Boyd Barrett: That is absolute fantasy.

Deputy Alex White: That is not commentary; that is the target. If the Members opposite have practical proposals to make and practical suggestions - I will come to the one the Deputy made in a moment - we would be delighted to hear them. However, sometimes I get an impression that these difficult and serious social issues are being used. There is always a danger that Members are leveraging them to make a political point in the House rather than actually trying to address or resolve a real and pressing social problem. There is always a danger-----

(Interruptions).

Deputy Alex White: If it is necessary to introduce legislation to address the procurement question, I am sure the Minister will do that.

Deputy Barry Cowen: The Minister says “If it is necessary”. He does not even know.

Deputy Alex White: Legislation may not be necessary to address the issue of procurement. It may well be possible to deliver these modular homes without having to change the legislation.

(Interruptions).

Deputy Alex White: The Deputy simply wants to throw around the idea of having emergency legislation so that he can utter the word “emergency” as often as he possibly can in the course of this question. What we are doing is actually addressing the problem. We are delivering solutions. The Deputies opposite have no solutions and no proposals other than attack.

An Leas-Cheann Comhairle: Deputy Aengus Ó Snodaigh is next. Could we have order, please?

Deputy Barry Cowen: The Government will not attack the problem.

Deputy Aengus Ó Snodaigh: On 23 April 2014, the eve of the 98th anniversary of the 1916 Rising, the Government announced that, through NAMA, it would invest €5 million in refurbishing and restoring the section of Moore Street which had been designated as a national monument, that is, Nos. 14 to 17 Moore Street. This was re-announced five months later by the Minister for Arts and Heritage and the Gaeltacht, Deputy Heather Humphreys. She announced further funding to develop a commemorative centre on this last outpost or GHQ of the Army of the Irish Republic in 1916, the place where they treated with the British for surrender.

The Minister, Deputy White, is also aware, I presume, that in six short months we will have the 100th anniversary of this seminal period of Irish history. The families of those who led and took part in the Rising have sought for this Government and the previous Government to take the required steps not only to secure 14 to 17 Moore Street but to protect the entire battlefield

site and to faithfully restore it as fitting tribute to those who raised the flag of the Irish Republic 100 years ago.

Given that the loan portfolio called Project Jewel, owned by the developer Joe O'Reilly of Chartered Lands, is being sold as we speak by NAMA and includes the area identified as that battlefield site, will the Government instruct the Minister for Finance, Deputy Noonan, to issue an instruction to the NAMA board, as he has done on several occasions before on other issues, to the effect that NAMA must ensure that the site as identified is protected?

Does the Minister believe that the whole area, from the GPO to Parnell Square, including Moore Street, should be recognised as a 1916 revolutionary quarter and, as such, be marked and designated a national monument?

Further, how is it in the interests of the people - whose interests NAMA is supposed to protect, and whom the Government is supposed to serve - to dispose of the entire site in the manner that NAMA intends - that is, to the highest bidder? Let us remember that the National Museum has identified this site as the most important historical site in modern Irish history.

Under what terms has the designated national monument at 14 to 17 Moore Street been transferred to the State? Has it been valued and, if so, by whom? Can the Government commit to stating, even at this stage, when that work will begin on the site, if it begins at all?

Deputy Alex White: As the Deputy acknowledged at the outset, announcements have been made in respect of the restoration of those important buildings on Moore Street. I think the announcements that the Minister, Deputy Humphreys, and the Government have made will do justice to the historical importance of the buildings and the site for the people of Dublin and Ireland. That is the way we should proceed in respect of our entire approach to the commemorations of 1916.

The Deputy raised the matter, and I believe it behoves all of us, those in his party included, to seek to ensure, as far as we possibly can, that we have a united and collective approach to the celebration and commemoration of this seminal event of 1916. We should work as best we can together, whether as politicians across the House or more generally in the community, to do what is fitting and right next year in respect of 1916. I believe the Government's programme of events is fitting. There may have been some controversy or different views on the emphases proposed at the outset. Anyway, I believe that what has been done by the Government has been broadly recognised by historians and others as fairly representing a fitting and proper commemoration of the 1916 Rising. I call on those in Sinn Féin to support the approach taken by the Government and a cross-party approach in this House as well as a collective approach generally in the community to the commemoration of that event. It seems to me that there is nothing to be gained from a fragmented approach to this important event, and we should work together as best we can to achieve something that is right and proper. The announcement made by the Minister on the restoration of Moore Street was very welcome and should be supported.

As to the involvement of NAMA, I am not completely clear on what the Deputy is proposing. He knows NAMA has a very specific remit under legislation in respect of what it is required to do and that it makes decisions in accordance with the remit it has on the basis of the loans and so on with which it is dealing. It would not be appropriate for us to see this as an occasion for instruction by the Minister to NAMA in respect of particular properties. We can do a huge amount in Dublin and throughout the country to celebrate and commemorate 1916,

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and I do not think NAMA will manage that. Rather, it will be done by the Government, the Oireachtas and the people.

Deputy Aengus Ó Snodaigh: NAMA can take instruction from the Minister for Finance, as it has done on 15 separate occasions since September 2009. I ask on this occasion that the Government, which includes the Minister, ask him to issue the required instruction to ensure the portion of Moore Street not currently designated as a national monument be designated and protected as such.

The Minister said it should be a fitting tribute next year. I do not see how sending in the bulldozers to Moore Street would be seen in any way as a fitting tribute. It might be appropriate from the historical viewpoint of some people in this country, but I have worked since 2006 on the decade of commemorations committee, and the one before it. I have helped it and given it ideas which have been taken on board by the Government. I have attended many meetings. There is no separation from a Sinn Féin or Government programme, and they should not be competing. Rather, they should be complementary. We have always said that and worked based on that view.

Having said that, it does not seem that the Minister or his Department is working to help and complement programmes developed by political parties. Today in *The Irish Times* it is stated that the Minister, or perhaps his Department, is refusing to give permission for an event in O'Connell Street which would involve a projection of sounds and images onto the portico of the GPO. That is politicisation of the events of 1916 without having any knowledge of the content or anything else. If that instruction came from the Minister, it would have been very helpful if he had, first and foremost, replied to the letter which was sent to him seeking permission rather than he or somebody from his Department running to the journalist, Fiach Kelly. There has been no correspondence to date to indicate to us that the Minister is refusing that permission. If he is not, perhaps he might want to take the project on board. Is it the case that there is jealousy among some about some of the imaginative ideas Sinn Féin has come up with to try to highlight and pay fitting tribute to the men and women of 1916?

Deputy Alex White: The Deputy makes things up as he goes along. I do not know whether it is to fill time or what it is.

Deputy Finian McGrath: Like the Minister and housing.

Deputy Alex White: He knows perfectly well that I have absolutely no responsibility in respect of granting permission for whatever it is he says his party is looking for regarding the GPO. I have not been asked to do so-----

Deputy Aengus Ó Snodaigh: The Minister has responsibility.

Deputy Alex White: -----because the person in his party, unlike the Deputy, presumably understands that the Minister does not make this decision.

Deputy Finian McGrath: The Minister was probably against the Rising.

Deputy Alex White: It is a matter for An Post, and everybody in this House knows that.

Deputy Aengus Ó Snodaigh: Who is the Minister for Communications, Energy and Natural Resources?

Deputy Alex White: The Deputy can play politics with it if he wants to. It is a pity that Sinn Féin, having said it is not playing party politics with an issue like this, then comes to the House and accuses somebody else of politicising the issue.

Deputy Aengus Ó Snodaigh: I did not bring it in.

Deputy Alex White: The fact is that any decisions on the use of the GPO are entirely and exclusively a matter for An Post, and the Deputy has been around here long enough to know that perfectly well.

Deputy Aengus Ó Snodaigh: The Minister is bluffing.

Deputy Alex White: That leads me to the conclusion that he is doing nothing other than seeking to politicise this issue.

Deputy Aengus Ó Snodaigh: He might as well get out of his job.

Deputy Alex White: He should not do that, and he is giving a lie to his own statement that he wants to seek a co-operative approach and so on by parties across the board. If there is an issue regarding An Post, he should take it to that company. It is a pity to hear the Deputy's attitude. The parties here should and can work together to ensure we have, as I said, a fitting and proper commemoration of 1916. We should do that in part on the streets of Dublin, including O'Connell Street, the GPO and the other important buildings in Moore Street he mentioned. We can do that together successfully but not through the sort of nonsense and posturing we have just heard.

Deputy Ruth Coppinger: Last week on Leaders' Questions I asked the Taoiseach if he agreed that the housing crisis was the most pressing issue in the country right now and to declare a housing emergency. This week I would like to put the same questions to the Labour Party because while the Taoiseach did not declare a housing emergency, people might expect a different response from the Labour Party. I was somewhat concerned when the Minister called it a "problem". This is much more than a problem and it is time for the Labour Party to say there is a homelessness emergency.

Fine Gael has never been a big proponent of social housing or pretended that it cared about working class people, but the Labour Party did and holds the Ministry dealing with homelessness and housing. Today, there are two women in the Gallery who are homeless. I would like the Minister to look up and acknowledge them. Last week, 15 families from Dublin West were homeless. Maybe the Minister's colleague from Dublin West might show some concern as well, if he can get off his phone for a moment. They did not feel that the Taoiseach acknowledged their presence here in any way. I would like the people who have been elected to listen to what such people have to say.

These are just two of the young women caught in the grip of the homelessness tsunami that was spoken about. Unlike a tsunami, this is not a natural disaster. Rather, it is a direct result of the politics of neoliberalism, the slashing of expenditure on social housing by 84% between 2008 and 2013 and the failure of the Government to deal with rocketing rents and repossessions. It is a lethal brew which led to one of the women concerned having nowhere to go until about 5 p.m. last night. She did not know where she would be and whether she could bring her baby son with her, and in the end she could not. She has been told to travel 25 km away from her base where her family is, without any transport, tomorrow. Does the Minister think this is

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acceptable? Does the Labour Party have any different position on housing from that of Fine Gael? If it does, why is the Government housing strategy so heavily dependent on sweeteners for private landlords and developers?

In his earlier contribution the Minister, when questioned by Fianna Fáil, never mentioned building and houses. He referred to procurements, voids - which are not additional housing - the social housing stock and modular prefabs. He never spoke about building local authority homes. Can the Minister tell us what will be built? This year 20 local authority and 117 housing association houses were built. If that continues, the figure will be 500 for the year. Is this the record and legacy of the Labour Party?

Did the Minister hear the spokesperson from the Simon Community outlining on “Morning Ireland” that the number of houses available for people on rent allowance is at an all-time low? The number of houses available has dropped by 25%. The Minister seems to think that the housing assistance payment, the rental accommodation scheme and all the other schemes based on private ownership of homes will work. The spokesperson said a lot has been done in terms of private housing, but little has been done about social housing. Does the Minister agreed that local authorities need to go back to the business of building houses for people?

Deputy Alex White: I do not agree with very much else the Deputy said, but I do agree with her last point, namely, that local authorities have to return to building houses. That is a critical element of the approach of the Government to addressing and solving the issue rather than just talking about it. In 2015, 7,400 new social housing units are targeted for delivery with a further 8,400 to be delivered through the HAP scheme. Since the strategy was published by the Minister, as I mentioned earlier, €493 million has been allocated to local authorities and approved housing bodies for the construction - I will use the word “building” which the Deputy asked me to use - and acquisition of more than 3,000 units up to 2017. In addition, we have more than €91 million worth of housing investment across a range of housing schemes to bring vacant social housing units back into productive use, which the Deputy perhaps appears to pooh-pooh but it is clearly an important aspect of what we need to do, namely, to improve housing for people with disabilities, which is critically important, and retrofit homes to improve energy efficiency, which is extremely important in the context of energy poverty. These are practical decisions and approaches that have been taken by the Government.

Approximately 4,000 households are in receipt of the housing assistance payment. It is available in 13 local authority areas-----

Deputy Richard Boyd Barrett: Half the target.

Deputy Alex White: -----and more are now being planned.

Deputy John Halligan: HAP is a failure throughout the country

Deputy Alex White: The Urban Regeneration and Housing Act 2015 was commenced with effect from 1 September and this revises the earlier arrangements on social and affordable housing to maximise the delivery, building and construction of social housing units.

With regard to financing social housing, we have put in place a significant Exchequer kick-start of €2.2 billion for budget 2015. These are practical decisions made by the Government to resolve this problem. Work is already under way on site selection for a €300 million public private partnership programme to build 1,500 social housing units. Work is progressing on a

strategic housing fund, with €400 million of public investment for the acquisition and development of social housing. The social housing proposals clearing house group, which was established under the strategy, is considering investment proposals and has examined approximately 25 to date. We are working on this. We are delivering on this agenda. Yes, it is a serious issue for the Government and is absolutely being addressed in that context. We need to return to the building of social housing by local authorities. That is completely correct but we also need to ensure that, where possible, and I think it is possible, we bring the private sector element and contribution into play also. Action is taking place on all fronts - not just talk but action.

Deputy Ruth Coppinger: We have had all this talk for four and a half years. It is too late for the families who are suffering. It is four and a half years too late for the Labour Party to turn its attention to this issue. The Minister spoke of a lack of supply. To reiterate the point on house building, 8,794 council houses were built in this country in 1975. I have just told the Minister that this year 500 will be built. How can the Minister talk about the Labour Party taking this seriously? He did not answer the question, which was very clear. Does the Labour Party feel this is an emergency or not? Does it think it is just a problem? Will the Minister please answer this in his summing up?

How many houses will be built using the €37 million allocated for Dublin? Will hotels, modular homes and all of the other emergency accommodation measures be included in this regard or will it just be home building? I can understand how some families might feel modular housing is an alternative for them - and better than being stuck in hotels and travelling miles to school with no proper food or cooking - however, the Minister said modular homes would take four months to complete, while houses could be built in three months. A house does not take much longer than three or four months to build. The key problem is planning. If the Minister really thought it was an emergency, he would be introducing emergency legislation to allow the Government to acquire the land that exists. For example, NAMA has ownership of one third of all the land in Dublin. The Government would be building houses and fast-tracking social and affordable houses rather than relying on modular homes.

Fine Gael obviously does not give a toss about people in social housing, but this is something-----

Deputy Anthony Lawlor: The Deputy voted against it on Dublin City Council, so she should not tell me-----

Deputy Ruth Coppinger: Perhaps Deputy Lawlor might not make a show of himself by shouting over what I have to say.

An Leas-Cheann Comhairle: Deputy Coppinger to conclude.

Deputy Ruth Coppinger: The fact the Labour Party has left this to weeks, potentially, or even months before a general election is a serious error. This is permeating through working-class and even middle-income communities. Many people are stuck paying €1,700 or €1,800 in rent each month. The Labour Party has made a serious error. Will the Minister please answer this: if he believes it is an emergency, what will he do about the actual building of houses?

Deputy Alex White: As the Leas Ceann Comhairle will appreciate, I am very happy at any time to answer for my party, the Labour Party, and I am proud to do so, but I am here representing the Government today and I am responding in that capacity. The Deputy opposite likes to mention my party. If one did a word search on her contribution, one would probably discover

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she referred to my party approximately ten times. She is completely obsessed with the Labour Party.

Deputy Seán Ó Feargháil: She is the only one that is.

Deputy Alex White: I will tell the House the difference between my party and her outfit over there. Instead of actually engaging in ridiculous stunts to get ourselves into court and into the newspapers-----

Deputy Joe Higgins: Outrageous.

Deputy Alex White: -----we take practical steps to address the issues facing the working people about whom she claims to be so concerned. She postures, just like the two people beside her, in the Chamber. They continually posture but social problems are there to be solved and not to be leveraged for political gain.

Deputies: Hear, hear.

Deputy Alex White: That is what the three Members up at the top do, day in and day out.

Deputy Joe Higgins: That is outrageous. Four and a half years and you have done nothing. We are dealing with the mess you failed to resolve.

Deputy Alex White: They oppose every practical measure. All of the people and NGOs involved in the debate believe modular housing can make a great contribution. What about Deputy Coppinger and her colleagues? Inexplicably, they flew in the face of all the housing and advocacy groups by opposing the immediate roll-out of 115 units of modular housing which are so urgently needed.

Deputy Ruth Coppinger: Where did that happen?

Deputy Joe Higgins: Where are they?

Deputy Alex White: They talk about an emergency. They went into the chamber of Dublin City Council and voted against it. That is not politics.

Deputy Paul Murphy: Where? That is not true.

Deputy Alex White: That is hypocrisy, absolute hypocrisy. Since they are so obsessed with the Labour Party, I can tell them this - the difference is we see a necessity to solve social problems, we do not believe social problems are, as it were, a godsend for political recruitment.

Deputy Ruth Coppinger: The Government is creating them.

Deputy Alex White: We see them as something to be solved and that is what we are doing.

Deputies: Hear, hear.

Deputy Joe Higgins: As cynical a response as we would have expected.

Deputy Ruth Coppinger: The Tánaiste, Deputy Burton, could not have done better than that. It is an absolute lie and an evasion of the questions as usual. With homeless people sitting in the Gallery, the Minister should be ashamed of himself in not taking this matter seriously.

Deputy Joe Higgins: Somebody who once thought he was a socialist, especially.

Deputy Ruth Coppinger: No, he never thought he was. He is a posh boy.

Deputy Paul Kehoe: Is the Deputy talking to the posh boy beside her?

Order of Business

Minister for Communications, Energy and Natural Resources (Deputy Alex White):

It is proposed to take No. 15a, motion re sittings and business of the Dáil to be taken without debate; No. 44, Climate Action and Low Carbon Development Bill 2015 - Report Stage (re-summed); No. 1, Choice of Court (Hague Convention) Bill 2015 [Seanad] - Second Stage; and No. 6, Dublin Docklands Development Authority (Dissolution) Bill 2015 - Second Stage (re-summed).

It is proposed, notwithstanding anything in Standing Orders, that No. 15a shall be decided without debate; in relation to the sitting of the Dáil on Tuesday, 13 October 2015, the following arrangements shall apply: the Dáil shall sit at 2 p.m., shall sit later than 9 p.m. and the motion for the general financial resolution shall be moved not later than 12 midnight, whereupon the Dáil shall adjourn forthwith; and the Budget Statements and the financial motions by the Minister for Finance shall be taken at 2 p.m. and the following arrangements shall apply: the opening statements of the Minister for Finance and the Minister for Public Expenditure and Reform shall not exceed 45 minutes in each case; the statements of the main spokespersons for Finance and Public Expenditure and Reform for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed an aggregate of 60 minutes in each case, and such Members may share their time; and following the statements, the sitting shall be suspended for 30 minutes.

Tomorrow's fortnightly business shall be: No. 74, Public Holidays (Lá na Poblachta) Bill 2013 - Second Stage; and No. 75, Employment Equality (Abolition of Mandatory Retirement Age) Bill 2014 - Second Stage.

An Leas-Cheann Comhairle: There are two proposals to be put to the House today. Is the proposal for dealing with No. 15a, motion re sittings and business of the Dáil, without debate, agreed to? Agreed. Is the proposal regarding the arrangements for the sitting of the Dáil on Tuesday, 13 October 2015, agreed to? Agreed.

Deputy Barry Cowen: I ask a question relating to the planning and development (No. 2) Bill, which appears on the A list, and which brings me back to my previous question. I expect the Minister, as a member of the Cabinet briefed by the environment Minister when approval was sought and received for the ordering of 150 modular units, would surely have inquired as to whether emergency legislation was required for the units to be in place prior to Christmas. We have had emergency proposals and legislation for financial matters in the past and as previous speakers and others have alluded to, the Government can no longer sit on their hands with this crisis. Apart from the medium to long-term proposals emanating from the Government - I would question many of them - there has been no effort or urgency to bring forward immediate solutions.

An Leas-Cheann Comhairle: Is the Deputy inquiring about legislation?

Deputy Barry Cowen: In the context of such legislation, surely the Minister, as a member

of the Cabinet, would have been briefed by the environment Minister on the necessity for emergency legislation or amending the planning and development legislation to allow the housing units be placed in whatever locations have been intimated. Even if we want to put a portakabin on a piece of land, we need planning permission for that. To say that legislation might be required does not cut it; it demonstrates the inaction and blasé attitude towards this issue. If the Cabinet sat around the table and had this proposal put to it, these questions should have been asked and answered in a forthcoming way. I have no reason to believe that was not the case but I wonder if it was the case, having listened to the answers I heard earlier.

An Leas-Cheann Comhairle: The Deputy is inquiring about legislation.

Deputy Alex White: The planning and development (No. 2) Bill is being drafted and is expected in this session. No decision has been made as to whether emergency legislation will be required.

Deputy Aengus Ó Snodaigh: I have a number of issues to raise. Each term, we get a copy of the legislative programme, which is published and circulated to everybody, giving an indication of what Bills will be published. For example, the current programme indicates that 34 pieces of legislation will be produced before Christmas. I wish the Government well in that regard. The rest of the programme is a wish list and I do not see the point in many of the Bills. There are 72 pieces of legislation to be published in 2016, if it is possible, and with another 35 it is not possible at this stage to indicate a time for publication. Some of them have been on the legislative list since 2011, including the sale of alcohol Bill, the national monuments Bill and the gambling Bill. What is the purpose of the document that is circulated to us at the start of each term?

I raised my second issue last week but I still have not heard from the Whips or the Tánaiste on the matter. It relates to the Constitutional Convention, which was quite a laudable achievement. However, the problem is that the House is now continuously insulting those people who took the time and effort-----

An Leas-Cheann Comhairle: Is the Deputy seeking a debate?

Deputy Aengus Ó Snodaigh: I am seeking several debates as several of the reports were supposed to be debated in the House within three months of publication. We are now over a year and a half on from the publication of some of the reports and beyond that in other cases.

I know the Minister is aware of No. 72 on the legislative list, the Digital Hub Development Agency (dissolution) Bill, which is to transfer the Digital Hub operations to Dublin City Council. The Minister visited the hub recently, opening the Grainstore. I ask that the Bill be fast-tracked to ensure that Dublin City Council will have the required powers to cope with the Digital Hub as, I hope, it expands.

Deputy Alex White: I thank the Deputy for his support on the Digital Hub. He is correct in that it is progressing and work is taking place at the location. The legislation is likely to be brought forward next year. With regard to the Deputy's general point on legislation, all Departments have ongoing legislative work. The Deputy knows better than I do that some legislation is more complex than others as he is here longer than me. Some legislation is prioritised, given a particular requirement that may occur in the Department or in the Government. The Deputy will accept that this Government has always been ambitious and we have demonstrated that over the four and a half years we have been in office. We are trying to ensure that we complete

our legislative programme before the term of office finishes. In all likelihood, we will not manage to complete every single piece of legislation that we have aspired to; we will do as much as we can.

An Leas-Cheann Comhairle: There are nine Members offering to speak so I ask for brevity.

Deputy Ray Butler: With regard to the health reform Bill, an issue has arisen in hospitals. It has come to my notice that in hospital reception areas, staff will not give out information to priests or preachers of whatever religion because of a new rule. A register would previously have been given to a member of the clergy if required.

An Leas-Cheann Comhairle: The Deputy is speaking to the detail now.

Deputy Ray Butler: We have all been privy to incidents with family and friends where a hand of friendship in an hour of need is gratefully accepted. Are we now to have priests and preachers walking around hospitals looking for information? Will the Minister speak to HSE managers about this? I have written to the Minister for Health.

An Leas-Cheann Comhairle: I am sure we will get a debate on that.

Deputy Ray Butler: It is a significant issue.

An Leas-Cheann Comhairle: The Deputy should raise it by way of Topical Issue.

Deputy Ray Butler: This has been done for years in people's hours of need. I am sure everybody has been in a hospital in the country when a hand of friendship from a clergyman or person of whatever religion has been gratefully accepted.

Deputy Aengus Ó Snodaigh: Or a Deputy.

Deputy Ray Butler: This is political correctness gone crazy.

Deputy Alex White: There is no date as yet for the publication of the legislation mentioned by the Deputy at the outset of his contribution.

Deputy Anthony Lawlor: In 2013, 7,500 people put pen to paper and made submissions to the Department of the Environment, Community and Local Government about wind energy guidelines. Those guidelines have been moved to the Minister's Department, although I did not realise he would be here today. There are people waiting for the guidelines to be put in place.

An Leas-Cheann Comhairle: To which legislation is the Deputy referring?

Deputy Anthony Lawlor: It is the current energy Bill. Many communities are waiting for those guidelines to be published. It seems there are silos operating in the two Departments and one is not speaking with the other. We must examine the sustainability of renewable energy.

Deputy Robert Troy: It is not a Government priority.

Deputy Anthony Lawlor: We need an energy mix. When does the Minister expect to publish the guidelines? Will tariffs be increased, particularly for biodigesters and bioenergy other than wind energy in the energy Bill?

Deputy Alex White: The publication of the wind energy guidelines is a matter for the Min-

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ister for the Environment, Community and Local Government and not the Minister for Communications, Energy and Natural Resources. Nevertheless, I am in consultation with the Minister, Deputy Alan Kelly, in respect of those guidelines. It is no secret that this is a difficult issue because there is a tension between the need for genuine community and citizen engagement on the issue, particularly on the location of wind farms. There is also the matter of compliance with renewable energy targets in the context of the 2020 responsibilities. It is a big issue of concern but I am working with the Minister, Deputy Kelly, on it.

Deputy Joan Collins: Last year, drug task forces were given added responsibility for taking on alcohol issues and they have really embraced that work. We met recently with representatives of the Dublin 12 drugs and alcohol task force. They are concerned that the public health (alcohol) Bill will not go through. Will the Minister give a commitment that before the Dáil is dissolved, the legislation will be brought through?

I have a similar question on the human tissue Bill. The soft opt-out option was a big issue a year and a half ago and we went to meetings in Croke Park about it. There was a campaign to bring the matter into the public domain but we still do not have the human tissue Bill. Will the Minister commit to bringing that through before the Dáil is dissolved?

1 o'clock

Deputy Alex White: When I was in the Department of Health, I was very much involved in the proposals that have been brought forward by the current Minister, Deputy Varadkar, in the alcohol Bill. I agree with the Deputy that is extremely important legislation. It is listed for this session. That is the position in respect of that Bill.

Regarding the human tissue Bill, that is likely to be next year.

Deputy Eric Byrne: I understand the Government could run right through to the month of April.

Deputy Robert Troy: The Deputy had better be hoping it does

Deputy Eric Byrne: There is a Seanad election where the Labour Party has presented to the electorate an excellent candidate called Mairia Cahill. If we were to run until April of next year, it would give us adequate time to enact necessary legislation.

Deputy Seán Ó Fearghail: Wishful thinking

Deputy Eric Byrne: I am anxious to find where this legislation is at the moment.

An Leas-Cheann Comhairle: Which Bill is that?

Deputy Eric Byrne: Where are we with the spent convictions Bill, the Assisted Decision-Making (Capacity) Bill, and the public health (alcohol) Bill, as my constituency colleague has rightly raised? The Minister says the alcohol Bill is listed. When is it likely to be taken? Finally, what is the position on the human tissue Bill? Does the Minister think we could have all four Bills passed before the dissolution of this Parliament in April?

Deputy Alex White: I did not catch the fourth Bill. I caught the spent convictions Bill, assisted decision-making Bill and the public health (alcohol) Bill. I did not catch the fourth one.

Deputy Robert Troy: Will the Government run until April?

Deputy Eric Byrne: The human tissue Bill.

Deputy Alex White: I have dealt with that. The human tissue Bill is likely to be next year. The spent convictions Bill, I understand, is on Report Stage, as is the assisted decision-making Bill. There is a good chance that they will see the light of day before 8 April.

Deputy John Browne: Wishful thinking.

Deputy Alex White: I have addressed the public health (alcohol) Bill with Deputy Collins.

Deputy Bernard J. Durkan: The mediation Bill is scheduled for 2016. If the heads have been cleared and it is ready to roll, is it likely to be accommodated in the first session in 2016?

The bail Bill is an issue I have raised on a number of occasions in the past. I understand the heads are at an advanced stage, if they are not already concluded. Is it intended to ensure it comes before the House in the first part of 2016?

My final question relates to the Criminal Law (Sexual Offences) Bill, No. 25 on the Order Paper. That is important legislation. Is it likely to be concluded in this session?

Deputy Alex White: The Criminal Law (Sexual Offences) Bill is currently before Seanad Éireann. The heads of the mediation Bill were cleared and it is listed for next year. The heads of the bail Bill were cleared in July and that is also scheduled for next year.

Deputy Thomas P. Broughan: I have three brief questions. Will next week's Estimates be the real Estimates for 2016 or will we actually get the 2016 Estimates afterwards? Since we changed to an October budget, we are in a situation where several of us in the Opposition have made submissions to the Ministers, Deputies Howlin and Noonan. When are the real 2016 Estimates available?

Is the judicial counsel Bill a red-line piece of legislation, given that the Chief Justice and others have called for it to be implemented urgently?

The Minister is a northsider and he might remember that we had modular housing in a number of places on the northside. The problem was that people were left living in those modular units, prefabs, for decades. It was the task of people in politics to try to resolve that. I do not think that is the solution. The Minister, Deputy Kelly, seemed to be moving towards that position with Fr. McVerry. We should declare a housing emergency. We have all been calling for it.

An Leas-Cheann Comhairle: Deputy Broughan can raise that another way.

Deputy Alex White: I have no doubt that the Estimates that will be published and dealt with in the Houses will be real. Judicial counsel legislation is planned for this session. The issue of modular housing does not touch on legislation, unless it is determined that legislation might be necessary. Things have moved on a great deal in terms of our housing provision since the issue the Deputy is talking about.

Deputy Thomas P. Broughan: Does the Minister remember that era?

Deputy Seán Ó Fearghail: No. 6 on the A list is a child care (amendment) Bill. That is to be published shortly. It commits Tusla to preparing an aftercare plan for young people in care. It has been my experience in recent times that children placed in care cannot be assured of proper services while they are in care, never mind after they leave care. In one recent case,

somebody placed in voluntary care waited six months before they were seen by Tusla. Can the Minister tell us what is happening about that important legislation?

I also want to ask about the building control Bill. I ask this in the context of the housing crisis. I am conscious of the veracity of the points made by Deputy Broughan just a few minutes ago. How is the Minister going to ensure when these modular homes are developed that they are temporary in nature and that they do not become the Irish equivalent of the American trailer parks?

If the Government considers the housing situation to be a top priority, how can the Minister or any other Minister come in here today and say they do not know whether legislation will be required in order to fast-track the delivery of these units? Given the length of time this issue has been on the agenda, the very least we would expect is that every Minister in the Cabinet would know what legislative measures were required.

Deputy Alex White: No decision has been made yet as to whether legislation will be necessary in order to achieve what the Minister has announced. That is the position and the Deputy understands it perfectly clearly. The child care (amendment) Bill was cleared by Cabinet this Tuesday. It will be published in the coming days as a Seanad Bill.

Deputy Robert Troy: I am amazed by the Minister's response to a previous question on the publication of the wind energy guidelines. He seemed to brush over the urgent need for publication of same by saying it is no secret that there is a disagreement between him and his Cabinet colleague in respect of it. This is an extremely important issue, on which thousands of people made submissions and which affects communities the length and breadth of this country. It is not getting priority from Government. In the past couple of weeks there have been rumours that the export of energy is now back on the agenda. Any developer could put in a planning application under 2006 wind energy guidelines, which we all agree are totally outdated. A Government backbencher published legislation on this over two years ago and nothing has been done on it. We need to know categorically when the wind energy guidelines will be published, so that we have robust legislation to ensure communities are protected and that we can utilise wind energy as a resource.

I understand the independent children's rapporteur report has been with the Minister for Children and Youth Affairs since February. It is usually published before the summer recess. We are now well into the autumn session and it has yet to be publicised.

On the planning need for modular homes, it is unbelievable that a woman was brought to court for having a satellite dish over her front door-----

An Leas-Cheann Comhairle: That is a different issue.

Deputy Robert Troy: -----and we do not know whether a modular home will need planning permission or not. How out of touch is this Government?

Deputy Seán Ó Fearghail: Hear, hear.

Deputy Alex White: I am always amused when people say there are rumours abroad. It is usually the person who says that who is starting the rumour. I certainly have not heard the rumours Deputy Troy refers to. The wind energy guidelines are a serious matter and are being dealt with as such. I did not say there was no secret about a disagreement between colleagues, I

said it is no secret that there is tension in the country - we might as well face this - between the imperative in respect of developing renewable energy, on the one hand, and the real community concerns about the location of wind farms on the other. That is what I said there was no secret about and Deputy Troy should not put words in my mouth. We are seeking to resolve that and we will resolve it, in the interests of the Irish people and our renewable energy policy.

Deputy Robert Troy: When?

Deputy Alex White: In respect of the independent children's rapporteur, I will have to respond later to the Deputy. It is not a legislative matter but I will do what I can to try to ensure that the Deputy gets that information.

Deputy Peter Mathews: As a follow-up to a question I raised on the Order of Business with the Taoiseach yesterday - that is, the one-year bankruptcy Bill introduced by the Minister's colleague, Deputy Penrose - the Taoiseach kindly stated that he would get back to me, because it definitely needs consideration, and he sounded enthusiastic. The good news is that Deputy Penrose has told me that the Attorney General has cleared it in full for publication. I ask the Minister to bring all his Labour Party energies to bear with the Cabinet and get it published quickly, because it is interlinked with the housing crisis and all the other matters.

On another related matter, there is €26 billion in promissory bonds maturing out towards 40 years. This, of course, reflects what the second last witness who came before the Joint Committee of Inquiry into the Banking Crisis, Mr. Ajai Chopra, stated on the second last day of evidence: that the redemption of €8 billion in bonds to secondary market bondholders should not have occurred.

An Leas-Cheann Comhairle: We are not going to have a debate on that.

Deputy Peter Mathews: Mr. Chopra said that. I ask the Minister to bring up in Cabinet the question of the €26 billion in promissory bonds for cancellation and bring it to Mario Draghi and say, "Mario, we are cancelling them. The country is wrecked."

An Leas-Cheann Comhairle: We are out of time.

Deputy Peter Mathews: As the Leas-Cheann Comhairle will be aware, there is strike action now at St. Vincent's hospital, the premier flagship university hospital of this country.

An Leas-Cheann Comhairle: I thank Deputy Mathews.

Deputy Peter Mathews: There is a housing crisis. The body Ireland is diseased and the Government must do something about it, not debate it.

An Leas-Cheann Comhairle: I call on the Minister to reply to Deputy Mathews' question about legislation.

Deputy Alex White: In relation to legislation, there was only one issue in the Deputy's intervention-----

Deputy Peter Mathews: The one-year bankruptcy Bill.

Deputy Alex White: -----and that was in relation to the bankruptcy Bill. The Taoiseach expressed enthusiasm and I support the Taoiseach's enthusiasm in that regard.

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Sentencing Council Bill 2015: First Stage

Deputy Pádraig Mac Lochlainn: I move:

That leave be granted to introduce a Bill entitled an Act to establish a Sentencing Council and to provide for related matters.

A Sentencing Council already operates in England and Wales, providing sentencing guidelines to the Judiciary. This has ensured that sentences handed out for criminal offences in their courts are consistent and accountable across the board. Concern has arisen over recent years about the perceived inconsistency of sentencing in the courts. Of particular concern and controversy have been some sentences handed out for sexual offences. I have examined the Sentencing Council model in place in England and Wales for some time now. It was the Irish Penal Reform Trust which first brought it to the attention of the Joint Committee on Justice, Defence and Equality. They brought over Lord Justice Colman Treacy, who is now the chairman of the Sentencing Council. I believe that this model of consistency and accountability should be introduced in this State.

A key strength of the Sentencing Council is that it involves a range of key stakeholders, such as victim support groups, academics, senior police officers, senior parole officers and the wider public, in the process of establishing sentencing guidelines for the Judiciary. As members of the Judiciary are the majority members of the sentencing council and a senior member of the Judiciary chairs the council, they are still central to the process. However, the sentencing guidelines issued ensure that the Judiciary must stick to the range provided for the category of offence before it. They must also clearly indicate why they have sentenced an offender within that range taking into consideration the impact on the victim and the blameworthiness of the offender. This ensures consistency and accountability across the courts system and across the state.

Similar to the Sentencing Council for England and Wales, the sentencing council I and my party are proposing for the State would develop sentencing guidelines and monitor their use; assess the impact of guidelines on sentencing practice, and possibly also consider the impact of policy and legislative proposals relating to sentencing when requested by the Government; promote awareness amongst the public regarding the realities of sentencing and publish information regarding sentencing practice in the courts system; consider the impact of sentencing decisions on victims; monitor the application of the guidelines to better predict their effect; and play a greater role in promoting understanding of and increasing public confidence in sentencing in the criminal justice system.

I trust that when the Bill finally comes before these Houses the Government can support it, and we can see a much more accountable and consistent approach which still respects the independence of the Judiciary and the separation of powers but gives it a framework which its members will appreciate, considering that they will be at the heart of that process.

An Leas-Cheann Comhairle: Is the Bill being opposed?

Minister for Communications, Energy and Natural Resources (Deputy Alex White):
No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Pádraig Mac Lochlainn: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Sittings and Business of Dáil: Motion

Minister for Communications, Energy and Natural Resources (Deputy Alex White): I move:

That, notwithstanding anything in Standing Orders, unless the Dáil shall otherwise order, the following arrangements shall apply in relation to the sittings of the Dáil on 13, 14 and 15 October 2015:

(i) there shall be no Order of Business within the meaning of Standing Order 26 on Tuesday;

(ii) Leaders' Questions shall not be taken on Tuesday;

(iii) Oral Questions shall not be taken on Tuesday and Wednesday;

(iv) topical issues may not be raised under the provisions of Standing Order 27A on Tuesday and Wednesday;

(v) matters may not be raised under the provisions of Standing Order 32 on Tuesday and Wednesday;

(vi) the Dáil shall sit at 10.30 a.m. on Wednesday, and the first item of business to be taken shall be Leaders' Questions, followed by the Order of Business; and

(vii) Private Members' business shall not be taken on Tuesday and Wednesday, but shall be taken on Thursday.

Question put and agreed to.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Caoimhghín Ó Caoláin - the need to ensure equal access for all to high-speed broadband, especially in rural Ireland; (2) Deputy Helen McEntee - the need for a toll exemption on the M3 for Meath River Rescue; (3) Deputy Jonathan O'Brien - the need to amend legislation in order to prevent religious discrimination against children entering primary school; (4) Deputy Andrew Doyle - the need to upgrade Wicklow Courthouse and develop a four courts campus in line with the development plans of the Courts Service; (5) Deputy Catherine Murphy - the need to address recent developments regarding the disappearance of Mary Boyle in 1977; (6) Deputies Robert Dowds and Willie Penrose - the need to avoid over-regulating credit unions; (7) Deputy Noel Harrington - the need for funding to address flood damage caused in areas of west Cork in recent weeks; (8) Deputy Dinny McGinley - the progress regarding a new school to replace St. Mary's National School, Stranorlar, County Donegal;

(9) Deputy Clare Daly - the bombing of the Médecins sans Frontières hospital in Kunduz; (10) Deputy Mick Wallace - the bombing of the Médecins sans Frontières hospital in Kunduz; (11) Deputy Timmy Dooley - the need to address concerns about shortfalls in capitation grant funding for community employment schemes; (12) Deputy Brendan Smith - the need to safeguard the J1 visa programme; and (13) Deputy Peter Mathews - the Governor of the Central Bank's responsibility and accountability for identifying where banks have under-provided for losses.

The matters raised by Deputies Andrew Doyle, Robert Dowds and Willie Penrose, Caoimhín Ó Caoláin and Helen McEntee have been selected for discussion.

Climate Action and Low Carbon Development Bill 2015: Report Stage (Resumed) and Final Stage

Deputy Clare Daly: I move amendment No. 153:

In page 22, between lines 30 and 31, to insert the following:

“Reports on annual targets: content

17. (1) In respect of each greenhouse gas, the report shall—

(a) state the amount of net emissions for the baseline year,

(b) state the amount of net emissions for the target year,

(c) state whether the amount of net emissions represents an increase or decrease compared to the equivalent amount for the previous target year,

(d) identify the methods used to measure or calculate the amount of net emissions (including in particular any change to those methods).

(2) The report shall also set out the aggregate amount for the target year of net emissions.

(3) The report shall also—

(a) state the amount of the net emissions account for the target year,

(b) state the proportion of the reduction in the net emissions account which is accounted for by reductions in net emissions,

(c) state the total amount of carbon units—

(i) that have been credited to or debited from the net emissions account for the target year,

(ii) that have been purchased in the target year,

(iii) that have been held and not surrendered in the target year,

(d) give details of the number and type of those carbon units.

(4) The report shall also—

(a) state the amount of gross electricity consumption for the target year,

(b) state the amount of electricity generation for the target year,

(c) state the average greenhouse gas emissions per megawatt hour of electricity generated in the target year,

(d) state the average greenhouse gas emissions per megawatt hour, and the estimated lifetime cumulative emissions, of any new electricity generation capacity greater than 50 megawatts approved in the target year.

(5) The report for each year in the period 2011-2050 shall—

(a) state the amount of the net emissions account for each preceding target year,

(b) state the cumulative amount of the net emissions account for the target year and all preceding target years.

(6) If the method of measuring or calculating net emissions changes and that change is such as to require adjustment of an amount for an earlier target year, the report shall specify the adjustment required and state the adjusted amount.

(7) An adjustment under *subsection (6)* shall, in so far as reasonably practicable, be made in accordance with international carbon reporting practice.

(8) If an amount mentioned in *subsection (3)(a)* or *subsection (5)(a)* or *(b)* for an earlier period requires to be adjusted, the report shall—

(a) explain why the adjustment is required,

(b) specify the adjustment required, and

(c) state the adjusted amount.

(9) The report may contain such other information as the Minister considers appropriate and, in particular, may state the amount of electricity generation from each source for the target year.”.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 154:

In page 22, between lines 30 and 31, to insert the following:

“Reports on proposals and policies for meeting annual targets

18. (1) As soon as reasonably practicable after making an order under *section 5(1)* setting annual targets, the Minister shall lay before the Houses of the Oireachtas a report containing the information outlined in *subsections (5) to (10)*.

(2) The Minister shall, before laying a report under this section before the Houses of the Oireachtas, lay a draft of the report before the Houses of the Oireachtas.

(3) The Minister may not lay the report before the expiry of the period for consideration by the Houses of the Oireachtas.

(4) In *subsection (3)*, the “period for consideration by the Houses of the Oireachtas” means the period of 60 days, of which no fewer than 30 shall be days on which the Houses of the Oireachtas is not dissolved or in recess.

(5) The Minister shall, before laying the report before the Houses of the Oireachtas, have regard to—

(a) any representations on the draft report made to them,

(b) any resolution relating to the draft report passed by the Houses of the Oireachtas, and

(c) any report relating to the draft report published by any committee of the Houses of the Oireachtas for the time being appointed by virtue of Standing Orders.

(6) The Minister shall, when laying the report before the Houses of the Oireachtas, lay a statement setting out—

(a) details of any representations, resolutions or reports mentioned in *subsection (5)*,

(b) the changes (if any) they have made to the report in response to such representations, resolutions or reports and the reasons for those changes.

(7) The Minister shall, as soon as reasonably practicable after laying a report under this section, and in so far as reasonably practicable, make a statement to the Houses of the Oireachtas relating to the report.

(8) The report shall, in particular, set out—

(a) the Minister’s proposals and policies for meeting the annual targets,

(b) how those proposals and policies are expected to contribute towards the achievement of the interim target, the 2050 target and, in each target year, the domestic effort target,

(c) the timescales over which those proposals and policies are expected to take effect.

(9) The report shall also set out the Minister’s proposals and policies regarding the respective contributions towards meeting the annual targets that should be made by—

(a) energy efficiency,

(b) energy generation,

(c) land use,

(d) transport.

(10) The report shall also explain how the proposals and policies set out in the report

are expected to affect different sectors of the economy.

(11) The second and each subsequent report under this section—

(a) shall contain an assessment of the progress towards implementing proposals and policies set out in earlier reports,

(b) may make such adjustments to those proposals and policies as the Minister considers appropriate.”.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 155:

In page 22, between lines 30 and 31, to insert the following:

“Reports on proposals and policies where annual targets were not met

19. (1) This section—

(a) applies if the Minister lays a report under *section 16* which states that an annual target has not been met or that the domestic effort target has not been met in the target year to which the report relates,

(b) does not apply if that report relates to the annual target for 2050.

(2) As soon as reasonably practicable after the report referred to in *subsection (1)* (a) has been laid, the Minister shall lay a report before the Houses of the Oireachtas setting out proposals and policies to compensate in future years for the excess emissions.”.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 156:

In page 22, between lines 30 and 31, to insert the following:

“Reports on emissions attributable to consumption of goods and services

20. (1) The Minister shall lay before the Houses of the Oireachtas a report in respect of each year in the period 2015-2050 containing the information outlined in *subsections (2)* and *(3)*.

(2) The report shall, in so far as reasonably practicable, set out the emissions of greenhouse gases (whether in the State or elsewhere) which are produced by or otherwise associated with the consumption and use of goods and services during that year.

(3) The report may also contain such other information as the Minister considers appropriate.”.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 157:

In page 22, between lines 30 and 31, to insert the following:

“Reports on impact on emissions of exercise of electricity generation related functions

21. (1) The Minister shall lay before the Houses of the Oireachtas a report in respect of each year in the period 2015-2050 containing the information outlined in *subsection (2)*.

(2) The report shall, in so far as reasonably practicable, set out the impact on net emissions during that year resulting from the exercise by the Minister of the functions conferred on them by virtue of any enactment relating to electricity generation.”.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 158:

In page 22, between lines 30 and 31, to insert the following:

“Report on progress towards meeting the interim target

22. (1) The Minister shall, no later than 31 December 2016, lay before the Houses of the Oireachtas a report on progress towards meeting the interim target.

(2) The report shall, in particular, state the progress that has been made in reducing net emissions and indicate whether this progress is consistent with a reduction over the period 2015-2020 of net emissions accounts which would allow the interim target and the 2050 target to be met.”.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 159:

In page 22, between lines 30 and 31, to insert the following:

“Report on the interim target

23. (1) The Minister shall lay before the Houses of the Oireachtas a report containing the information outlined in *subsections (4) and (5)* in respect of the year 2020.

(2) The report shall state whether the interim target has been met.

(3) If the interim target has not been met, the report shall explain the reason for same.

(4) In respect of each greenhouse gas, the report shall state the amount of net emissions for 2020.

(5) The report shall also—

(a) state the amount of the net emissions account for 2020,

(b) state the cumulative amount of the net emissions account for the period 2015-2020,

(c) state the total amount of carbon units—

(i) that have been credited to or debited from the net emissions account for

2020,

(ii) that have been purchased in 2020,

(iii) that have been held and not surrendered in 2020,

(d) give details of the number and type of those carbon units.

(6) In *subsections (4) and (5)*, the amount means the amount set out in the report for 2020 made under *section 16*.

(7) The report shall contain such other information as the Minister considers appropriate.

(8) The report under this section shall be laid before the Houses of the Oireachtas no later than 31 October 2022.”.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 160:

In page 22, between lines 30 and 31, to insert the following:

“Report on the 2050 target

24. (1) The Minister shall lay before the Houses of the Oireachtas a report containing the information outlined in *subsections (4) and (5)* in respect of the year 2050.

(2) The report shall state whether the 2050 target has been met.

(3) If the 2050 target has not been met, the report shall explain the reason for same.

(4) In respect of each greenhouse gas, the report shall state the amount of net emissions for 2050.

(5) The report shall also—

(a) state the amount of the net emissions account for 2050,

(b) state the cumulative amount of the net emissions account for the period 2015-2050,

(c) state the total amount of carbon units—

(i) that have been credited to or debited from the net emissions account for 2050,

(ii) that have been purchased in 2050,

(iii) that have been held and not surrendered in 2050,

(d) give details of the number and type of those carbon units.

(6) In *subsections (4) and (5)*, the amount means the amount set out in the report for 2050 made under *section 16*.

8 October, 2015

(7) The report may contain such other information as the Minister considers appropriate.

(8) The report under this section shall be laid before the Houses of the Oireachtas no later than 31 October 2052.”

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 161 is ruled out of order.

Amendment No. 161 not moved.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

Deputy Brian Stanley: In many senses, the Bill falls short of what Sinn Féin would like to see in a climate change Bill. However, given that we have no legislation on greenhouse reduction and climate change, time is not on our side and we need to move. I and others have spoken many times during the past two years about the need to avoid a carbon cliff and the fact that we are playing catch up regarding meeting our climate change obligations and dealing with this important issue. Although people do not see it as an immediate issue, it is probably the most serious issue that faces the planet for every one of us and, in particular, those who will come after us. The Government has accepted some amendments to the Bill on different Stages, which I welcome. However, in many respects the Bill falls short of what was proposed by the all-party Oireachtas committee. The absence of defined sectoral targets is a weakness. Much more could have been done to strengthen the national plan. The Government has talked about a democratic revolution, although it is a cliché now. This was an opportunity to put it into practice by giving the Oireachtas a greater role in Government accountability and the different climate change sectors.

The Bill does not go far enough on climate justice. While I welcome the Government’s amendment regarding a timeline for adoption, the time should have been shorter. It should have been six months. However, it is a step in the right direction. The Bill falls short of what we would have liked to have seen and the Bill I brought before the House nearly two years ago. However, we must factor in the fact that we have no legislation on this important issue. In the Bill, we have a framework, albeit inadequate. We are moving in the right direction and we will support the Bill on this basis. We hope this and future Governments will seek to change this over the coming years. It is not just a party political issue but an issue for humankind and the planet. We in the developed world produce so much more carbon than people in less developed countries. We have a major responsibility, particularly here in Ireland.

There are competing interests. Our food sector is very important and Sinn Féin wants to protect it and allow it to develop. During the debate, we put forward ideas on diversification in farming to ensure we are not over-reliant on beef and dairy. While they are important, there are other sectors in agriculture, such as sugar beet, which we need to develop. We can do this without increasing carbon emissions. We can reduce emissions if we diversify and it will be good for the environment, the economy and local communities.

While the Bill falls short, it is a move in the right direction and pushes us forward, given that we have no legislation in place. The disappointment is that it has taken so long to put it in

place through this and previous Governments. Now that we have the Bill, we should not delay one more day. Time is not on our side. We already have a carbon cliff to climb. We cannot allow it to happen and we cannot keep fire fighting on these issues. Apart from the damage to the environment, there will be damage to the economy due to the need to buy carbon credits. It is important that we move ahead. I ask the Government and whoever forms the next Government to be open minded about making changes and further strengthening the legislative framework around carbon and other greenhouse gas emissions during the months and years ahead. It is important for all of us. Apart from political responsibility as Sinn Féin spokesperson on the environment, as a citizen, parent and grandparent I feel a responsibility on my shoulders. When we are all dead and gone, people will ask what we did about it. Whatever party or group we are in, we are all concerned about it. This is a big step forward. I would like to go further. Let us drive on with it and be open minded to changing and improving it in the months and years ahead.

Deputy Mick Wallace: I am sorry to say I am not as enthused. It is very disappointing that the Government ruled out of order amendments that were deemed to involve a potential charge on the Exchequer. By refusing to commit to ambitious greenhouse gas emission targets, the Government is incurring a cost to the Exchequer and a global, human cost that will become worse. Those who live on or near the Equator are already faced with daily life or death circumstances as a result of climate change and this Government's lack of action makes Ireland complicit. However, the insular and short-sighted thinking that dominates Irish politics has very little room for this reality, nor does it see the lives of people - in Ireland or abroad - as having any real value. The Minister might think my analysis is harsh. The Bill has been described as the worst climate change Bill that has seen the light of day in Europe. So much was expected of it, while the Government has given so little. Although I realise the Bill will pass, under no circumstances would I put my name to it. The Bill is a massive disappointment.

Deputy Clare Daly: While I will not repeat the discussions we have had over the days during which we discussed the Report Stage amendments, I echo Deputy Wallace's point. The considered and detailed work the environment committee did in preparation for the Bill has largely been ignored in the end product. Although I might have criticised the conclusions the committee came to, I look back on those days and think if the Government had even listened to what the environment committee unanimously proposed, we would be in a much healthier position. It is a tragic lost opportunity. Passing the Bill will be meaningless. If we do not pass it, we would still be obligated to produce legislation, but the onus would be on us to produce something meaningful with targets. People from my constituency have contacted me to say they believe this is the biggest issue facing society - I agree with them - and to ask how in God's name I could support anything that has no substance to it whatsoever. Obviously, the answer is that I could not. I am reminded of the debate we had when the Protection of Life During Pregnancy Bill 2013 was introduced by the Government. It was proposed as a positive measure that was supposedly the first piece of abortion legislation in the history of the State. At that time, we had to find ourselves opposing it because while it allowed for some abortion in limited circumstances, it criminalised the activity and allowed many problems to remain. This Bill is quite similar. If it is passed, there is no doubt it will lead to Ireland continuing to miss its targets, lagging way behind and being liable for financial charges for not keeping pace with its obligations. The human cost of our lack of action is more important than the financial cost. I am unable to support the passing of this Bill for those reasons.

Minister of State at the Department of the Environment, Community and Local Gov-

ernment (Deputy Paudie Coffey): I acknowledge all the Deputies who contributed to the debate on this Bill. I accept that not everybody is happy with what is in the Bill, but I am satisfied that adequate opportunity for debate was provided and that we had a robust debate on the amendments that were proposed.

I acknowledge the support of Deputy Stanley, who said we cannot afford to delay another day. As he said, this historic legislation sets out a framework or roadmap for this country as it seeks to advance and decarbonise its economy in many ways. Many critical matters feed into that. The national mitigation plan, about which I spoke in great detail during the debate, is an essential mechanism if we are to achieve decarbonisation in this country and to meet the climate change challenge that faces our citizens and people all over the world. There is no doubt that Ireland will have to and will play its part in meeting that challenge. The sectoral adaptation plan will afford the sectoral interests in this country an opportunity to engage in a proactive way and to assist in reducing our carbon emissions. I do not doubt that we will have to use all our resources, including our best brains in academia and our best practitioners, to bring forward technological innovation and reform where necessary to reduce carbon emissions in all these sectors.

I am under no illusions regarding the challenge that remains. The Deputies opposite will acknowledge that this is not a political issue. It is a global issue that demands a response from us all. I am happy that this historic legislation was introduced by this Government. I look forward to bringing it to the Upper House. Further debate across society is to be welcomed. I encourage debate at all levels on how people can find ways to make a contribution in order that Ireland plays its part in the global context. I commend the Bill. I am glad it is being passed by the Dáil. I look forward to bringing it to the Seanad.

Question put:

<i>The Dáil divided: Tá, 74; Níl, 10.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Boyd Barrett, Richard.</i>
<i>Broughan, Thomas P.</i>	<i>Collins, Joan.</i>
<i>Butler, Ray.</i>	<i>Coppinger, Ruth.</i>
<i>Buttimer, Jerry.</i>	<i>Daly, Clare.</i>
<i>Byrne, Catherine.</i>	<i>Fitzmaurice, Michael.</i>
<i>Byrne, Eric.</i>	<i>Higgins, Joe.</i>
<i>Cannon, Ciarán.</i>	<i>Mathews, Peter.</i>
<i>Carey, Joe.</i>	<i>Murphy, Paul.</i>
<i>Coffey, Paudie.</i>	<i>Ross, Shane.</i>
<i>Collins, Áine.</i>	<i>Wallace, Mick.</i>
<i>Collins, Niall.</i>	
<i>Colreavy, Michael.</i>	
<i>Connaughton, Paul J.</i>	
<i>Corcoran Kennedy, Marcella.</i>	
<i>Cowen, Barry.</i>	
<i>Creed, Michael.</i>	
<i>Daly, Jim.</i>	

<i>Deasy, John.</i>	
<i>Deenihan, Jimmy.</i>	
<i>Doherty, Regina.</i>	
<i>Dooley, Timmy.</i>	
<i>Dowds, Robert.</i>	
<i>Doyle, Andrew.</i>	
<i>Durkan, Bernard J.</i>	
<i>Ellis, Dessie.</i>	
<i>Feighan, Frank.</i>	
<i>Ferris, Anne.</i>	
<i>Ferris, Martin.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Terence.</i>	
<i>Halligan, John.</i>	
<i>Hannigan, Dominic.</i>	
<i>Harrington, Noel.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kehoe, Paul.</i>	
<i>Kelleher, Billy.</i>	
<i>Kirk, Seamus.</i>	
<i>Kitt, Michael P.</i>	
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lyons, John.</i>	
<i>Mac Lochlainn, Pádraig.</i>	
<i>McEntee, Helen.</i>	
<i>McGinley, Dinny.</i>	
<i>McGrath, Finian.</i>	
<i>McGrath, Michael.</i>	
<i>McLellan, Sandra.</i>	
<i>McNamara, Michael.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Murphy, Catherine.</i>	
<i>Murphy, Eoghan.</i>	
<i>Naughten, Denis.</i>	
<i>Nolan, Derek.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>Ó Snodaigh, Aengus.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Reilly, Joe.</i>	

<i>Penrose, Willie.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Shortall, Róisín.</i>	
<i>Smith, Brendan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanley, Brian.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	
<i>White, Alex.</i>	

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Clare Daly and Mick Wallace.

Question declared carried

Choice of Court (Hague Convention) Bill 2015 [Seanad]: Second Stage

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): I move: “That the Bill be now Read a Second Time.”

On behalf of the Minister for Justice and Equality, Deputy Frances Fitzgerald, I thank Deputies for making the necessary time available to deal with the Second Stage debate on the Choice of Court (Hague Convention) Bill 2015. Members will be aware that the Bill has already passed all Stages in Seanad Éireann. I hope it can be enacted speedily, given that the Hague Convention on 30 June 2005 on choice of court agreements came into force on 1 October. The purpose of the Bill is to make provision for the measures which are required to ensure that the Hague Convention of 30 June 2005 on choice of court agreements can function effectively within the Irish legal system. While the Bill is short and technical in nature, it is of significance in terms of enabling us to fulfil our EU obligations. It is also of significance because the convention to which it relates has the potential, over time, to create a more predictable legal environment for companies that do business with third countries. That predictability should, in turn, encourage companies to be more confident in expanding their trading relationships with such countries.

The Bill contains 11 sections, all of which are technical in nature. Its key provisions are contained in sections 5, 6 and 9. Section 5 provides that an application under the convention for the recognition and enforcement in the State of a judgment shall be made to the Master of the High Court and that the Master may make an order for the recognition or enforcement of only part of a judgment.

Section 6 provides that if an enforcement order has been made in respect of a judgment,

that judgment shall, to the extent authorised by the enforcement order, be of the same force and effect as a judgment of the High Court, and that proceedings for its enforcement may be taken accordingly. Section 6, as published, was amended in Seanad Éireann to make it subject to section 7. The effect of the amendment is that, when it comes to enforcement in Ireland, the interest provisions of the country where the judgment was given shall apply and not the Irish provisions.

A new section 9 was inserted in the Seanad, which has the effect of giving an explicit jurisdiction to the Master of the High Court to grant protective measures to a judgment creditor where that creditor seeks such measures in the context of applying to have a convention judgment enforced. In the absence of such a power, there would be a risk that a judgment debtor would be given the opportunity to put assets in Ireland beyond the reach of the creditor before enforcement could take place. Article 7 of the convention makes it clear that interim measures of protection are not governed by the terms of the convention, and their grant or otherwise is a matter to be regulated by national law. Under our national law, in the absence of an express provision, our courts would not have jurisdiction to grant these measures in respect of convention judgments. It would not be in keeping with the spirit of the convention if, in the context of an enforcement application, every effort was not made to ensure that enforcement would be effective. For this reason, a provision akin to that in respect of the Brussels I regulation and Lugano Convention regimes is to be introduced for Hague Convention purposes.

Other provisions are ancillary to these provisions. Section 1 contains relevant definitions which are self-explanatory. Section 2 authorises the Minister for Justice and Equality to make certain orders in respect of convention matters, most notably that a specified state is a state bound by the convention or that particular declarations or communications have been made. While such orders are in force, they will be of evidential value. This is a standard evidential provision, the rationale for which is to avoid taking up court time in proving that a particular state is a contracting state or the existence or contents of a declaration or denunciation made under the convention. Obviously, such a provision also has the beneficial effect of avoiding costs which would otherwise be incurred in proving these matters.

Section 3 states that the convention has force of law in the State, while section 4 provides that judicial notice shall be taken of the convention, the explanatory report prepared in respect of it and relevant court judgments. The latter provision is in aid of the uniform interpretation of the convention, which is important in an international agreement of this nature and is an objective of the convention.

A provision of the type set out in section 4 has been included in various legislation to come before the Houses in recent years. A recent example is the Jurisdiction of Courts and Enforcement of Judgments Act 2011, which concerns the 2007 Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

Section 7 deals with provisions on enforcement orders for the payment of interest on judgments and the payment of costs. Section 8 deals with the proof and admissibility of certain judgments and related documents and translations. Section 10 contains a technical provision to bring section 20A of the Jurisdiction of Courts and Enforcement of Judgments Act 1998 into line with the provisions of section 7 of the Bill. Section 11 contains standard citation provisions.

At this stage, I will address the background to and detail of the convention. The choice

of court convention, to use a convenient shorthand, was negotiated under the auspices of the Hague Conference on Private International Law. The Hague Conference is a body that facilitates the development of multilateral legal instruments across a range of areas. In the past, conventions have been negotiated which touch upon commercial matters, family law matters and administrative co-operation. With 80 members, including the European Union, representing all continents, the Hague Conference on Private International Law is a global intergovernmental organisation. A melting pot of different legal traditions, it develops and services multilateral legal instruments which respond to global needs. Apart from European Union member states, the Hague Conference includes among its membership countries such as China, the United States, Japan, Australia, Canada and Russia.

The convention is geared towards the promotion of choice of court agreements in international business to business contracts. Within the EU, a legal framework is already in place which ensures that choice of court agreements are honoured. However, there is no equivalent framework at the international level, and the convention will fill this gap.

Negotiations on the convention concluded in June 2005 after a negotiating period of slightly more than two years. This convention is much narrower in scope when compared to the one that was originally contemplated. It evolved from earlier work which had been ongoing within the Hague Conference for a number of years. That work was very ambitious in aim and would have resulted in a convention which prescribed a list of approved grounds of jurisdiction as well as a list of prohibited grounds of jurisdiction. Judgments based on the former list would be entitled to recognition and enforcement in other contracting states to the convention and would obviously have facilitated the circulation of a greater volume of judgments at global level. However, it became clear that it would not be possible to bring this work to a successful conclusion, and eventually it was agreed to work on a convention with a reduced scope, which would deal only with choice of court agreements in international commercial cases.

The European Commission presented a proposal for a Council decision authorising signature of the convention in September 2008. One of the reasons informing the presentation of the proposal at that time was the perception that, when in force, the choice of court convention would reduce legal uncertainty for EU companies trading outside the European Union. Following the proposal's adoption by Council, the convention was signed in April 2009. It was also signed by the United States in January of the same year.

The European Union has exclusive competence in respect of the matters governed by the choice of court convention and, therefore, Ireland will not ratify the convention in its own right. At the time of signature of the convention, the European Community, as the European Union was then known, made a declaration indicating that it exercised competence over all the matters governed by the convention and member states would be bound by the convention by virtue of its conclusion by the Community. This is a routine arrangement for international instruments for which the European Union has exclusive competence.

Several years elapsed before the Commission produced a proposal for the conclusion of the convention in January 2014. The main reason for the lapse of time was the need to bring to a conclusion to the revision work on the Brussels I regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. That work was brought to a conclusion in December 2012, and the new regulation that resulted, which has applied since January of this year, contains amendments which align the choice of court provisions that had existed at European Union level with those provided for in the Hague Convention, thereby fa-

cilitating the approval of the choice of court convention by the EU.

The proposal for a decision authorising approval of the convention was adopted by the Justice and Home Affairs Council at its meeting on 4 and 5 December 2014. Under its terms, the instrument of approval was to be deposited within one month of 5 June 2015, and the deposit took place on 11 June last. Mexico had already acceded to the convention in September 2007 and, under the terms of the convention, approval by the European Union triggered the entry into force of the convention on 1 October this year - that is, last Thursday. This timetable for EU approval was influenced by the fact that, as part of the negotiation process, it was agreed that member states would be given some time to make any legislative changes which were needed at the domestic level prior to the approval of the convention, which brings us to where we are today.

In general terms, a typical choice of court agreement will specify that the courts of a particular state should have jurisdiction to hear proceedings under the contract that exists between the parties. Such agreements are widely viewed as being beneficial in terms of creating a stable trading environment for international commerce. However, their value is critically dependent upon the extent to which the parties can be confident that their agreement will be upheld by a court if litigation ensues. This arises both in respect of the court chosen being willing to take jurisdiction and also in respect of other courts being willing to recognise and enforce the judgment given on foot of the choice of court agreement.

To take a concrete example, a company may be reluctant to do business with a particular state because it either mistrusts or is unfamiliar with its legal system. However, if a supplier of goods is confident that, in the event of any issues arising regarding the payment of the goods which have been delivered, a court in which it trusts will have jurisdiction to rule on the dispute, it may be emboldened to proceed with the deal. The other party, which wishes to receive the goods, may be equally happy to agree to a court in which it too has confidence. In the alternative, the fact that the state with which the supplier wishes to do business is a contracting party to the choice of court convention may encourage a feeling of security in terms of being willing to accept a choice of court agreement in favour of that country. In this regard, it is noteworthy that research exists which indicates, particularly in the case of large businesses, that significant business decisions can be influenced by uncertainty regarding the court that would resolve disputes or the law that would apply to the contract. In effect, lack of legal certainty may function as a barrier to trade.

The convention aims to ensure the effectiveness of choice of court agreements by providing guarantees that the chosen court will hear the case when proceedings are brought before it. Linked with this is a requirement that any other court before which proceedings are pending must refuse to entertain those proceedings. Provision is made to ensure that judgments given under the convention will be entitled to recognition and enforcement in those states which are contracting parties to the convention.

2 o'clock

None of these principles is absolute but the overall aim is to find the right balance between flexibility and certainty.

I will now deal in some detail with the key provisions of the convention and highlight certain articles which are probably the most important in terms of its overall content. Article

1 defines the scope of the convention. The relevant case must be international in nature, the choice of court agreement must be exclusive and the subject matter must fall within the range of what is normally understood by the term “civil and commercial”. Article 3 sets out the formal requirements that must be satisfied if a choice of court agreement is to fall under the convention. Article 5 is a key provision in that it mandates the court designated in the agreement to hear a case unless the agreement is null and void under the law of the relevant state. Article 5 is complemented by article 6 which requires a court not designated in the agreement to suspend or dismiss proceedings even if it has jurisdiction under national law. There are a number of exceptions to this rule, including, for example, circumstances in which giving effect to the agreement would be manifestly contrary to the public policy of the state of the court seised or where the chosen court has decided not to hear the case. Article 8 sets out the principle that a judgment given by a court of a contracting state which is designated in an exclusive choice of court agreement must be recognised and enforced in another contracting state in accordance with the convention’s provisions. By way of exception to this principle, Article 9 sets out the grounds upon which recognition and enforcement may be refused, for example, where there has been procedural fraud or where a party lacked the capacity to conclude the agreement under the law of the state where enforcement is sought.

Article 13 lists the documents which are to be produced when enforcement is being applied for. Article 16 deals with transitional arrangements and sets out the basic principle that the convention will only apply to exclusive choice of court agreements concluded after the convention comes into force for the state of the chosen court. Articles 19 to 22 contain provisions setting out the range of declarations which a contracting state may make. In this regard, Article 19 permits a contracting state to refuse to apply the convention to cases where, except for the choice of court clause, there is no connection between that state and the parties or the dispute. Article 20 allows a state not to enforce a judgment where all of the factors, other than the choice of court clause, are internal to it. Article 21 allows a state to exclude a specific matter from the scope of the convention and the EU has availed of this provision in relation to certain types of insurance contract. Article 22 allows for the making of reciprocal declarations to extend the scope of the convention to cover non-exclusive choice of court agreements. An example of such an agreement would be one which designated the courts of two or more contracting states to the exclusion of all others.

Article 26 deals with the relationship of the convention with other international instruments and is of interest because it deals with the situation where a regional economic integration organisation such as the EU becomes a contracting party to the convention. In essence, where a case is purely regional in terms of the residence of the parties, the convention gives way to any relevant regional instrument which might exist. Furthermore, it will not affect the rules governing the recognition or enforcement of judgments between the member states of the regional organisation. Within the EU the recognition and enforcement regime is much more liberal than that which exists under the convention.

I referred earlier to the fact that Mexico has already acceded to the convention. Both the USA and Singapore have signed it and it is hoped that EU approval will encourage other states to become parties to it. Ratification of the convention by as many states as possible should encourage commercial actors to avail of choice of court clauses when doing business in those states because they can be secure in the knowledge that they can rely upon its provisions. I am pleased to say that Ireland has a solid and deepening trade relationship with Mexico. In 2013, trade between the countries was of the order of €1.277 billion, constituting €928 million in the

export from Ireland of goods and services and €349 million in the import from Mexico of goods and services. Ireland's principal merchandise exports to Mexico are soft drink concentrate, chemical materials and products. Ireland's main merchandise imports from Mexico are medical devices, miscellaneous plastics, stents and telecommunications and sound equipment. The value of Ireland's exports of goods to Mexico in 2014 increased by 76%, from €692 million to €1.216 billion.

Of the states which have signed the convention, the USA is Ireland's biggest goods export market, with the value of goods exported in 2014 standing at almost €20 billion. As a trading bloc, the 28 member states of the European Union traded goods worth €515 billion with the USA in the same year. The €54 billion trade between Ireland and the USA in the preceding year, 2013, can be broken down evenly between imports and exports of both goods and services. Ireland's most significant exports to the US are organic chemicals which are mainly used in the pharmaceutical industry, and medical and pharmaceutical products. Ireland's main imports from the USA are royalties and licences, and research and development services. Trade with Singapore is understandably more modest. Trade between Ireland and Singapore in 2013 was valued at a little over €2 billion, which breaks down as €1.359 billion in the export of goods and services, and €717 million in imports. The trade relationship is mainly focused on computers, computer parts and storage devices. The EU trade bloc has a healthy trade relationship with Singapore expressed in trade in goods to the value of some €47 billion in 2013.

As already stated, EU accession to the convention should have a beneficial effect in terms of encouraging other states which are members of the Hague Conference on Private International Law to become parties to it. In addition, the convention is also open to states which are not members of the conference. Even in markets where the EU is already very active, widespread adherence to the convention could have the potential to lead to further growth in trade. To take two examples where Ireland has a specific interest, Ireland's trade relationship with Australia in goods was valued at €802 million in 2013, while trade in goods between the EU as a whole and Australia in that year was valued at €33 billion. Of the EU's €59 billion trade in goods with Canada in 2013, €2.5 billion came from the exchange of goods between Ireland and Canada. Ireland's relationships with both Canada and Australia are not, of course, focused solely on trade but rather are grounded in the deeper ties of family, cultural affinities and shared democratic political traditions.

The details I have just outlined highlight the importance to all our economies of international trade. The progressive elimination of barriers to trade means that now, more than ever, predictability and certainty are vital in the area of business and commercial relationships within Europe and beyond. Business people need to be sure that they can readily enforce contracts and secure judgments for what can, in some cases, be large sums of money. Measures aimed at promoting such security have the twin effects of both protecting existing trade and encouraging new trade. In recent years, much emphasis has been placed at EU level on initiative, Justice for Growth. The Bill and the convention to which it relates are a small but practical example of the way in which justice policy can contribute towards improving the conditions for EU businesses which are active in trading with partners outside the EU.

The EU has exclusive competence in respect of the matters governed by the choice of court convention and Ireland will not be ratifying it in its own right. Nevertheless, the implementing measures which are set out in this Bill are required to ensure that the convention can be applied within our legal system. I look forward to hearing the views of Deputies on the Bill, which I hope can be enacted speedily given that the convention came into force on 1 October last. I

commend the Bill to the House.

Deputy Niall Collins: Fianna Fáil supports the Bill, which implements a Government decision to agree to the proposals contained in the convention in 2005. The Bill will clarify the rules surrounding international agreements which outline within them which court shall hear a case in the instance of a dispute. Acceding to this convention will promote greater legal certainty for cross-border business and create a climate more favourable to international trade and investment. The increasing codification of international dispute resolution provides the Irish legal sector with an excellent opportunity to become a world centre for the hearing of legal disputes. Given that Ireland is an English-speaking, common law and stable eurozone jurisdiction with strong international relations, the Government should be exploring ways of increasing the commercial opportunities in this sector. The Minister should examine whether it would be possible to create the legal equivalent of the IFSC in Ireland for international legal disputes.

The Hague Convention on Choice of Court Agreements of 30 June 2005, also known as the choice of court convention, aims to ensure the effectiveness of choice of court agreements, also known as forum selection clauses or jurisdiction clauses, between parties to international commercial transactions. In order to manage risk, parties often seek to agree in advance on how disputes arising out of transactions between them will be resolved. In some cases, the parties will refer the dispute to arbitration. In others, they will agree to litigate before a designated court. While arbitration agreements in international cases are almost universally recognised pursuant to the rules established by the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958, choice of court agreements are not always respected under divergent national rules, particularly when cases are brought before a court other than the one designated by the parties. The choice of court convention seeks to rectify this situation, thereby promoting greater legal certainty for cross-border business and creating a climate that is more favourable to international trade and investment, as underscored by the International Chamber of Commerce.

The convention contains three basic rules that give effect to choice of court agreements: the chosen court must in principle hear the case under Article 5; any court not chosen must in principle decline to hear the case under Article 6; and any judgment rendered by the chosen court must be recognised and enforced in other contracting states except where a ground for refusal applies under Articles 8 and 9.

The convention applies to choice of court agreements “concluded in civil or commercial matters”. It excludes consumer and employment contracts and certain specified matters. The reason for these exclusions is, in most cases, the existence of more specific international instruments and national, regional or international rules that claim exclusive jurisdiction over some of these matters. The convention applies to “exclusive” choice of court agreements. An agreement designating one or more specific courts in a contracting state is deemed to be exclusive unless the parties have expressly provided otherwise. In addition, a contracting state may declare that it will recognise and enforce judgments given by courts designated in a non-exclusive choice of court agreement.

Fianna Fáil supports the Bill. Any measure that helps international parties to resolve disputes and assists trade, commerce and investment is to be welcomed.

Deputy Pádraig Mac Lochlainn: Sinn Féin welcomes the Bill. It should ensure that the Hague Convention on choice of court functions smoothly in this jurisdiction. It should increase

legal certainty in commercial relationships involving EU and non-EU parties. Party autonomy in a choice of forum promotes business-to-business efficiency by providing certainty and predictability in international transactions. When each party to a private transaction has the same framework within which the agreement will be understood, jurisdictional disputes should be absent, thus providing associated time and efficiency savings.

The fact that enforcement of foreign rulings should follow the adoption of this legislation should increase the confidence of parties that undertake international transactions in a commercial setting, at least with states that are party to the convention. Currently, arbitration has a monopoly in international transactions, given the worldwide enforceability of arbitral awards. The potential viability of the court system route provides competition. While large companies may prefer the arbitration route, there is some indication that small to medium-sized enterprises, SMEs, prefer the traditional judicial route. As such, this Bill is a welcome one for SMEs that trade with partners outside the EU and may encourage those that do not to explore the possibility of doing so.

Unfortunately, our country is separated into two jurisdictions. There are a number of actions that this Government could undertake to promote transactions across borders beyond the *inter partes* legal certainty provided by the convention, which I will address presently. However, I wish to highlight some concerns that centre on the convention itself first.

The convention mirrors that of the New York convention on arbitration in seeking a stable and predictable environment in which parties might have some predictability as to forum in the event of dispute. Since that convention has been ratified or acceded to by 158 countries, this convention has some way to go. It is important to note that enterprises must become aware of whether their trading partners have acceded to the treaty. The current legal framework is not as extensive as the New York convention. For example, although the US has signed the convention, there may be clashes between state and federal level that impede progress towards ratification. There remains the possibility of parallel proceedings or inconsistent judgments if a non-chosen court determines a choice of court agreement is invalid and a chosen court determines otherwise. The public policy ground for exception under Article 9 of the convention may be open to abuse if the grounds on which a court refuses to recognise a judgment are based on an uncharacteristically wide interpretation of public policy.

There are two further problems that I wish to address that touch on the principles underlying the Bill, the first of which is the ongoing reputational damage caused by this and the previous Governments' inaction in implementing the recommendations made by the Committee on Judicial Conduct and Ethics almost 15 years ago. On Monday, our Chief Justice, Ms Justice Susan Denham, observed that the failure to set up a judicial council was affecting the international reputation of the administration of justice in this State. While a judicial council Bill is expected to be published within the current Dáil session, I am worried that it will not take full account of Ms Justice Denham's concerns.

The adoption of the Arbitration Act 2010 was specifically geared towards attracting arbitration business to Ireland, particularly Dublin. There is an opportunity to attract legal business to the State via this Bill, but the inaction and glacial response to setting out a judicial code of conduct hampers this. Speaking on the Bill in the Seanad, the Minister of State, Deputy Deenihan, argued that a "company may be reluctant to do business with a particular state because it either mistrusts or is unfamiliar with its legal system". Conversely, a company that trusts a particular court system may be "emboldened to proceed". Why would parties seeking legal certainty and

confidence in a legal system agree that the Irish courts should be the forum in which a dispute is heard when they cannot be confident in the training that Irish judges receive? They would not. The rational actor will avoid such fora and seek one with a better reputation.

Last week, I mentioned that it was the direct decisions of this Government that negatively influenced certain crime figures. Those decisions are damaging the reputation of the legal system and preventing innovative business activity around legal services from taking advantage of the certainty provided by the Hague Convention. Given the reputational damage the Government continues to cause, it is unlikely we can compete with other more advanced and trustworthy states in attracting legal business.

My next point is based upon the principles that underlie party autonomy in choice of court. Fundamentally, this is based on the idea that business opportunities can arise on the ground that the players involved in a market are best placed to take advantage of it. As such, they may privately order their relations to mutual advantage while taking account of mandatory law. As long as mandatory law is respected, hurdles should be removed, especially in respect of the neglected SME sector.

One of the greatest hurdles confronting Irish SMEs is the continuing operation of partition. The Government should follow the logic of the Hague Convention on choice of court and encourage commercial trade by following the advice in my party's 2014 document on encouraging SMEs. Such advice includes a Border development zone to harmonise trade and maximise returns for Border businesses and the island economy, and a trade forum to bring together SMEs to address common challenges, including finance, logistics and business support, that would make use of local and external expertise. This should include information on the credit appeals process in both jurisdictions, using InterTradeIreland as a facilitator. We must upgrade island-wide infrastructure. This means completing the A5 and the Narrow Water bridge and developing an island-wide rail network. We must ensure the Oireachtas and the Assembly agree a strategy to get credit card and mobile telephone companies to remove the Border from their roaming charge systems and cross-Border administration costs and treat the island as one entity for cost purposes. We must re-examine the regulatory barriers to doing business on the Border. InterTradeIreland has conducted studies on this suggestion and made a number of recommendations, which can be reviewed and implemented. We should remove impediments to businesses when transferring staff North and South by organising direct co-ordination between the relevant Departments, for example, the Revenue Commissioners, to make it easier for employees to work on either side of the Border.

In sum, this Bill is a logical solution to the problem of unnecessary and cumbersome cross-border jurisdictional disputes centring on international transactions. It follows the success of the New York convention on arbitration and is to be welcomed. However, the continued inaction on establishing a judicial council and the historical offence of partition act in contradiction to it. Partitionist thinking continues to harm the Irish economy. While I have much respect for the Minister of State's approach to many issues, I was disappointed by his tweet, which he has since removed. As a man with a great fondness for County Monaghan, he should have a sense of the all-Ireland economy.

Deputy Aodhán Ó Ríordáin: I was trying to criticise Tesco and it backfired badly.

Deputy Pádraig Mac Lochlainn: I am sure the Minister of State will agree Monaghan poultry and Tyrone poultry are equally beautiful and one must promote the all-Ireland economy.

Deputy Finian McGrath: Hear, hear.

Deputy Pádraig Mac Lochlainn: Rather, the Government should follow the economic principles that underlie this Bill and should facilitate the numerous small and medium-sized enterprises on this island that need to respond quickly and effectively to business opportunities without worrying about or searching for ways around the unnecessary and inefficient transaction costs associated with partition. To summarise, Sinn Féin supports this Bill with the caveats I have raised.

Deputy Finian McGrath: I again thank the Ceann Comhairle for the opportunity to speak on this new legislation, the Choice of Court (Hague Convention) Bill 2015. Like many colleagues, I welcome the Bill but I also welcome this debate as all Members must promote international trade and investment through judicial co-operation. The legal system is a major part in any democratic society, but it must also have the support and confidence of the people. Trust and respect are also key elements, and without them, a society or state will not survive. One must accept this reality. Criminality and corruption can never be tolerated, and all types of cronyism must be rooted out. In the case of the justice system, a person should be promoted on merit and ability and not on the basis that he or she is a member or supporter of a political party. This is something which Ireland has not faced up to recently, although everyone must support reform, as this society needs equality and a fair justice system. I raise this point on the broader issue of this Bill, the Choice of Court (Hague Convention) Bill.

As for the legislation's details, the purpose of the Bill is to make provide for the measures which are required to ensure the Hague Convention of 30 June 2005 on choice of court agreements can function appropriately within the Irish legal system. The European Union has exclusive competence in respect of the matters governed by the convention and therefore Ireland will not be ratifying the convention in its own right. The convention was signed by the EU in April 2009, subject to its conclusion at a later date. As I noted earlier, confidence and trust at national and international level are crucial in any debate on judicial co-operation. One must also be vigilant and ensure that states involved have respect for human rights, and if there is any doubt or lack of trust on these issues, Ireland should not be afraid to stand up and make this point at European Union and international level. I am always suspicious of consensus politics on these important matters. One always should be willing to challenge doubts about corruption or criminality. Too many states do not do so or turn a blind eye to this type of carry-on. The convention provided for in this Bill above all is about promoting trade and investment. While I will revert to the legislation's details later, if one has doubts about a judicial and justice system, confidence in that state will dwindle and it will not lead to greater investment and trade. This is an economic reality we must face.

The purpose of the choice of court Bill is to provide the necessary measures for effective co-operation in respect of the 2005 Hague Convention. The aims of the convention are to promote international trade and investment through enhanced judicial co-operation. The convention seeks to do this by setting down rules to ensure that exclusive choice of court agreements between parties which are concluded in civil or commercial matters are enforced. Closer consideration of the Bill reveals that section 2 authorises the Minister for Justice and Equality to make certain orders regarding convention matters, most notably that a specified state is a state bound by the convention or that particular declarations or communications have been made. While such orders are in force, they will be of evidential value. I also raise these issues within the legislation's details.

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Earlier, the Minister of State spoke of trade with Mexico and mentioned a figure about which many Members were pleasantly surprised. He stated that in 2014, €1.216 billion worth of trade with Mexico was conducted, which included soft drinks concentrate and chemical products. This figure and the fact that Ireland has such robust trading with Mexico should be highlighted in the context of our international trade and agreements with other countries. It also should be taken further and new ideas are needed in this regard. Other Latin American countries also should be targeted with Irish products, including Argentina, which has a massive Irish diaspora. I recently met a distant cousin who turned up from Argentina, and he told me that unbelievable numbers of people of Irish descent live in Argentina and we would be pushing an open door in respect of trade. Ministers and the Cabinet in general should keep an eye on this issue as there is huge potential there for markets. Another country that has been in the news recently is Cuba. It would be fantastic to develop Ireland's relationship with Cuba now that things are opening up and the United States has opened up an embassy there. As there is a Cuban ambassador to Ireland, this relationship should be developed with particular emphasis on small businesses. In addition, Ireland should make the point at international level that it is time to end the blockade of Cuba and to give these people a break. They are wonderful people who have many ideas and talents, particularly in respect of practical health care. Anyone who has visited Cuba will know that one will never see people on trolleys, for example. One can also see a primary medical care service, despite the embargo and the hammering the country has received over the past 50 or 60 years. We can learn from one another and I raise this point in respect of the legislation.

We are discussing international trade, international justice and international confidence. When discussing issues of justice, it is important to raise the case of Ibrahim Halawa. I met his sisters yesterday protesting outside the Dáil and I urge the Minister of State and the Government to contact the Egyptian authorities again regarding Ibrahim's case, because he has now been locked up for nearly two years without trial or any sign of one. This is not acceptable in any democratic society and I urge the Government in this regard. I raise this matter in the Chamber because yesterday, at the gates of Leinster House, I gave a commitment to his sisters I would do so.

To revert to the legislation and the convention, I refer to what is an exclusive choice of court agreement. An exclusive choice of court agreement is a written agreement, such as a contract, between two or more parties that contains a clause designating one or more specific courts in a contracting state, to the exclusion of all other courts, to hear a dispute regarding the agreement. The convention seeks to remedy this situation by providing a harmonised framework to promote greater legal certainty in cross-border trade. The three key obligations in the convention are that the court designated in the agreement must, subject to certain exceptions, hear the case, any other court must decline to hear the case and any judgment given by a court must be recognised and enforced in other contracting states. This is the precise point of the convention.

As for the Bill's principal provisions, they relate to the process for making an application for the recognition and enforcement of judgments in Ireland which originate from another contracting state to the convention, the enforcement of judgments under the convention in Ireland, the payment of interest on sums of money owed in judgments under the convention, and the proof and admissibility of judgments and related documents originating from other contracting states to the convention in Irish courts. Those are the key provisions in this legislation.

A number of my colleagues have mentioned the SME sector. On the broader issue of SMEs, coming up to the budget next Tuesday, it is important for society that the Government supports small businesses. They have had a rough couple of years but they are now beginning to re-

emerge and are hoping to develop their various businesses and take on people. We should therefore all encourage them and come up with some sensible proposals to help the small business sector. Recently, I had a successful public meeting with my colleague Senator Feargal Quinn in Dublin Bay North. We listened to a group of small business representatives from across my constituency and had an interesting meeting with them. In recent weeks, I have put many of the proposals raised at that meeting to the Minister. We need to examine such proposals.

My colleague, Deputy Mac Lochlainn, spoke of the need to break out of the current mindset and push for an all-Ireland economy in the context of the Good Friday Agreement. These are sensible proposals because an Ireland that is united on economic and social issues makes for a strong country.

The legislation before us states that the EU will apply the Hague Convention to insurance contracts in the following cases:

where the contract is a reinsurance contract; where the choice of court agreement is entered into after the dispute has arisen; where the choice of court agreement relates to a contract of insurance which covers one or more of the following risks considered to be large risks: any loss or damage arising from perils which relate to their use for commercial purposes, of, or to: seagoing ships, installations situated offshore or on the high seas or river, canal and lake vessels; aircraft; railway rolling stock; any loss of or damage to goods in transit or baggage other than passengers' baggage, irrespective of the form of transport.

While we are discussing transported goods and passengers, it is opportune to reflect on the crisis facing the hundreds of thousands of refugees coming out of Syria at the moment due to the horrific conflict there. I strongly believe that Ireland can play its part in assisting these people. There should be no fudge on this operation. Of course, neighbouring countries in that region also have responsibilities but, as a small nation, we can play our part as well. Last week, we had an interesting discussion on this matter at the Joint Committee on Justice, Defence and Equality, where there was cross-party support for helping those refugees. We can act in a humanitarian manner not only because it is the right thing to do, but also because of our history. Many of us have relations in America, Australia, England and elsewhere who emigrated over the years, so we know what it is like to be emigrants. We should not breed fear, as some are doing in Irish society. Young immigrant children are some of the most dedicated students one could ever meet in primary schools. Some immigrants who arrive with no money in their pockets can often become very successful people in their own right. They, in turn, will make a contribution to the Irish economy. It was interesting to note the other day that when the Tory Government in England was having a go at immigrants and refugees, and coming out with very dangerous policies, the first people to criticise the government were in the business sector. They stood up and said that the immigrants' contribution to the economy should not be ignored.

Overall, I welcome the debate on this legislation. I think the Bill is a sensible one and I will be supporting it.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): I am delighted to hear that Deputy Finian McGrath has relations in Argentina. If they are handy footballers he might pass on their details, seeing as we have lost out on Jack Grealish. We also lost out on José Luis Brown, who scored the first goal in the 1986 World Cup final for Argentina. I believe he had an Irish background. We could probably do with a few such players this evening.

Deputy Finian McGrath: Absolutely. We will need them tonight.

Deputy Aodhán Ó Riordáin: I would like to thank the Deputies who contributed to the debate for the observations they made. I appreciate the welcoming and open atmosphere in which the discussions of this somewhat technical Bill have taken place. This reflects the fact that the legislation we are dealing with is not especially controversial in character, which is probably the reason I am speaking pretty much to myself in the Chamber.

Notwithstanding its technical nature, this Bill has a part to play in promoting and supporting Ireland as a successful trading nation. The development and maintenance of trade relations are, of course, important at any time but they are of particular importance to Ireland and the European Union as we emerge from past economic difficulties. As I said in my earlier intervention, legal certainty and predictability can contribute towards the progressive elimination of barriers to trade and can enable business and commercial relationships to flourish both within the EU and outside it. Commercial bodies need to be certain that they can readily enforce contracts and secure enforcement of judgments for what can be, in some cases, quite significant sums of money. In a small way, this Bill and the convention it implements can help to protect and promote Irish business interests abroad. Deputies will appreciate the fact that Ireland is a trade-dependent nation. The Choice of Court Convention creates legal certainty and predictability by establishing a framework for upholding choice of court agreements in cases that end up before the courts of countries bound by this convention. The guarantees offered by this framework should allow parties to trade with greater confidence than heretofore. While the legislation we are considering is mandated by our membership of the European Union, it is very much in our own interest to legislate in a progressive fashion in this area.

As Deputies may not be very familiar with the work of the Hague Conference on Private International Law, perhaps I could say a few words about that body. The Hague Conference is a body of long standing. It held its first meeting in 1893 and became a permanent intergovernmental organisation in 1955. Its 80 members are representative of all continents. In addition to the 28 member states of the European Union, and the European Union itself, its membership includes countries as diverse as China, Japan, Russia, Peru, Egypt, Monaco, South Africa and the United States of America. A melting pot of different legal traditions, it develops and provides support services for multilateral legal instruments which respond to global needs. An increasing number of non-member states are also becoming parties to the various Hague conventions and, as a result, the work of the conference encompasses more than 145 countries around the world. In addition to the type of commercial relationships encompassed by the Choice of Court Convention, personal and family disputes in more than one country are commonplace in the modern world. Faced with disputes which have an international element, courts will apply their private international law rules, and these rules may differ from country to country. The statutory mission of the Hague Conference is to work for the progressive unification of these rules. This involves finding internationally agreed approaches to issues such as jurisdiction of the courts, applicable law, and the recognition and enforcement of judgments in a wide range of areas, from commercial law and banking law to international civil procedure and from child protection to matters of marriage and personal status. Ireland is bound by eight Hague conventions and a protocol associated with one of those conventions, which cover areas as diverse as the civil aspects of international child abduction, protection of children and co-operation in respect of inter-country adoption, and the service abroad of judicial and extra-judicial documents in civil and commercial matters.

In conclusion, I would like to make the following points about the Choice of Court Conven-

tion and the regime which it applies. It is mainly intended as an optional worldwide judicial alternative to the existing arbitration system, which is also widely used by commercial parties. Its approval by the EU should reduce legal uncertainty for EU companies trading outside the EU by ensuring that choice of court agreements included in their international trading contracts are respected, and that judgments issued by the courts designated in such agreements will be eligible for recognition in the other countries that are contracting parties to the convention. The convention fills a void in the current international legal framework, as virtually no treaty relationships exist in this area between the individual member states and the EU's main trading partners. In this context, an impact assessment prepared by the Commission suggests that uncertainty regarding which court would resolve disputes was a factor taken into account when reaching significant business decisions, and the legal uncertainty in this area was identified as a potential barrier to trade. That assessment also noted that the vast majority of commercial contracts contain provisions which deal with dispute resolution and that a significant percentage of such contracts include an exclusive choice of court clause.

As I said at the outset, this Bill is largely an exercise in the promotion of legal certainty. There will be an opportunity on Committee Stage to explore these matters further. Once again, I would like to thank Members for their contributions to our discussions today.

Question put and agreed to.

Choice of Court (Hague Convention) Bill 2015 [Seanad]: Referral to Select Committee

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): I move:

That the Bill be referred to the Select Committee on Justice, Defence and Equality pursuant to Standing Order 82A(3)(a) and 126(1) of the Standing Orders relative to Public Business and paragraph (8) of the Orders of Reference of Select Committees.

Question put and agreed to.

Dublin Docklands Development Authority (Dissolution) Bill 2015: Second Stage (Resumed)

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

Acting Chairman (Deputy Frank Feighan): Deputy Costello is next and he has five minutes remaining.

Deputy Joe Costello: I thought the Chair was giving me 24 minutes.

I welcome the Minister of State. The Dublin Docklands Development Authority (Dissolution) Bill is intended to transfer the functions and liabilities of the Dublin Docklands Development Authority to Dublin City Council. I went through in some detail my concerns about the activities of the DDDA and the need to put in place mechanisms to ensure that what happened before does not happen again.

What is needed in the first instance is to ensure that we get both social and economic regeneration. For close to 30 years since the Urban Renewal Act 1986 there has been regeneration

in the docklands, but it has not improved the situation, livelihoods or quality of life of people in the Sheriff Street and North Wall areas. There are major problems in these areas, including anti-social behaviour, drug abuse, unemployment and a lack of educational attainment. The Bill is attempting to put in place an alternative structure for planning and development and we need to try to get it right this time. This is the last-chance saloon for the docklands area. We have no wish to end up with what is probably the most affluent part of the country cheek by jowl with one of the most deprived and neglected. For this reason, I am keen to see the Minister look more carefully at the mechanisms being put in place.

The Minister is proposing a consultative council to take on board the wishes and advice of the local community, councillors, businesses and educational establishments. My concern is that this is effectively a replica of the existing council. It is called a consultative forum and it is no more than a forum. It is likely to end up purely as a talking shop without anyone paying attention to any of its recommendations, something that happened before. I served my time on the council of the docklands for many years and I know how frustrating it was to make recommendations on how to ensure social regeneration went hand in glove and in parallel with the economic regeneration, but that never happened. Social regeneration was always put on the long finger. All the delivery was to take place in future. Unfortunately, by the time the Celtic tiger came to an end, the delivery had not taken place and we had no systematic social regeneration.

I propose that the Minister should take on board a suggestion to provide a new statutory oversight and implementation structure that would monitor and drive social and economic regeneration. This structure should be separate from Dublin City Council and NAMA but would liaise with them. It should have the function to ensure that targets are met and the body should have teeth to ensure that the project was driven and that no part of it was neglected, something that happened in the past. The body should ensure that all the commitments relate to local employment, apprenticeships and training and local housing. It seems to me local housing has already been undermined by the planning applications. I cannot for the life of me see where the social housing is going to materialise at the level intended. It seems to have been replaced by 950 units of student accommodation on the dock - that is not social housing and it should not be deemed so.

We need a body. Moreover, I believe we need a supremo or co-ordinator to ensure this happens. It needs a new structure. It is fine to have a broadly democratic structure representing certain stakeholder interests, such as the consultative forum. However, a consultative forum will not be in a position to ensure that we implement what is intended. That is where this legislation falls down. I do not care how the structure is formulated as long as it has teeth and it can deliver the goods for the people in the area as well as for the business people, developers and the rather wealthy residents coming into the area at present. We must ensure that happens.

I will finish on the note that the one critical element is to get an implementation strategy, but there is no implementation strategy under the current mechanism. While I have great time for Dublin City Council and NAMA and so on, the body must be outside those spheres. It must be independent while working in liaison with them. It should be answerable to the Minister and to the relevant Oireachtas committee. That is the way to do it. At issue are 23,000 jobs that are supposed to come on stream under this project. If this is not realised, we will back in the House in ten years' time lamenting how it was a pity that this or that was not done but by that time the whole area will be built on with office blocks and high-quality or expensive residential developments.

I would be pleased to put forward an amendment but I would prefer if the Minister of State re-examined the matter in light of the history and the failure to deliver adequately, as well as what we have seen in recent days, in particular, the failure by the Dublin Docklands Development Authority to properly conduct its own development at Longboat Quay, where there are so many flaws in standards. The complex is now a fire hazard for the residents. We do not know what else will come out of the woodwork. We need an independent supremo to hold those responsible accountable for achieving targets and delivering on both social and economic regeneration, something the docklands so badly needs.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I thank all the Deputies for their comments and contributions and for taking the time to speak on this important Bill. The Bill represents another important step in the ongoing development of the Dublin docklands area. It was interesting to hear the views of Deputies on the Bill in what was a wide-ranging debate that touched on many relevant issues. A number of issues were raised, which, while important for the docklands area and its residents, are not directly relevant to the Bill. In general, I believe Members have been fair and balanced in their remarks and it is clear that most Deputies seem willing to work with the Government in advancing this important legislation. I look forward to a detailed examination of many of the issues raised during Committee Stage.

The Bill is relatively short but, notwithstanding its length, it is important. It will allow the Government to move forward on the dissolution of the Dublin Docklands Development Authority and the transfer of its functions to Dublin City Council. This will allow for the future development of the docklands area in partnership and collaboration with local stakeholders through the consultative forum.

The Government remains fully committed to the ongoing development of the docklands area and to ensuring that the good work done by the authority in the past is built on in future with a new approach and strategy for the further development and enhancement of the area. This is why the Government decided Dublin City Council is best placed to continue the docklands project. The development of docklands in the future will, therefore, be part of the integrated forward planning of Dublin city as a whole within the remit of the city council. It will also ensure a single authority to deal with all issues in the Dublin City Council area.

The commitment to continue to provide appropriate fast-track planning has been delivered through the establishment of the strategic development zone for the docklands area. The local community and the business sector will continue to be involved in the development of the area, particularly through their involvement in the consultative forum. By maintaining and enhancing the docklands brand, the area will continue to be an attractive and prime location for investment and high-value development.

While the major focus of the Bill is the administrative arrangements for the dissolution of the authority and the transfer of its functions to Dublin City Council, it would be remiss of me not to mention the situation in Longboat Quay, an issue which was raised by a number of Deputies. The issues which have emerged are a matter for the authority, the receiver to the developer, the residents and the management company, as well as Dublin Fire Brigade, to resolve collaboratively. However, I acknowledge the anxiety and upset that the owners and residents must be feeling since this ordeal first raised its head some time ago and it became apparent that their personal safety and that of their homes was in question.

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My colleague, the Minister, Deputy Kelly, met representatives of the management committee this week and listened to their concerns. I understand all parties are now actively engaging to find a resolution to the situation that has arisen. I understand that the Dublin Fire Brigade, in its capacity as a fire authority, has been proactively engaging with the DDDA, the receiver to the developer, the residents and the management company for several months in an effort to resolve a number of problems that have been identified regarding the fire safety arrangements at the development. To date, engagement has failed to achieve a satisfactory resolution to the problems at Longboat Quay. The Dublin Fire Brigade has now served an enforcement notice requiring remedial works to be carried out. However, I understand there is no question of an evacuation order being sought by the Dublin Fire Brigade.

I wish to address some issues raised by Deputies during the debate. With regard to community gain, I welcome contributions from a number of Deputies. I acknowledge that while these issues are not dealt with specifically in the Bill, they are a matter of interest for the community of the docklands area. The DDDA Act 1997, which set up the authority, provided mechanisms for community gain through the Docklands Council, the Docklands Housing Trust and the Docklands Community Trust. The trust was intended to be funded incrementally from gains generated by the authority and the income derived from those funds was to be diverted to community gain.

The fund currently has cash assets of €1.3 million, which have been used over the years for community gain, mainly in the domain of higher education grants for students from the docklands who might otherwise not have been in a position to pursue their objectives. In recognition of the prudential oversight and management of funds for the benefit of the docklands community, it is proposed that, prior to its dissolution, the authority will top up the assets of the trust so that it leaves a sustainable legacy which will contribute to the ongoing social regeneration of the area. This top-up will be subject to the financial position of the authority on dissolution.

I appreciate the issues highlighted by Deputy O'Sullivan regarding legacy planning, particularly her concerns about section 25 certificates. The Bill will bring certainty to the planning framework for the docklands area. It provides for a clean break from the existing fast-track planning procedures under section 25 of the 1997 Act. Under the provisions of the Bill, Dublin City Council, through the operation of the SDZ, will guide the future development of key areas within the docklands area and ensure that the SDZ is managed in a manner that guarantees it will be a contributory component of the development of the city as a single entity.

Areas of the docklands that are not covered by the SDZ will be subject to the normal planning system under the auspices of Dublin City Council. The current procedure whereby, under section 25 of the 1997 Act, the DDDA issues consent for development in the form of section 25 certificates will cease. Certificates which have been issued but in respect of which substantial works have not commenced will cease to be valid on dissolution day. My officials have established that there are very few outstanding incomplete section 25 certificates. Where substantial works have commenced but the development has not been completed, the holder of the certificate will have a two-year window to complete the development. This period can be extended in certain exceptional circumstances by a further period of up to three years to allow the completion of the development.

I refer to the issue raised by Deputy Costello. If I am correct, I understand he called for a implementation strategy with some type of independent body to drive delivery and ensure there is a social dividend, and for it to report directly to the Minister. As he knows, the Bill as it is

currently written puts responsibility on the elected council. This is something we can engage with further on Committee Stage. There is nothing to stop the council from establishing a sub-committee to monitor progress, set targets and ensure delivery in the areas about which the Deputy spoke. That, in turn, should report back to the plenary of Dublin City Council. I would be happy if the Deputy wished to make a proposal. My officials and I will examine it closely, but the Bill as currently written will require all of the actions of the DDDA to transfer to Dublin City Council as one entity, and it is intended that this be done in as efficient a way as possible.

Some Deputies spoke about job creation. I am aware, through their contributions, that it is a very topical and important issue. Recent job creation in the docklands has mainly involved the technology, financial services and entertainment sectors. The future regeneration of the docklands is estimated to attract €2 billion in construction alone, and I acknowledge that there have been suggestions that construction jobs during the next phase might be ring-fenced for residents of the docklands. We can see that this is not possible. However, the city council's docklands office has developed a partnership arrangement with the local employment service with regard to maximising local labour during the construction phase, which should be welcomed.

Dublin City Council's commitment to the docklands can be seen in its formation of a dedicated docklands unit, and one of its primary drivers in the coming years will be the creation of sustainable jobs across a diverse range of skill sets and the growth of the docklands economy in an integrated manner. The area is already a magnet for major international technology companies, attracting high incomes into the market, and is becoming a major entertainment hub, with a number of international-class theatres and conference facilities. In developing the SDZ, the successor to the DDDA fast-track planning arrangements, it has been estimated that the remaining development of the docklands will yield more than 23,000 additional jobs for the area, which, when added to the 40,000 currently employed there, will make the district a hive of economic activity in the heart of our capital city.

Deputy O'Sullivan referred to the experience of the Grangegorman development agency in facilitating local employment. I will ask the docklands unit in Dublin City Council to examine it to see if any useful lessons can be carried forward to the future development of the docklands area. That also ties in with some of the very pertinent issues raised by Deputy Costello. We will ask the Dublin docklands unit within the council to examine some of the areas of concern he has raised. He has represented the area for many years and his views have to be respected.

Deputies Costello and O'Sullivan raised a welcome issue, namely, the preservation of the heritage of the docklands. In recent times we have become more aware of the need to preserve our heritage and share the resources of our past with future generations. Heritage is a key attraction for foreign visitors who revel in our unique sports, music, dance and other forms of expression. The docklands has a rich legacy of such accomplishments, as well as a wealth of resources from its maritime, industrial and trading past. The future development of the docklands presents us with a great opportunity to gather, preserve and present these diverse strands of our shared experience with visitor and citizen alike.

The need to preserve and promote the heritage of the docklands area has been a permeating theme during public consultations on the SDZ plan and the city council's docklands community and social infrastructure audit. As Deputies are probably aware, the theme recently re-emerged during the authority's appearance at the Committee of Public Accounts, and a commitment was given to meet local stakeholders. Subsequently, NAMA, Dublin Port, Waterways Ireland and various members of the community met to discuss how best to progress the development of a

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docklands heritage trail. I understand Dublin City Council's heritage office will shortly conduct an audit of the area's heritage and will make recommendations that will lead to a number of deliverables, including looped walks, associated heritage signage infrastructure, mobile app development, exhibition material and an integrated docklands heritage and tourism strategy, all of which is to be welcomed. I also understand that the authority has agreed to allocate up to €25,000 to conduct this audit.

3 o'clock

Besides the obvious commercial opportunity and allied job creation potential of the project, its most important manifestation will be the preservation of the treasures of the past from a rich hinterland of the old city. I join Deputies in their concerns about guarding this heritage, and I assure them its preservation was a key component in moving the legislation. From an industrial and docklands heritage point of view, it is important we acknowledge the generations who worked to keep the area viable. It behoves us as the generation taking on the mantle that we remember them in an appropriate way. The measures and actions we are taking can certainly go a long way to doing this.

Deputy Costello quite rightly raised his concerns about the need for ongoing community representation. The Bill provides for the establishment of a consultative forum on a statutory basis and the DDDA council will cease to exist on dissolution. It is important that there is a single authority to deal with all of the issues in the area. The forum will be similarly structured to the council and will have representatives of the local community, business community, public authorities with a remit in the area and the educational sector. It will allow for input from interested parties in the docklands regarding future development in the area by Dublin City Council. I understand the point made by the Deputy. It is all very fine to have forums and consultative elements, but we need mechanisms to ensure the objectives of the plan are delivered. I will ask Dublin City Council to ensure, whether through a sub-committee or a mechanism within the council, clear progress is shown in the areas of concern outlined by the Deputy. This can possibly be addressed within the current structure of the Bill and is something for which I will call.

With regard to the review of fire safety arrangements in developments where concerns have arisen, I must put on public record that, unfortunately, we are seeing further legacies of substandard and defective work. Much debate has taken place in the House in recent days about the Celtic tiger years and the building boom. Unfortunately, legacy issues of a very bad nature are affecting citizens, and we have seen it in Longboat Quay. It is quite likely other developments are also affected. In the interests of supporting owners and residents living in developments where concerns regarding non-compliance with fire safety requirements arise, the Department has announced a review will be undertaken by an independent fire safety expert to develop a framework for general application in such situations. The review will have regard to the typical risk profile faced by residents, their visitors and fire service personnel in and about apartment developments and housing estates. It will take account of normal hazards and relevant safety management arrangements as well as typical passive and active safety features. It will outline general advice and guidance which can be used by owners and residents and their professional advisers to ensure an adequate level of safety is in place for persons in and about their residence. The review will be overseen by a steering group, and I understand its first meeting has taken place. I expect the group to submit a report by the end of January 2016 at the latest.

I will bring forward a number of minor technical amendments to the Bill on Committee Stage. Unfortunately, I cannot address every point raised by Deputies, but the floor of the Dáil

is the place to raise concerns, and many concerns were raised about fire safety, building defects and technical aspects of building control. It is unfortunate that we must again deal with the problems of the past. I am happy to say the Government acted almost immediately by bringing in new building regulations in 2012 to ensure proper oversight and inspection of properties, buildings and developments is carried out by professionals with regard to large-scale developments. As we see the economy recover, it is my intention in my area of responsibility in the Department to try to enhance the building control and inspection departments of local authorities. We have already added substantial staff in the planning and housing sections in local authorities and we are moving towards enhancing the building control and inspection departments, so we will have independent inspection of many of these developments. We will not be able to inspect all of them all of the time, but we need to build up this resource to ensure we have a robust construction sector which has credibility and confidence. We need to learn from the mistakes of the past. Listening to the various contributions on building controls in this country, many mistakes have been made. In the interests of our citizens and society in general, it behoves all of us as public representatives, irrespective of party, to work towards a robust system in which there is confidence.

I again thank Deputies for their contributions. This is a very important Bill. I am confident it represents completion of the project to transform the docklands area into the dynamic hub we have seen emerging during this Administration's period in office. I thank the House and the Deputies for their consideration of the Bill.

Question put and agreed to.

Dublin Docklands Development Authority (Dissolution) Bill 2015: Referral to Select Committee

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I move:

That the Bill be referred to the Select Sub-Committee on the Environment, Community and Local Government pursuant to Standing Order 82A(3)(a) and (6)(a) and 126(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

Topical Issue Debate

Court Accommodation Provision

Deputy Andrew Doyle: I am grateful for the opportunity to address this ongoing need for the development of a four-court campus in Wicklow town. By way of background, I have been writing about this issue since 2011. In February 2013, I and my four colleagues wrote to the then Minister of State, Brian Hayes, Mr. Brendan Ryan at the office of the Courts Service and Mr. Gerry Nugent. We have also written to the former Minister for Justice and Equality, Deputy Shatter, and the current Minister for Justice and Equality, Deputy Fitzgerald. Nine or ten years ago, a decision was taken by the Courts Service to develop a four-court campus in Wicklow town at the location of the old courts. One of the two courts already there is Victorian and has

been used for filming and advertisements through the offices of Wicklow Film Commission.

Wicklow town is the county administrative town and to this end the Courts Service purchased the adjacent library with a view to expansion. The economic conditions which have since overwhelmed everybody, in particular public bodies such as the Courts Service, have meant this has been put on the long finger, although it remains an objective of the Courts Service to proceed. As it stands, there has been a gradual movement of court services from Wicklow to Bray, which has a facility that is expensive and totally inadequate. The reason it is expensive is a legacy issue about which we cannot do much. It is not a long-term option for the county's court services to remain in Bray. Whatever about having a local district court there, this is as much as it should be expected to provide.

I tabled a parliamentary question to the Minister because I felt the capital development programme will mean many people will make requests, but if we are not in and if we do not keep the pressure on, we certainly will not be successful. The response I received stated that while the Courts Service has not been in a position in recent years to proceed with its plans for Wicklow courthouse, it is committed to the development of the courthouse. It is reviewing its capital investment proposals in light of the recent publication of Building on Recovery: Infrastructure and Capital Investment 2016-2021.

I urge that this project be put on a priority list. We have waited eight years since the development process was stopped and I remember speaking at the time to the then county registrar, who said that they had all the required property adjacent to the court and they could proceed with the project in the planning stage. It is a shame as this could complement Wicklow Gaol, which is now a famous tourist attraction. This could develop the tourist offering in that part of the town. Historically, people were arrested, brought to the gaol and court before usually being sentenced to penal servitude in Van Diemen's Land. They were moved to either Dún Laoghaire or Cobh for deportation. There is a history and, in addition to the other reasons I outlined, it is why I tabled this matter.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): On behalf of the Minister for Justice and Equality, I thank the Deputy for raising the matter. The Minister appreciates the Deputy's interest in the redevelopment of Wicklow courthouse.

As the Deputy may be aware, under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service. The Act provides that the Courts Service is independent in the performance of its functions, which include the provision, maintenance and management of court buildings, and the Minister has no role in the matter. The Deputy will be aware that Wicklow courthouse has been closed for a number of years for health and safety reasons due to the poor condition of the building. However, the Minister has had inquiries made and the Courts Service has informed her that it has been planning for the redevelopment of Wicklow courthouse.

In 2008, a portion of land to the rear and side of Wicklow courthouse was purchased by the Courts Service from Wicklow County Council with a view to the future development of the courthouse. The courthouse building itself was vested by the Courts Service in October 2009. The building and surrounding lands are now in the ownership of the Courts Service. The Courts Service has also informed the Minister that expenditure on buildings, including leases, maintenance and related expenditure in Wicklow town between 2004 and 2012, was €2.455 million.

This includes work on both Wicklow courthouse and the Wicklow Circuit Court office. Of this figure, €2.05 million was spent to acquire the site adjacent to the courthouse.

The Courts Service has not been in a position in recent years to proceed with plans for the redevelopment of Wicklow courthouse but it is committed to redeveloping and reopening the courthouse in Wicklow town. The Courts Service is currently reviewing its capital investment proposals in the light of the recent publication of Building on Recovery: Infrastructure and Capital Investment 2016-2021. The Minister has welcomed the unprecedented allocation of €875 million in capital funding for the justice sector, along with approval for further public private partnership projects in respect of An Garda Síochána and the Courts Service. The strategic objectives for the planned investment in the justice sector as outlined in the Government capital plan 2016-2021 include a new public private partnership to deliver on the Government's proposals for a dedicated and integrated family law and children's courts building, together with additional court rooms for the Supreme Court and other courts offices at a site at Hammond Lane in Dublin.

The capital framework also provides for the construction of seven courthouses, which are included in the existing courts public private partnership building project. The locations are Mullingar, Limerick, Cork, Letterkenny, Drogheda, Wexford and Waterford. In addition, €10 million is being provided in Exchequer funding for courts building refurbishment. These investments will deliver significant improvement to the way public services are delivered in the justice sector.

On behalf of the Minister for Justice and Equality, I thank the Deputy for raising this important matter. The Minister appreciates his interest in the administration of justice in Wicklow. I am sure the Deputy will appreciate that, given the recent announcement of the Government's capital plan, it is not possible yet to say what plans will be put in place for the redevelopment of Wicklow town courthouse.

Deputy Andrew Doyle: I will hone in on the word "yet". I welcome the Minister of State, Deputy Simon Harris. On 28 February 2013, five Wicklow Deputies collectively wrote about this matter, even though some of the Deputies are located in the northern part of the county, including Bray. There was no vested interest but it was seen as the right thing to do. Nobody can argue with the idea that Wicklow courthouse is an iconic building like Wicklow Gaol, and it is probably one of the stand-out features of the town's architecture. It needs to be developed.

I have not even made reference to what it costs in maintenance to keep the facility from decaying. I do not know what is the figure but I did ask the Courts Service if it could give me an idea at one stage. Perhaps I would not like to know, as the money is going on heating and lighting to keep the place aired, which is a shame. I decided to raise this Topical Issue on foot of the capital investment plan announcements in order to get in early. The €875 million is very welcome as it is a very significant figure. We would not even need 1% of it but we do need a portion. I ask that this be kept high on the Minister's agenda.

Deputy Paudie Coffey: I acknowledge that Deputy Doyle has put down what is a very important Topical Issue. I acknowledge the efforts of Deputy Doyle and the Minister of State, Deputy Simon Harris, on this issue. I encourage further engagement with the Courts Service regarding the capital plan and the allocation of resources that we have available. As I explained, it is important to note that the Courts Service has stated its commitment to redeveloping and reopening Wicklow town courthouse. The courthouse building and surrounding lands are in the

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ownership of the Courts Service, although it was, unfortunately, not in a position in recent years to proceed with its plans. However, it is reviewing its capital investment proposals now in light of the recent publication of the Building on Recovery: Infrastructure and Capital Investment 2016-2021, to which I have referred.

The Minister has been assured that the matter will be kept under review, having regard to the available resources. We now have opportunities that were not available before and I am sure Deputy Doyle and his colleague, the Minister of State, Deputy Harris, will be pursuing this vigorously and engaging with the Courts Service to achieve their objectives.

Credit Union Regulation

Deputy Robert Dowds: I regret that the Minister for Finance is not here but I hope the Minister of State, Deputy Harris-----

Deputy Willie Penrose: He is very agreeable.

Deputy Robert Dowds: -----will give a full account to the Minister because there is much frustration in the credit union movement about this issue. As the Minister for Finance knows, credit unions are a major pillar of towns and cities in this country, providing a very important service for people through saving and lending facilities.

There is very considerable frustration about the restrictions through regulations being applied to credit unions, and I will focus on two of those. The new regulations will restrict members from saving more than €100,000 in total, compared with the current system, which allows members save up to €100,000 in shares and a further €100,000 in deposits. I appreciate that this is probably not an important matter for newer members but it is important for older members. They do not want to have to change their banking institution later in life but such people are being told that they must remove savings over €100,000 and move the money to another financial institution. It is a further insult that these people will have to deal with banking institutions that really got this country into trouble. Most of the credit unions exhibited exemplary behaviour and where they had to be bailed out, the figure was approximately €20 million.

As another example, under regulation 16 there are very considerable issues relating to the definition of a house loan. As the Minister of State, Deputy Harris, and undoubtedly the Minister, Deputy Noonan, realise, credit unions very much know their people. They know what is safe to lend people and what is not safe to lend people and they should not be unnecessarily restricted in their lending. As a measure of what credit unions can be and how they are viewed elsewhere, I understand that some time ago a delegation from Latvia came. They were really impressed with the whole idea of credit unions and, as far as I know, they are trying to roll out something like that in Latvia. I am asking that the Minister would go into discussion with credit unions and, whatever else he does, avoid signing this most recent regulation, Consultation Paper 88, CP88. Can we have proper discussion between both sides on this?

Deputy Willie Penrose: Across the Republic of Ireland there are 2.89 million members in 352 credit unions. Credit union members have in excess of €11 billion in savings, €3.5 billion in loans and more than €13 billion in total assets. Credit unions are not only a major economic force, they are a social movement throughout this country. The Labour Party has always been clear about its role: economic recovery is for a social purpose. Credit unions have an ambitious

developmental agenda. They want to better serve their members and their communities. They are hamstrung and frustrated by what they cannot do, but they have a positive developmental agenda to do much more.

Like Deputies on all sides of the House, I have been lobbied by the Irish League of Credit Unions. Areas I have identified where credit unions could do much more include micro-credit, lending small amounts to the most vulnerable, who are pushed into the maw of moneylenders; making significant amounts of money available to finance social housing from the €8 billion currently held in investments; and lending to small and micro-businesses. These are not just platitudes from the credit unions. They delivered a cogent, well thought-out policy platform in their Six Strategic Steps policy document, which has been backed up with a detailed policy document on how credit union resources could effectively support delivery of social housing. The Ministers, Deputies Alan Kelly and Paudie Coffey, have that proposal on their desk and it has now also been sent to the Minister for Finance. This is not rhetoric. They have fleshed out in great detail this worthwhile proposal. The Irish League of Credit Unions proposes that its credit unions would form a special purpose vehicle, which would either invest in a State-owned financial vehicle that would lend to approved housing bodies to fund the development of social housing or would lend directly to approved housing bodies to fund the development of social housing. Credit unions have also delivered pilot schemes for micro-credit programmes led by the Tánaiste and Minister of State, Deputy Humphreys, in the Department of Social Protection. I hope this will be available throughout the countryside soon.

Credit unions are stepping up to the plate with ideas and enthusiasm. Where they can find willing partners, they are participating enthusiastically. If credit unions are determined and ambitious, they are also hamstrung by inappropriate, one-size-fits-all regulation. CP88 is an acronym that will not mean much to most people, but it is the latest in a long line of inappropriate, one-size-fits-all regulation that is preventing credit unions from delivering what is being demanded. Loan-to-asset levels have fallen movement-wide from 44% in 2010 to 27% in 2015. During this period, the movement has maintained its members' savings. As a result, significant levels of members' funds are held in investment-related products earning a low or negative yield, such as Government bonds, or put to unproductive purposes. This also exposes significant levels of members' funds to market risk, as income levels are under increased margin pressure due to a prolonged low interest rate environment. Currently there is over €8 billion in credit union accounts. The extraordinary consequence of the regulation of credit unions is they are, first, being severely hampered in their capacity to lend money for viable prudent purposes. Second, the Central Bank and the Registry of Credit Unions are regulating credit unions so as to ensure that local branches close, leaving communities in the lurch. Credit unions stay open to serve the communities that founded them. The same credit unions are at that stage being forced by the same regulator to put the credit union members' savings, which they are prevented from lending, into the banks-----

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Willie Penrose: -----that have closed up and that have left the same community to fend for itself. The very banks that put us down the tubes are now getting money from the credit unions. One could not make it up. The consequence of the current regulations around credit union investment is that the vast majority of credit union funds are currently held in bank deposits, earning even lower returns.

Minor changes to these regulations would free up credit unions to invest in more socially

productive initiatives, such as social housing, but also have a positive return on investments. The Minister for Finance has repeatedly said that his role “is to ensure the legal framework for credit unions is appropriate for the effective operation and supervision of credit unions”. The bottom line is that the regulatory framework for credit unions is not effective and is effectively being operated for the benefit of banks. Critically, the International Credit Union Regulators’ Network, ICURN, credit union peer review report on the Central Bank’s performance of its regulatory functions in relation to credit unions, published on 9 September, stated, “We also suggest that consideration be given by the relevant authority to directing a closely defined, limited review to evaluate the implementation of the original recommendation of the [Commission on Credit Unions] and to propose any revisions or measures thought necessary in the light of that experience”. Surely that is the Minister’s way out.

Minister of State at the Department of Finance (Deputy Simon Harris): I thank Deputies Dowd and Penrose for raising this important issue. I know they both feel passionately about this matter and raise it regularly here on the floor of Dáil Éireann. I thank them for the opportunity to respond to a number of important issues they have raised on behalf of my colleague, the Minister for Finance, Deputy Noonan.

Credit unions in Ireland have a-----

Deputy Robert Dowds: Could we have a copy of the Minister of State’s script?

Deputy Simon Harris: I am sure that will be made available in a moment. Credit unions in Ireland have a legislative framework designed specifically for credit unions in the Credit Union Act 1997, and the Credit Union and Co-operation with Overseas Regulators Act 2012 which updates the 1997 Act. The Credit Union and Co-operation with Overseas Regulators Act 2012 was signed into law by the President of Ireland on 19 December 2012. Following on from that there was an implementation plan put in place which was agreed by all stakeholders. It was agreed that such a plan was necessary for the coherent and timely commencement of all sections of the Act.

Credit unions are regulated and supervised by the Registrar of Credit Unions at the Central Bank, who is the independent regulator for credit unions. Within her independent regulatory discretion, the registrar acts to support the prudential soundness of individual credit unions, to maintain sector stability and to protect the savings of credit union members. The Minister for Finance’s role is to ensure that the legal framework for credit unions is appropriate for the effective operation and supervision of credit unions.

The outstanding sections of the 2012 Act relate to savings, borrowing, lending, investments, reserves and liquidity. The Minister has been informed by the Central Bank that the draft regulations set out in CP88, to which both Deputies referred, will be introduced on commencement of the remaining sections of the 2012 Act at end December 2015. The regulations will replace and, where appropriate, amend a number of requirements that currently exist in legislation and guidance. Additional requirements have also been included in the regulations, where necessary, to strengthen the regulatory framework.

The Minister and I are aware that a number of issues have been raised regarding the proposed regulations. The main issues are the introduction of a savings cap, the development of the credit union business model and the imposition of lending restrictions. Following consultation on the regulations, the Central Bank has introduced a number of changes.

The introduction of a maximum individual member's savings limit of €100,000 is to ensure the protection of members' savings and to continue to ensure that credit unions' funding is sufficiently diversified and is not dependent on a small number of members. Following consultation with the credit union sector and representative bodies, the Central Bank amended the transitional arrangement for the savings regulations to provide for credit unions that have individual member savings in excess of €100,000 at the commencement of the regulations to apply to the Central Bank to retain these savings where they can demonstrate that it is appropriate and prudent for them to do so. That is quite a significant change. Credit unions can now apply to retain those savings. The Minister has been informed by the Registrar of Credit Unions that information regarding this matter and details of the application process will be available to credit unions before commencement of the regulations at the end of 2015. The Central Bank is currently refining its application criteria for retention of savings in excess of €100,000, to include a minimum asset size of €10 million; a minimum liquidity ratio of 25%; and the level of additional reserves in excess of the minimum 10% level, taking account of the scale, complexity and risk of the credit union. Consideration will also be given to other supervisory information, including whether a credit union has a regulatory direction or business restriction.

The Registry of Credit Unions intends to engage with the representative bodies - it is very important that they do engage - and to invite comments from them prior to finalisation of this application process. When the application process is finalised, the registry will provide an application form and explanatory notes in order to assist credit unions in making such an application. It is anticipated that application forms will be available during December 2015. The Central Bank envisages that applications will be accepted in the first quarter of 2016 and that applicant credit unions will be informed by the end of the second quarter of 2016 on the outcome of the process, which is well within the 12 month transitional period. Where a credit union has demonstrated that it meets the criteria, it will be in a position to retain members' savings in excess of €100,000 held at the commencement of the regulations.

The Central Bank has also informed the Minister that it is committed to undertaking a review of the continued appropriateness of the savings limit, once the impact of the restructuring process can be assessed. It is expected that this review will commence within three years of the introduction of the regulations. The Central Bank has agreed to provide regular updates to the Department of Finance on developments in this matter.

An Leas-Cheann Comhairle: I ask the Minister of State to read the remainder of the reply in his next speaking slot.

Deputy Simon Harris: I will indeed.

Deputy Robert Dowds: I thank the Minister of State for his response.

I still come back to this point. I appreciate and am glad that a degree of flexibility exists but why have them hamstrung unnecessarily with bureaucracy? One should remember that credit unions are organisations which, while having professional staff, also have considerable voluntary involvement and they should not be hamstrung any more than necessary. I am asking that consultation paper 88, as it stands, not be signed off, even though I accept that there is some flexibility. I would prefer that there be more dialogue with the credit union movement. The latter did not cause the banking crisis and when it had to be bailed out, the cost was approximately €25 million. That is peanuts compared to the amount that had to be spent in bailing out the banks.

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From what I am told, when Mr. Matthew Elderfield came to Ireland and took up the position of regulator, he did not even know what a credit union was. He knew what other banks were all right but he did not know what a credit union was. Credit unions have a long tradition of acting responsibly and, for that reason, we should try to work in unison with them and to their advantage to the greatest extent possible.

Deputy Willie Penrose: I thank the Minister of State for the reply. It is not the type of reply he would normally provide, given that it is couched in legal and bureaucratic language.

There is evidence in every credit union throughout the country and a clear recommendation is contained in the International Credit Union Regulators Network, ICURN, report commissioned by the Central Bank to the effect that it is time to step back, review and ensure that the regulatory architecture for credit unions is appropriate for the future. As the Minister of State indicated, the Minister for Finance, Deputy Noonan, has the power to effect regulation - this is set out in consultation paper 88 - or to pause and ensure, as recommended, that there is a timely review. Let the Minister return to the Central Bank. The regulations under the Credit Union and Co-operation with Overseas Regulators Act 2012 must first be commenced by the Minister for Finance. In view of the grave concern among credit unions, I request that the Minister refrain from signing the relevant commencement order and I ask that a thorough and timely review be carried out. The Minister should not allow the credit union movement, the bedrock of stability in our communities, to be sacrificed as a result of the irresponsibility of other financial institutions.

In effect, the banks, as a conglomerate, cost us in the region of €64 billion. I clearly recall that when I was in government an amendment from the regulatory services was brought forward advising the Minister for Finance that capital provision should be made for a number of credit unions that would effectively be in trouble and that the sum required would be in the region of €1 billion. Let us examine the record. Only three credit unions needed some cash - the final total was €25 million. In other words, the amount required was €975 million less than was projected by the great regulators. The irony is that the credit unions have in excess of €100 million as a fallback fund. They could have paid out the €25 million but somebody wanted to make a big deal out of the situation. The Government paid the €25 million but there was no need for it to do so because there was €100 million there to cover the cost.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Willie Penrose: There is some difference between the position of the credit unions and the banks. This regulation will now compel credit unions to offload their additional funds into the very same banks that sunk the country. Is that not ironic? As one comedian would say, "Sure, you couldn't make it up." I ask the Minister of State to see the sense of the logic in our arguments and subject regulation CP 88 to a short, sharp review, as advised in the report commissioned by the Central Bank.

Deputy Simon Harris: First, like Deputies Dowds and Penrose, I appreciate the important role that the credit union movement plays. I am a member of a credit union in my constituency and, like many Members of this House, I know the substantial difference the movement makes to the lives of so many citizens throughout the country. The Minister for Finance, his officials and I have had good engagement with the various representative bodies of the credit unions over a period. I have found that engagement to be fruitful and it will continue.

I must make clear, however, that Members of this House passed the Credit Union and Co-operation with Overseas Regulators Bill 2012. We voted for it, we passed it and it is the law. There are sections of that Act that are due to commence at the end of this year. The independent regulator has made it clear that there are new criteria coming into place in relation to the €100,000. Many Members, including myself, had concerns that depositors would be told that they had to take their savings out of the credit union movement and put them into banks. I am very pleased, as is my colleague, the Minister for Finance, that the Central Bank has now advised him that this is no longer the position. The position now is that once one can meet certain criteria to show various adherence in relation to asset size, liquidity ratio and additional reserves in excess of the minimum, those savings can remain in the credit union. That is an important step forward in relation to the credit union movement.

I am also pleased that the Registry of Credit Unions has stated it will engage with the representative bodies of the credit union movement - I would again urge it to do so - and to invite their comments prior to the finalisation of this application process. The Central Bank has further informed the Minister that it is open to working with the credit union sector to ensure that prudent and appropriate business development can be facilitated within the regulatory framework. The credit union movement wants to play a bigger role in our economy and in our communities. I believe it can and so does the Government. I look forward to that engagement taking place with the Central Bank.

The credit union movement will continue to play an important role in the economy and this Government is committed to working with it. I will continue to engage with the Deputies on the matter.

An Leas-Cheann Comhairle: Deputy Ó Caoláin is not here yet, so I will move on to the fourth matter, which is in the name of Deputy McEntee.

Search and Rescue Service Provision

Deputy Helen McEntee: I thank the Minister of State for taking this Topical Issue on behalf of the Minister for Transport, Tourism and Sport, Deputy Donohoe.

Meath River Rescue was founded in 1996 to help the other services to search and recover missing persons. It is a voluntary organisation and, realistically, receives much of its funding through the support of the people in Meath via donations from church gate collections, collection tins placed at local business premises and individual donations. It currently has a membership of 35 persons and that is divided into groups of divers. They have extremely experienced swimmers, a number of coxswains, crew members as well as personnel trained in the provision of first aid and all of these members offer their time on a voluntary basis.

It is not easy work. The rescue service can carry out all types of services, whether on land or in water. Unfortunately, most of the time, when they are carrying out searches in the water, they are generally looking for bodies rather than persons who are still alive. It is extremely difficult work. The rescue service holds weekly training sessions for both new and established members and although the members are volunteers, sufficient personnel are always available to mount searches and continue them for as long as possible. In order to assist a particular family, for example, a search could last months.

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The rescue service has grown from a small number of members to its present complement. In 2006, it reorganised and obtained charity status with the help of Meath County Council, which provided it with a site. Then, with assistance from many others, €120,000 was raised in two months and it enabled an agreement to be made with Meath Partnership for a new purpose-built bathhouse, which cost over €370,000 and which I had the pleasure of helping to open.

Meath River Rescue offers an invaluable service, not just to the people of Meath but also to those who live in the surrounding counties. As the Minister of State is aware, there are many people doing a great deal of good work. It is very tough work which takes up time and energy and it is all done on a voluntary basis. Much of Meath River Rescue's finance comes from fund-raising. It is extremely difficult for organisations to raise funds at present. People in Ireland are always very generous when it comes to donating to charities or other organisations but we have all gone through a difficult time and money is not easy to come by.

This leads me to the issue that I want to raise. The vehicles used by Meath River Rescue are not exempt from the toll on the M3 or, for that matter, from any toll. In particular, the M3 motorway is used regularly by the crew and if one were to add up the amount of tolls paid by the organisation during one year, it would amount to the proceeds of a number of fund-raisers. That is a large amount of money.

Rescue services are normally exempt from paying tolls. Under the Roads Act 1993, ambulances, fire brigade vehicles and vehicles used by members of the Garda Síochána and the Defence Forces are exempt from payment of tolls. However, the Irish Coast Guard, mountain rescue teams and other community-based voluntary organisations, including river rescue, are not. These organisations, in particular Meath River Rescue, provide an invaluable service on a voluntary basis and the amount of money that this would cost the Exchequer on a yearly basis is very little compared to how much it would help these organisations who assist so many families in Meath. I ask the Minister to reconsider the organisations that are able to avail of it.

Deputy Paudie Coffey: I thank Deputy McEntee for the opportunity to address this issue on behalf of the Minister, Deputy Donohoe. It gives us further opportunity to acknowledge publicly, as the Deputy has outlined, the valuable work of organisations such as Meath River Rescue. As Minister for Transport, Tourism and Sport, Deputy Donohoe has responsibility for overall policy and funding of the national roads programme. The planning, design and implementation of individual road projects is a matter for Transport Infrastructure Ireland, TII, formerly the NRA, under the Roads Acts 1993 to 2015 in conjunction with the local authorities concerned.

The statutory power to levy tolls on national roads such as the M3, make toll by-laws and enter into toll agreements with private investors in respect of national roads is vested in TII under Part V of the Roads Act 1993, as amended by the Planning and Development Act 2000 and the Roads Act 2007. The Roads Act 1993 sets out the legislative provisions regarding tolling and section 62 of the Act specifies the categories of vehicles which are exempt from the payment of toll charges. As the Deputy outlined, only ambulance, fire brigade vehicles and vehicles used by members of the Garda Síochána or the Defence Forces in the performance of their duties as such members are exempt from the payment of tolls. The Irish Coast Guard of the Minister's Department, mountain rescue teams and other community-based voluntary emergency services and groups are not exempt from the payment of tolls.

Although voluntary and community organisations such as Meath River Rescue provide a

valuable service, in order to ensure the implementation of a fair and robust system of tolling enforcement, it is essential that it be applied equally to all users. It would be very difficult, for example, to provide an exemption for one voluntary organisation over another. TII has received numerous requests for exemptions from tolls from organisations that have merit including charities, medical groups, individual medical personnel and a multitude of other entities. TII has been unable to accede to those requests, given that it has entered into binding concession contracts in respect of most of the toll roads. Making the voluntary and community sector generally exempt from tolls would incur a cost to the Exchequer, given that the PPP toll operators would have to be reimbursed for losses, and TII is not in a position to do this. There is, however, nothing to prevent a group such as Meath River Rescue making direct contact with toll operators with a view to entering into an agreement regarding exemption from tolls. I encourage this, and the organisation may receive a positive response from the operators.

Deputy Helen McEntee: I thank the Minister for his response. The Minister's response stated that it is essential that it be applied equally to all users. It is not applied equally. While Meath River Rescue is a charity and a number of other charities may request something similar, in many cases, when a rescue mission is sent out, particularly to areas of water, it may be looking for somebody who is still alive. Sometimes, time is of the essence. A measure such as this could assist an organisation such as Meath River Rescue. Could the Minister of State, Deputy Coffey, bring this to the Minister, Deputy Donohoe, and request figures on how much it would cost the Exchequer? While it might seem a lot of money, it would not be much, considering how much it would benefit the individual organisations, especially those that are helping other services such as the ambulance, fire services and Defence Forces, which are exempt from tolls. I will get in touch with TII and I ask the Minister for support on the issue.

Deputy Paudie Coffey: I understand exactly where the Deputy is coming from and her concerns. If one starts to make exemptions for one voluntary organisation, where does it stop? Many of them have great merit, as the Deputy outlined. The Roads Act 1993 specifies the categories that are exempt, namely, the ambulance, fire brigade, Garda Síochána and Defence Forces. I will undertake to bring the Deputy's specific question on the cost of exempting more organisations from the toll to the Minister for a direct response to the Deputy. I encourage Meath River Rescue to approach the toll operators to see whether progress could be made. Again, I thank the Deputy for raising this important matter, which brings into focus the valuable work of rescue organisations, which none of us should underestimate, be it mountain, sea or river rescue or the coastguard. These people volunteer their time, expertise and effort to look after others and should be supported in any way possible. I accept the Deputy's concerns and will pass them on to the Minister.

Rural Broadband Scheme

Deputy Caoimhghín Ó Caoláin: It is widely acknowledged that the Internet is a key tool in reducing poverty and developing prosperity in any region. A report commissioned by the World Bank stated that an additional ten broadband lines per 100 people increased the gross domestic product of a country by 1.21%. It is clearly demonstrated that rolling out high-speed broadband to every home in the country would significantly benefit the Irish economy. I have raised the matter before and I wrote to the Minister about it this week. The Government has failed to ensure broadband is available to all the families and businesses across rural Ireland, so much so that we have the most pronounced two-tier coverage in Europe.

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My constituency, Cavan-Monaghan, is a sprawling rural constituency, and is geographically the largest in the country. Its rural make up and the topography of drumlin countryside mean whole areas are ill-served and, therefore, severely disadvantaged in their ability to compete in business, exam preparation and all the other uses people make of high-speed broadband. These areas are unable to compete with other parts of the country, especially the large, populous cities. This discrimination must end. While next generation access coverage in Ireland stands at 71% of households across the country as a whole, it stands at only 8% for rural areas. We have a major issue to address.

The Irish Rural Network estimates that 10,000 jobs are lost in rural areas every year due to poor broadband service and it has been brought to my attention in the recent past that people are not only considering relocation from their rural home bases, but some have already relocated for business, education and other reasons, compounding the exodus rural Ireland has suffered during recent years due to the economic downturn. In order to ensure regional and rural areas are not disadvantaged, additional State investment is required to deploy next generation infrastructure outside the main urban centres.

I am delighted that an announcement has been made since I tabled this matter. Will the Minister outline the plans to address the continuing failure on the part of all providers, including the State and the other entities which also have a responsibility, to ensure equal access across the jurisdiction to high-speed broadband affording households, businesses and all users throughout rural Ireland the same quality of service and ability to compete on a level playing field as their city-dwelling fellow citizens?

Minister for Communications, Energy and Natural Resources (Deputy Alex White): I thank Deputy Ó Caoláin for raising this matter. The Government recognises that high-speed broadband network deployment is of strategic importance for growth and innovation in all sectors of Ireland's economy and society. On 29 September last, the Government approved an allocation of €275 million for the national broadband plan which will provide the initial stimulus required to deliver the State intervention. Combined with commercial investment, this will ensure 85% of Ireland's premises have high-speed broadband by 2018, with 100% coverage by 2020.

I might just remark on the question of what the Government has achieved. We can certainly come back to this in detail in due course if we get an opportunity to do so. It is envisaged that by the end of 2016, which is just over a year from now, high-speed broadband will be available to 1.6 million addresses in Ireland. It is currently available to well in excess of 1 million addresses. This compares with a figure of just 300,000 in 2011. While that might not necessarily be a success in the Deputy's eyes, it is certainly not a catalogue of failure on the part of the Government. I will, when I get an opportunity to do so, come back to the question of how we measure the success of what we are doing.

The provisions set out in the capital plan give an indication of the scale of the investment that is envisaged. As I have said previously, however, the plan does not set out the full cost. The full contract period cost of the programme will emerge out of the tendering process that is about to begin. Ireland's proposed broadband intervention strategy, which was published on 15 July last, sets out a series of detailed proposals by the Government in respect of State intervention. It sets out the key elements of the intervention, what services are proposed and how they will be delivered. It outlines various aspects of the proposed intervention, including the type of network envisaged, the minimum speeds being demanded, the length of the contract for

services and whether the network should be public or privately owned. All these matters were set out when the strategy was published on 15 July last.

The intervention strategy has been developed following intensive engagement with industry and wider stakeholders. The strategy is also informed by detailed input from the expert advisers who were commissioned by the Department to produce the seven expert reports which are published on *www.broadband.gov.ie*. The key principles underpinning the proposed intervention strategy include the delivery of high-speed broadband to all premises that will not be able to access such services through commercial investment alone. The strategy aims to address conclusively current and future connectivity deficits throughout Ireland and to ensure services are affordable, competitive and on a par with those available in the commercial areas. The strategy will ensure value for money and compliance with EU state aid guidelines through a technology-neutral procurement process.

I will give the House an idea of the profile of the area that is expected to be addressed by the State part of the intervention strategy. The commercial investments will be taking place in parallel with that. The State intervention will cover 96% of the national land mass of the State. This involves approximately 30% of the homes and businesses in the State. Having given us a reasonable account of the experience in the constituency he hails from, Deputy Ó Caoláin will appreciate that just under 30% of the homes and premises in this country are located on approximately 96% of the land mass. For example, practically all farms are in the State intervention area as they will not be covered by the commercial sector. We have given this information previously, but it is worth repeating.

If the State intervention we have embarked on was a road network, which it is not, it would be 100,000 km of road network. I mention that to give people an idea of the equivalence. It includes all the offshore islands and covers 757,000 postal addresses. 1.8 million citizens, 38% of the national labour force, 34% of white collar employees, 89% of farm employees, 94% of farms, more than 62,000 small and medium-sized enterprises, primarily micro SMEs, and 1,522 schools. That list will give the House an idea of what needs to be addressed by State intervention because the commercial sector will not deliver it. The commercial sector will go to approximately 70% of homes and businesses. This State intervention is necessary to ensure people who live in relatively remote areas throughout the country, including parts of Deputy Ó Caoláin's constituency, can enjoy the same access to high-speed broadband as those of us who live in cities.

Deputy Caoimhghín Ó Caoláin: Of course what the Minister has outlined is very welcome. I am asking for a necessary assurance. I understand that, coincidentally, it is being reported today on local radio at home that the roll-out will not begin until late 2016. Will the Minister clarify that? The State element is vital because of the obstinacy of the commercial providers in failing to take on board the vast swathe of the population who live in the country and depend on broadband. It is critically important. I am not able to make international comparisons. Maybe the Minister can do so. We are talking about a period of five years to achieve this. Will the Minister give a sense of how it might be rolled out? Where will the initial works get under way? Why is there a delay until the end of the current year? That is what I was advised shortly before entering the Chamber.

Will the Minister elaborate on the points he has made, many of which I welcome? I want to be able to assure my constituents that this is a solid commitment that will not in any way falter in its delivery. That is the critical thing. I would like a guarantee regarding the development of

broadband into the future. I want an assurance that the provision to be rolled out will keep pace with developments in technology and will not leave people who depend on the State roll-out at a disadvantage in future by comparison with the service currently provided by commercial interests.

I am responding positively to what the Minister has indicated. I want to see this project happen because it will be hugely important. In addition to having implications for the responsibilities of the Department of Communications, Energy and Natural Resources, it offers the potential for the retention of existing jobs in rural Ireland and the creation of new opportunities for real jobs across rural Ireland. That is what broadband represents. I expect the Minister to confirm that there will be a real cross-departmental commitment behind this. If the Minister for Jobs, Enterprise and Innovation is not taking a direct interest in this, I would expect that he will do so. I fully recognise the value and worth of what must and can be done. I hope the Minister is assuring us it will now be done as quickly as possible.

Deputy Alex White: I will complete the picture. Following the completion of a mapping exercise this time last year, I published an interactive map that allows any citizen or public representative to go online and see what areas of the country are to be covered by the private sector and what areas require State intervention. Areas in the latter category are depicted in an amber colour on the map, which can be seen on the website I mentioned earlier. The map allows people to see all the areas in respect of which the private sector has made a commitment to deliver broadband. The other area that can be seen on the map, the so-called amber area, is the 96% of the land mass where State intervention will have to take place.

This is a perfect example of where it is necessary for the State to have an enduring role. We have had a great deal of debate about the role of the State in a modern economy. It seems to me that if the commercial sector will not deliver the infrastructure that people need, the State must intervene to deliver it. I can give the Deputy an absolute assurance that this is what we are doing.

4 o'clock

When I got this job last July, I looked at the various priorities within the Department and this was the most important one for me. Hardly a day goes by that I am not involved in the planning and delivery of this project. Very senior and dedicated civil servants are working with me on it and it will be delivered. It will require continuity in terms of a commitment from the next Government. This is a very important infrastructural imperative for the people of Ireland and the economy. It will require continuity, no matter who is in this position, whether it is me, Deputy Ó Caoláin or someone else. That is extremely important.

The Deputy asked what guarantees I can give. I mentioned the implementation strategy earlier. Future proofing the provision of high-speed broadband is one of the issues we have integrated into our planning. We want to ensure, whether it is fibre or some other technology, that we will not have to go back to it in five or ten years time. It will be future proofed in the sense that we want to do it once and do it right. That is what I keep saying, that we will do this project properly and do it in a way that is future proofed.

While I do not have the exact figures in front of me, there is significant interest in the European Commission and in other countries in what we are doing here. The private sector, in fairness to it, has driven much of this work. We have driven the private sector and it is driving

development. We have SIRO, we had the legislation relating to the ESB and Vodafone, and Eircom, now Eir, has invested a lot in this area. Working in parallel with what the private sector is doing, we will deliver this and ensure that we get it over the line. Whether it is me or someone else, this has to be done not just for the Deputy's constituents, but for all of the people of Ireland, particularly those in rural Ireland who should not be excluded from the benefits that broadband brings in terms of business, education, interaction with public services, arts, culture and the myriad other services that improve people's quality of life and help them to do business.

The Dáil adjourned at 4.05 p.m. until 10 a.m. on Friday, 9 October 2015.