



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Dé Céadaoin, 6 Iúil 2016*

*Wednesday, 6 July 2016*

Chuaigh an Ceann Comhairle i gceannas ar 10 a.m.

*Paidir.*

*Prayer.*

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### **Election of Leas-Cheann Comhairle (Resumed)**

**An Ceann Comhairle:** We now proceed to the selection of a candidate for the position of Leas-Cheann Comhairle by way of secret ballot. I call upon the Clerk of the Dáil, Mr. Peter Finnegan, to conduct the proceedings.

**Cléireach na Dála:** I must inform the House that following receipt of nominations for the position of Leas-Cheann Comhairle, the following is the list of validly nominated candidates: Deputy Seán Crowe, Deputy Bernard J. Durkan, Deputy Pat The Cope Gallagher and Deputy Mattie McGrath.

As there is more than one candidate, the candidate who will be proposed for election by the House will be selected by secret ballot. Before proceeding to the secret ballot, I will call on each candidate in the order in which I received their nominations to speak on their own behalf. Each candidate shall have five minutes. I call Deputy Mattie McGrath.

**Deputy Mattie McGrath:** I will not delay the House long. I am delighted that we have reached the point today that we will elect someone to the office of Leas-Cheann Comhairle. It is a very important office in support of the Ceann Comhairle and in the functioning of this House. If privileged to be elected to that post, I will do my utmost to ensure parity of esteem for each and every Member, ensure Standing Orders are upheld, to the best of my ability ensure that the House runs smoothly, and carry out all other functions both in the Chamber and outside as would be expected of me. I would be honoured to do that to the best of my ability.

I plead with Members once again, if they see fit, to vote for me today. I wish the other three candidates well. I wish the successful candidate all the best and he will have my fullest co-operation.

**Cléireach na Dála:** The next Member to speak is Deputy Bernard J. Durkan.

**Deputy Bernard J. Durkan:** It seems like we have been here before.

**A Deputy:** Groundhog Day.

**Deputy Bernard J. Durkan:** The great Yogi Berra once described situations like this, as being “like déjà vu all over again.” That said, it is a great honour to have been nominated by my parliamentary party to fulfil the role of Leas-Cheann Comhairle. It is a great honour to be elected to this House at any time. It is a great honour to serve in the House and it has been a great honour to serve for many years, as you know, a Cheann Comhairle, along with your good self and many others. I hope I have learnt some things along the way. I hope I am still learning. It is no harm to learn a little bit as one goes along.

We live in very interesting times and we have to adapt, as I have said previously. We have to be cautious as to how we deal with the situations that arise to a greater extent than we ever did previously. We also need to encourage the new Members of the House to be able to stand up and speak in the House on their own behalf and on behalf of their constituents, to do so fearlessly and to have the confidence to do it and to know they have a job to do, a role to fill and words to say.

We all need to develop a greater recognition and respect for the words we say always in the House but, more especially, to each other. The way in which we address each other in the House can be reflected in the way the public regards us and examine our performance. At a time when politics and public life is challenged, it is important we look at ourselves in this self critical way to try to ensure that what we do does not reflect badly on the House and those we represent, but contributes to the Order of Business in the way the Ceann Comhairle would like us to proceed at all times.

I do not know what the outcome will be. I would be greatly honoured to be allowed to fill the role. I do not know how people will vote. There is no restriction on anybody voting for me who wishes to vote for me. For those who might not wish to vote for me, I encourage them to think long and carefully about it, think again and, maybe, they might have a weak moment and, perhaps, vote for me.

When we pass this way, and I hope we will not pass this way but once, we should learn a few things. I have learned, over time, that one should never become bitter in politics. It is very important. It leaves a lasting taste not only in the minds of the people in the House, but in the minds of people outside the House who watch, absorb and take it on board. We should also try to remember that, whatever we do, we should never take somebody’s character, either inside or outside the House. The pressures of politics are urgent, pressing and constant. There is always a tendency to use that extra pressure to make a point. We should avoid making personal points, and I hope I have succeeded in doing so. Is mór an onóir domsa é a bheith anseo maidin inniu le dul ar aghaidh don phost seo. If I am elected, I will do my best to follow the Ceann Comhairle’s guidelines and support him in the work he must do. All of us here have a role to play, and I will do my best to play this role.

**Deputy Gerry Adams:** Tá an Teachta Crowe tinn ag an uair seo, ach le cuidiú Dé beidh sé anseo arís sar i bhfad. Ba mhaith liom an Teachta Crowe a mholadh mar Leas-Cheann Comhairle inniu. Tá mé ag ainmniú an Teachta Crowe mar tá sé lán-sásta, agus tá mise lán-sásta, go mbeidh sé in ann dualgais na hoifige sin a chomhlíonadh i ngach slí a shásóidh Baill an Tí seo go hiomlán. Is Teachta Dála é le deich mbliana anuas agus tá a fhios agam go bhfuil sé lán-ábalta an jab tábhachtach seo a dhéanamh.

I nominate Deputy Seán Crowe who is absent because he is recovering from an operation but who will, hopefully, please God, will be here before long, for the position of Leas-Cheann Comhairle. He was first elected to the Dáil in 2002 and served diligently in the Twenty-ninth, Thirty-first and now the Thirty-second Dáil, representing the constituency of Dublin South-West. Deputy Crowe hails from Rathfarnham, but has lived for many years with his wife, Pamela, in Tallaght, and for many years represented the area as a member of South Dublin County Council. When the peace process was initiated, Deputy Crowe headed the Sinn Féin delegation to the Forum for Peace and Reconciliation in Dublin Castle. He also represented our party in the multi-party negotiations that led to the Good Friday Agreement in 1998. He is very experienced and he made a huge contribution to crafting these events and agreements which are now part of our history. Deputy Crowe has served as a party spokesperson on foreign affairs for a number of years and has contributed positively to numerous Dáil committees, particularly the Joint Committee on the Implementation of the Good Friday Agreement.

Teachta Durkan talked about never taking away anyone's character. Deputy Crowe has never done that in the decades that I have known him. He has gone about his politics positively, cheerfully and with some humour, but in a very dedicated and passionate way. I know that he will work to the best of his ability as Leas-Cheann Comhairle to the benefit of every Teachta here. I have no doubt that he will act at all times in an impartial and fair manner to everyone's benefit. I believe he will work closely with the Ceann Comhairle in the job of driving forward the reform of the Dáil and the Oireachtas generally.

Tuigean éinne a bhfuil aithne aige nó aici ar an Teachta Crowe thar na blianta gur Teachta an-chothrom é agus go dtabharfaidh sé faoin obair go díchealleach, mar atá déanta aige thar na blianta. Beidh sé an-ábaltá post lárnach an Leas-Chinn Chomhairle a dheánaimh.

Molaim a ainmniúchán. Tá súil agam go mbeidh daoine in ann teacht salach ar na difríochtaí atá i gceist agus go mbeidh siad in ann vóta a chaitheamh ar son an Teachta Seán Crowe.

**Deputy Pat The Cope Gallagher:** Is onóir agus is pribhléid é domsa go bhfuil mé ainmnithe anseo inniu do phost an Leas-Chinn Chomhairle don Dara Dáil Déag is Fiche. Tá taithí fada agamsa sa Teach seo. Ar ndóigh, tá mé ag dul ar ais go dtí 1991 nuair a toghadh mé don chéad uair. Bhí mé iontach óg ag an am sin. Is é seo an naoiú téarma domsa anseo. Tá an-thaithí agam, mar a dúirt mé. Feasta, chaith mé tréimhse réasúnta fada i bParlaimint na hEorpa, áit a bhfuair mé taithí agus tuiscint idirnáisiúnta.

Nuair a bhí mé i bParlaimint na hEorpa, ceapadh mé - b'fhéidir mach bhfuil fhios ag mórán daoine é seo - mar chathaoirleach ar an toscaireacht idir Parlaimint na hEorpa, an EEA, European Economic Area, agus an EFDA, European Free Trade Association. Bhí mé mar chathaoirleach ar sin ar feadh cúig bliana ag pléigh leis an Íoslainn, an Iorua, an Eilvéis agus Lichtinstéin. Tá taithí agam maidir le sin. Amach anseo, b'fhéidir go mbeidh an EFDA agus an EEA tábhachtach dár gcomharsan béal dorais. Fuair mé eolas forleathan ar chursaí idirnáisiúnta ansin. B'fhéidir ceann de na postanna is tábhachtaí a bhí agam riamh ná nuair a bhí mé mar chathaoirleach ar Chomhairle Contae Dhún na nGall na blianta ó shin.

Tá tuiscint agamsa ó thaobh na mBuan-Orduithe, nó na Standing Orders, agus ar ndóigh ó thaobh na leasuithe a thugamar go léir isteach sa Teach seo le déanaí. Le bhur tacaíocht - tá sé sin fíor-thábhachtach - déanfaidh mé mo dhícheall na rialacha agus na Buan-Orduithe a chur i bhfeidhm go cothrom, go féaráilte agus go cruinn. I mo shaol poiblí, agus tá mé sa saol poiblí ó 1979, bhí sé mar pholasaí agamsa polasaí doras oscailte a bheith agam. Beidh mé breá sásta

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cuidiú libh, beidh mé breá sásta éisteacht libh agus beidh an polasaí doras oscailte sin agam. Beidh mé breá sásta labhairt agus éisteacht le Teachta Dála ar bith.

It is a great honour and privilege for me to have been nominated to contest the position of Leas-Cheann Comhairle of the Thirty-Second Dáil. I respect and appreciate the confidence that has been placed in me in receiving my nomination. This is my ninth term as a Member of Dáil Éireann, having been elected first in 1981 and then at every general election that I have stood in since. Over those years I have gained considerable experience of the workings of this House. I have also served three terms as a member of the European Parliament and, of course, gained considerable experience there. As a member of the European Parliament, I am honoured to have chaired its delegation to the EEA and EFTA countries, Lichtenstein, Norway, Iceland and Sweden.

During my terms as a Member of this House, I have had excellent working relationships with all sides and all Members. I believe I can say categorically that I seldom got involved in any acrimony and I do not think I ever intentionally insulted any Member of this House. It is with this respect and appreciation for other Members that I will hope to guide the business of the House, if elected, and carry out my functions in a fair manner. I fully appreciate that the business of the Dáil should be carried out in a dignified manner and, if I am elected, I will do my utmost to fulfil that role, with the co-operation of Deputies, and to work closely with the Ceann Comhairle. I pledge, if elected, to be fair, understanding, balanced and accessible to all Deputies. I will take an open-door approach, mar a dúirt mé i nGaeilge. I am not canvassing for others but I believe that if any of the four is selected and elected in the House tomorrow, he will make a good Leas-Cheann Comhairle. I believe, however, that I have gained the requisite experience over the years and I would greatly appreciate Deputies' votes, whatever the preference may be.

While wishing the other candidates well, let me in particular send my good wishes to Deputy Seán Crowe, with whom I have served here for many years, and wish him a speedy recovery. Mar fhocal scoir, geallaim do na Teachtaí go mbeidh mé cothrom sna gnóthaí a bheidh á réachtáil sa Teach seo.

*Members proceeded to vote in a secret ballot in the order directed by the Clerk of the Dáil.*

*12 o'clock*

**Cléireach na Dála:** As it is 12 o'clock, the poll for the election of the Leas-Cheann Comhairle has now closed. The counting of votes will take place today at 7 p.m.

### **Leaders' Questions**

**An Ceann Comhairle:** Before proceeding to take Leaders' Questions under Standing Order 29, I point out to Members that yesterday we ran significantly over time and that overrun has implications for the transaction of business in the rest of the Dáil. I would ask Members in this section to have regard to the time allowed. I call Deputy Micheál Martin.

**Deputy Micheál Martin:** I want to raise with the Taoiseach today the appalling length of the waiting lists and waiting times in the hospitals for patients throughout the country. The situation is truly scandalous and is unacceptable, particularly for children who are waiting far

too long to get to see a consultant in the three children's hospitals, especially in Crumlin and in Temple Street.

One can trace it back to the decision of the then Minister, now Senator James Reilly, in 2011 to mothball and destroy the work of the National Treatment Purchase Fund. Prior to that, the average waiting times for elective patients was approximately two and a half months for those waiting for elective treatments. Senator Reilly changed the system - it is all documented - and it has been all downhill since with dramatic increases in waiting times and in the waiting lists. For example, we now have 415,000 people waiting for outpatient appointments and 62,000 people waiting longer than one year. We have in excess of 75,000 people waiting for inpatient treatment in hospitals. Some 4,500 children are waiting for appointments in the three children's hospitals, 2,000 of whom are waiting for more than a year. One would think that when it comes to children, we should be moving might and main to eradicate or shorten dramatically those waiting times, particularly in terms of those waiting longer than a year.

The programme for Government talks about progress and sustaining progress made. I would suggest that the Taoiseach should take out the language of sustaining progress because no progress has been made over recent years in terms of waiting lists and, in fact, the situation has become dramatically worse. The waiting lists are now up 45% in two years. It is a sad indictment of what has been going on over the past two to three years in terms of policy initiative and a lack of basic urgency in dealing with this crisis. Patients, in particular children, should not have to wait that long to get to see a consultant.

There is a commitment, involving €15 million, to re-establish the treatment purchase fund. The €15 million will not be enough. There is a wider commitment of €35 million, or €50 million overall, in terms of waiting lists. Will the Taoiseach outline to the House the plans to reconstruct and re-establish the treatment purchase fund back to the model that was in existence before Senator James Reilly mothballed it in order that it would be effective and have the capacity to deliver the results? Does the Taoiseach accept these waiting times are absolutely unacceptable for the patients concerned?

**The Taoiseach:** I accept that any waiting list is never satisfactory because the patient must wait. As Deputy Martin pointed out, the programme for Government emphasises the need for a sustained commitment to improve waiting lists for patients, with a particular focus on those who have had to wait longest. The Department of Health will engage with the National Treatment Purchase Fund to deliver on that €15 million funding for an initiative targeted at those waiting the longest, with the continuing investment of €50 million per year to deal with waiting lists. I understand the Department is currently engaged with the National Treatment Purchase Fund and the Health Service Executive, HSE, is planning a dedicated waiting list initiative to be rolled out later this year.

The issue for patients is how long they must wait. Improving waiting times for scheduled or planned care for patients is absolutely key. The action taken by the previous Minister resulted in improvements. In 2015, some €51 million in additional funding was provided to address maximum waiting times of 18 months by 30 June and 15 months by year-end for inpatient, day and outpatient cases. The end of 2015 demonstrated a 95% achievement for inpatient and day case waiting lists and a 93% improvement for outpatient waiting lists against the 15 months maximum wait times. This year, the HSE service plan undertakes to maintain the 2015 levels of service in respect of scheduled care.

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In 2016, the HSE's scheduled care governance group is focusing on a number of key areas, including ensuring that the chronological scheduling of cases is adhered to, putting in place validation procedures to ensure patients are available for treatment when they are deemed to be for treatment and relocating high-volume low-complexity surgeries to smaller hospitals. Many consultants have said to me they could do more work if some procedures of lower complexity were shifted to smaller hospitals. The group is also focusing on designating an improvement lead for each hospital group to provide support in meeting the national targets both for appointments and treatments.

There is an extra €800 million in the health system because the state of the economy has improved and that, in turn, will lead to improvements in a number of sectors. That money was not available before to deal with these very necessary cases.

**Deputy Micheál Martin:** That is not actually the case; the former Minister, Senator James Reilly, changed the policy. He got rid of the treatment purchase fund, which was a singular, dedicated and focused approach to dealing with waiting times. He blew it and got it terribly wrong. Another Minister, Deputy Varadkar, came after him and demonstrated no urgency at all on this. There are 5,000 patients waiting in Beaumont, meaning the numbers are up 57% on January this year. The Government must have a real check on reality and not quote the kind of figures I mentioned. The former Minister, Senator James Reilly, created a new target of 12 months - plucked from thin air - and up to then the target was six months for adults and three months for children. The former Minister, Deputy Varadkar, put it at 15 months. The Government could then judge against new targets that it created.

This is an urgent issue for the number of people who are waiting for procedures. In Crumlin's children's hospital, 2,000 children have been waiting for more than a year for an outpatient appointment. That is not good enough. We should immediately tackle that with a sense of urgency followed by real money now and not later in the year. We must get to the bottom of it. The numbers in Waterford are up 183% since January.

**An Ceann Comhairle:** The Deputy's time is up.

**Deputy Micheál Martin:** That is the second-worst in the country. There are 4,000 people waiting at Cork University Hospital, which is unacceptable. This needs dramatic and urgent action by the Minister, with a proper re-establishment of the treatment purchase fund.

**An Ceann Comhairle:** Time is up.

**Deputy Micheál Martin:** There should be a dedicated approach to getting the issue sorted. It is getting worse as time goes on.

**The Taoiseach:** As I said to Deputy Martin, the original allocation included €300 million extra for health. That has been adjusted with a further €500 million. The National Treatment Purchase Fund was discussed between the two parties in respect of the formation of Government and Deputy Martin himself, in fairness, made the point that it should be restored. It is being restored and the discussions are ongoing at the moment between the HSE and the National Treatment Purchase Fund for the roll-out of treating people on a dedicated waiting list, with €15 million allocated for it this year. Obviously, any figure is never enough when compared to the requirements in health, but there is a need here for outcomes and for results. The National Treatment Purchase Fund is now being put back *in situ*. Discussions are ongoing between the HSE and the National Treatment Purchase Fund for an initiative that is targeted at those who

are longest on the waiting list. I hope that will produce good results for those patients in the very near future.

**Deputy Gerry Adams:** The Taoiseach's Government, aided and abetted by the Fianna Fáil Party, is stumbling from crisis to crisis. There is a calamity in our health system and there is a homelessness and housing crisis that is spiralling further out of control by the day. Citizens are being crippled by a cost of living crisis in rents, mortgages, child care, property tax and car insurance. To make matters worse, there is the aftermath of the Brexit referendum and the challenges that presents across the island. I am sure the Taoiseach now realises that his handling of the proposal for an all-Ireland forum, a national forum, was clumsy and incompetent.

Just yesterday, the chairperson of the expert commission on water charges, Mr. Joe O'Toole, resigned. The Taoiseach's Government is a mess and the Fianna Fáil leadership is a willing partner in all of this. It has obliged him at every turn, or every U-turn, because the Fianna Fáil Party has done a U-turn on every issue, from saying it would not support Fine Gael in government to water charges, bin charges, NAMA, the national monument on Moore Street, rent certainty and, just last night, banded hours contracts. None of this is in the common good. None of it is in the national interest. It is motivated by the Fianna Fáil leadership's desire to keep Fine Gael in government until it decides to pull the plug at the point most advantageous to itself and its ambition to form a government. There is no other reason for the Fianna Fáil Party's behaviour. It is all about political power. It is not about new politics. It is nothing but the same old story.

The commission on water charges is clearly only a committee to provide the Government and the Fianna Fáil Party with a fig leaf on water charges as part of this partnership Government. Joe O'Toole put it well when he said: "People voted a certain way, Leinster House is not prepared that particular nettle, so we have to find a solution that will have enough sugar on it to make the medicine go down easily." However, Leinster House has not been allowed to deal with this issue. The public has rejected water charges.

**Deputy Sean Sherlock:** It is Leinster House now, is it?

**Deputy Gerry Adams:** They should be scrapped and dealt with here in the Dáil, democratically and decisively. Here is the chance to get something done in this term. Let the people here, the Teachtaí Dála, vote on this issue, to scrap water charges, instead of kicking the issue down the road to an already undermined commission, or, in keeping with the fiction of new politics, does the Taoiseach have to ask an Teachta Martin for permission to do that?

**Deputy Finian McGrath:** No, he asks us.

**The Taoiseach:** I thank Deputy Adams. I note that for the first time in 40 years he actually does support something in regard to the European Union. In respect of his tirade for the last three minutes, he should have a chat with Deputy Martin himself-----

**Deputy Micheál Martin:** It was a wonderful compliment he gave me.

**Deputy Peadar Tóibín:** It is a cartel, a Fianna Fáil-Fine Gael cartel.

**The Taoiseach:** -----and walk around the quadrangle out there. Deputy Adams seems to have many issues with the Fianna Fáil Party.

**Deputy Brendan Howlin:** Government is becoming very unpopular altogether.



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**Deputy Peadar Tóibín:** Calamity Kenny.

**The Taoiseach:** It is important that we recognise-----

**Deputy Micheál Martin:** We do not have any army council.

**The Taoiseach:** -----that this is a partnership Government. This party that I lead does not have a majority and we have to rely on and co-operate with all the Members of the House and the different groupings and parties, including Deputy Adams' party.

**Deputy Finian McGrath:** Even Deputy Shane Ross.

**The Taoiseach:** That is why, under the new arrangements, he will be briefed and given information in respect of issues that are arising and that will arise, and that should be so. Deputy Adams's question today seems to be in respect of the Fianna Fáil Party. We have put in place a process for dealing with contributions for water. The charges have been suspended for nine months and the issue will come back here for a vote by Members of this House. I have already stated my own party's views on water contributions. After a full and proper discussion on all these issues, Members will have a chance to vote on proposals which will come before them, hopefully within nine months.

**Deputy Gerry Adams:** Fianna Fáil made a very clear election manifesto commitment to scrap Irish Water and they should honour that commitment. The expert commission on water services was dreamt up to get them off the hook and Fine Gael bought into it because it needed the support of Fianna Fáil. Fianna Fáil was centrally involved in the rise and fall of Joe O'Toole and the Taoiseach has been around for long enough to know they will do exactly the same to him when it suits them.

We have real challenges after the Brexit vote, in addition to the crisis in homelessness and the health services, and that is where the Taoiseach's focus should be. I wish him well in that but he should work with everybody in this House in a real way for the benefit of the people of the island of Ireland, instead of piddling about with Fianna Fáil and doing little side deals in order to remain as Taoiseach

**An Ceann Comhairle:** Does the Deputy have a question?

**Deputy Gerry Adams:** Let us have some really new politics. Let us decide to scrap water charges today by putting a motion to the Dáil to relieve households of this punitive tax.

**The Taoiseach:** I am glad that the Deputy leader of Sinn Féin, Deputy Mary Lou McDonald, was able to tell me today, during discussions on the north inner city, that she and the group with whom she has been working will bring forward their terms of reference and that we will be able to proceed to set up an entity that will work with all the groups in the inner city, including Sinn Féin and other parties and community groups, for the betterment of the people there.

Wednesday seems to be anti-Fianna Fáil day.

**Deputy Mary Lou McDonald:** That is every day.

**The Taoiseach:** The Brexit vote, concerns about our relationship with the UK, in particular on the common travel area and an open border, the need to maintain the improving trade links we have with the UK and the importance of being at negotiations when they commence, while

maintaining our close links with the European Union, are important matters for us all and we will engage with anybody.

**Deputy Mary Lou McDonald:** What is the Taoiseach's price?

**The Taoiseach:** I have had a lot of contact with people who export to and from Northern Ireland, and from here to Britain. I have heard their views and am considering how they might be taken into account. I will certainly follow through on that.

**Deputy Caoimhghín Ó Caoláin:** The Taoiseach did not even start to answer the question.

**Deputy Brendan Howlin:** Can the Taoiseach explain the rationale that led the Government, yesterday, to approve the gap-funded model for delivering broadband? This will entail a 26-year contract with private providers, at the end of which the networks will be privately owned. The reasons publicly given for the decision were that this would be cheaper than direct State funding and would be off balance sheet so as to free up capital spending elsewhere. We have poor broadband in this country, particularly in rural areas, because of the decision by Fianna Fáil to privatise Eircom in the biggest economic mistake this country made until Fianna Fáil's even more disastrous mistake in giving the blanket bank guarantee in 2008. This Government is about to repeat that mistake. Just as the State was ultimately required to buy back the West Link toll bridge for €600 million, ensuring that the private company, National Toll Roads, received a staggering €1.15 billion return on its investment of €35 million to build the bridge, as estimated by the Department of the Environment, Community and Local Government, we will ultimately have to reacquire the broadband infrastructure in exactly the same way. Fine Gael agreed with the Labour Party that vital infrastructure networks, such as the electricity and gas distribution networks, should be kept in public ownership. We came to that agreement over the past five years, albeit after a battle, but now that understanding of the importance of the distribution systems for a vital resource seems to be gone.

As the Taoiseach knows, the previous Government had two options when we decided this last December. One was the model he decided on yesterday, the so-called gap funding model, or a full concession model whereby the asset, after the 25 years, came back into public ownership. Will the Taoiseach accept that yesterday's decision is short termism and not in the public interest? Will he agree that all relevant documentation and all the advice given to Government on this matter should be laid before this House in order that we can make a collective determination before this matter is finalised?

**The Taoiseach:** We do not intend to repeat what happened with Eircom. This is not a publicly owned system. What is involved is extending broadband for the last mile to many businesses and houses in areas throughout the country that are deemed not to be commercially viable. It is an extension of the existing system. It is not a national publicly owned entity like the Eircom network. That is the first point.

The second point is that a choice has to be made. If we leave a situation where the State takes over the assets after 25 years, there is no incentive on whatever company or companies that own that system, from the tenth or 15th year onwards, to upgrade it, keep it in good shape and have it ready for handing over to the State. Why would they?

The intention is to be able to provide more than 750,000 individual premises with high quality, high speed broadband. That will deal with 100,000 kilometres of road network and 96% of the land mass of the country. That is what is involved here. It is anticipated that a contract will

be awarded in 2017.

Deputy Howlin was an esteemed member of the Government dealing with public expenditure and reform and he knows that the choices to be made are always difficult, but in terms of the choice here, if we go for a fully owned public model, as the Deputy points out, the efficiency and the reduction in costs in the gap model adopted by Government yesterday on the recommendation of the Minister for Communications, Energy and Natural Resources allows for serious sums of money to be spent on other issues like schools, primary care centres, hospitals and so on. That is a choice that has to be made, and the Government made its choice clearly, but I repeat that this is not a national publicly owned entity. This is an extension of privately owned facilities, and for that reason, the Government came down on the side of the gap funding model proposed by the Minister for Communications, Energy and Natural Resources which will result, by independent regulation, in premises and businesses having access to that during and after the 25-year period but also to allow for the saving of serious sums of money that can be spent on other facilities people need throughout the country.

**Deputy Brendan Howlin:** Nobody would dispute for a second the essential nature of rolling out broadband. That is why it features so heavily in the capital plan the previous Government adopted. The issue is the ownership of the network. A briefing document on ownership was distributed by the Department yesterday. It was a net decision on ownership. The Taoiseach says it will not be another Eircom. I believe it will be. If it does not remain in public ownership, we will be required at some stage to take it back into public ownership.

I was fearful, when this issue was divided between two Departments, that it would not be taken as seriously as it should be. Does the Taoiseach not accept that there were two proposals to Government yesterday? The first was the commercial stimulus or gap funding model which would see private contractors having ownership of the network at the end of the 25-year period, and the second was a full concession model. The Government's document states that the asset is handed back to the State after 25 years under the second model. Why was that model not accepted? Will the Taoiseach put all the documentation before the House so we can see the basis for the decision and in the spirit of new politics - so-called - that we can have inputs in to making the correct long-term decision for the people of Ireland?

**The Taoiseach:** The Deputy seems to have the documentation there, if not all of it, and I will see that the Deputy receives the rest of it. The point is that the Deputy is either mistaken or is being deliberately misleading. Deputy Howlin knows that the network is not a nationally owned public entity.

**Deputy Sean Sherlock:** But what is going to be rolled out is.

**Enda Kenny:** The extension here is an extension of privately owned facilities to provide access to proper broadband speeds for 750,000 individual premises.

**Deputy Sean Sherlock:** Financed by the taxpayer.

**Enda Kenny:** The choice the Government has to make, and had to make, is this: if one wanted to be a fully owned public entity after 25 years there is absolutely no incentive whatsoever on the company or companies to upgrade and improve that facility-----

**A Deputy:** There could be an obligation.

**Enda Kenny:** -----for handing over to the State in the latter part of that. The opportunity-----

**Deputy Brendan Howlin:** To beat this.

**Enda Kenny:** -----based on the decision made by Government, on the recommendations of the Minister for Communications, Energy and Natural Resources, is one that would allow access to an upgraded and proper facility-----

**Deputy Brendan Howlin:** Will the Taoiseach allow us to-----

**Enda Kenny:** -----for all those businesses-----

**An Ceann Comhairle:** I thank the Taoiseach.

**Enda Kenny:** -----throughout the country, and at the same time allow for significant amounts of money to be available for spending in other areas that we have all been-----

**An Ceann Comhairle:** I thank the Taoiseach.

**Enda Kenny:** -----contacted about such as schools and hospitals-----

**Deputy Brendan Howlin:** It is short-termism.

**An Ceann Comhairle:** We need to conclude Taoiseach.

**Enda Kenny:** -----and primary care centres, roads and facilities throughout the country. That is the choice-----

**Deputy Brendan Howlin:** Will the Taoiseach allow the matter to be debated?

**Enda Kenny:** -----and the Government has made its choice.

**An Ceann Comhairle:** We need to conclude. I invite Deputy Clare Daly on behalf of the Independents 4 Change.

**Deputy Clare Daly:** I want to tell the Taoiseach a story. I wish it was not a true story but it is. Two sisters were both pregnant and happily looking forward to the birth of their children. Tragically, towards the end of the first sister's uneventful pregnancy, the baby died in the womb. She was medically assisted in delivering him, the family buried him and mourned him. The second sister received a diagnosis that the foetus she was carrying had a condition of fatal foetal abnormality incompatible with life. She wrote to me in the days that followed:

I do not want to terminate my baby's life but he does not have one. A heartbeat does not equate to an independent life for my boy, it only confirms a short few hours of pain for him and a lifetime of it for us. I have watched what my sister went through, the amount of support she was offered and the support she will require over the coming months. I feel so angry that this support is not available to me. I have also watched my parents anguish, particularly my mother's, as they take note of all this and know that their other daughter has this ahead of her without that much needed support, hundreds of miles away from family and friends. The dignity shown to the tiny corpse of my nephew in the hospital, in the mortuary and on his first and final journey home will not be extended to my son as he will have to be locked in the boot of the car on a ferry journey back across the Irish Sea or his ashes delivered by a courier weeks later, along with Amazon and eBay purchases.

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This is the Taoiseach's Ireland. These events happened in the weeks after he last voted down our fatal foetal abnormalities Bill. In anybody's book it is cruel, inhuman and degrading treatment. The Government has appeared in front of international human rights bodies on four occasions since and has been instructed to deal with these matters but the Taoiseach has done nothing. In the case taken by Amanda Mellet, UN human rights experts stated that not only did Ireland violate her human rights, but the lack of action aggravated her suffering. The Taoiseach comes to the House and speaks about a citizens' assembly reporting to an Oireachtas committee, which means that it will be at least 2018 before any proposals will be before the people to remedy this, condemning hundreds of others to the torture which was experienced by Amanda Mellet. The Taoiseach hides behind the advice-----

**An Ceann Comhairle:** Will the Deputy please put a question.

**Deputy Clare Daly:** -----of the Attorney General, advice we have not seen and which was substantially at variance with the advice of other Attorneys General and which was disputed by an array of legal experts. Who does the Taoiseach think he is to believe he can allow the continued violation of human rights?

**An Ceann Comhairle:** I thank the Deputy.

**Deputy Clare Daly:** The Constitution can never be used to deal with this. If the Taoiseach does not have the leadership or the guts to do this himself will he stop using his position to block the courts or the people from dealing with it?

**The Taoiseach:** These are all harrowing tales that Deputy Daly raises today. I get similar communications from women all over the country. This is our Ireland. It is an Ireland that is subject to a constitution, which is voted on by the people. In the 1980s that vote was taken by the people and the interpretation of its meaning was made by the Supreme Court. This impacts on people's lives. I want to try to change that and in order to do that I have to build consensus, understanding and information for people who will have to vote if that be so to change the Constitution one way or the other.

It is not a case of me as a citizen standing here, blocking anything. We have put into the programme for Government a process which can be gone through rationally and in a common sense way, taking into account the changing attitudes and the sensitivities of so many people. The Deputy may not appreciate that. I understand her point of view. She has been very forthright about it. She has stated her views here very cogently on many occasions. Unfortunately for her, she cannot change the Constitution unless she has the opportunity to cast her vote along with the citizens. For that reason the process I have set out is one that will return here to the legislators elected by the people to cast their vote in a free way, according to their consciences. If that recommendation is for a referendum to deal with the eighth amendment in whatever form then so be it, that vote will take place and that is the only way it can be changed. While the Attorney General, as I told Deputy Howlin yesterday, is the only legal adviser to the Government under the Constitution, I accept that. It is of course the Supreme Court at the end of the day which interprets what the Constitution means. I have included as a central part of the programme for Government the citizens' assembly and a reflection in the first instance on the eighth amendment, taking into account many of the stories the Deputy has outlined and reference back to the Oireachtas.

While Deputy Daly has been forthright here, according to the medical assessments of what

is contained in Deputy Wallace's Bill it will not be touched by any medic in the country. This Bill is not good for women: it is bad for women. It is inadequate and that means that it does not answer the question the good lady asked in her letter to the Deputy. I have set out a process by which collectively we can reflect on this and eventually the people might be asked to make a decision. That is the only way the Deputy's Constitution can be amended or changed. I do share Deputy Daly's view that the services surrounding these events and instances should be improved. We want to make arrangements that it be so. The central issue is that if a child is born for whatever short length of time Article 40.3.3o kicks in and that is the challenge. That is what needs to be talked about and understood. That is why those at the top of the medical profession say that while Deputy Wallace might have the principle right in the Bill, the substance and the way it is phrased are grossly and wholly inadequate.

**Deputy Clare Daly:** The Taoiseach does not stand here as a private citizen but as the leader of a country that has been found to violate the human rights of women. When we did try to put to the House the proposal that there would be a repeal of the amendment to the Constitution to provide for abortion in this and other circumstances, the Taoiseach and his Government stood in its way. He has used his position to block progress on this. The arrogance of the Minister for Social Protection, Deputy Varadkar, and several of his colleagues, who would presume to anticipate how the courts would deal with this matter, is absolutely breathtaking. The Taoiseach's use of the Attorney General as a block is in and of itself unconstitutional in my opinion. The Government proposes laws, the Dáil passes laws and the courts interpret laws. Why can the Taoiseach not allow the courts of our country adjudicate on this? We have not seen the Attorney General's advice but from the titbits we get, and the Taoiseach seems to have reiterated it, her advice seems to rest on the mistaken premise that Article 40.3.3o deals only with cases where there is a risk to the life of the mother. That is not true. *PP v. HSE, Roche v. Roche* and *in re A Ward of Court* did not deal with those circumstances. She seems to be saying-----

**An Ceann Comhairle:** Your time is up.

**Deputy Clare Daly:** The Taoiseach went well over his time. I was watching the clock on this.

**An Ceann Comhairle:** You have gone over your time too.

**Deputy Clare Daly:** Maybe he could assist us by publishing the advice of the Attorney General. He is the one who stopped the people and courts deciding on this, and his diktat to his backbenchers to obstruct this Bill is condemning hundreds of people to the continuation of torture because what he has proposed is nothing.

**Enda Kenny:** Deputy Daly is wrong again. We legislated for the interpretation of the Supreme Court in the Protection of Life During Pregnancy Act after 30 years of failure and neglect by any Government to deal with or legislate for this issue. The Deputy said I did nothing about it, but a central part of the programme for Government contains a process by which we can look and reflect carefully on the eighth amendment and what it means. The citizens assembly will examine it in the first instance and report back to the Oireachtas.

The Deputy may not believe in or want that process, but it is something that is a way to look at the eighth amendment and its ramifications for the many women who have had to deal with trauma, stress and pressure. I agree that the services that should be provided for people can be improved. The central issue of the substance of Article 40.3.3° is one that is part of the process

we have put in place.

### Questions on Proposed Legislation

**An Ceann Comhairle:** Before moving on to questions on promised legislation, I point out to Members that we have recently amended Standing Order 28 to provide that there is one minute per Member on one question on promised legislation. Deputy Micheál Martin has one minute for one question.

**Deputy Micheál Martin:** Sorry?

**An Ceann Comhairle:** There is one minute for one question.

**Deputy Brendan Howlin:** It is in Standing Orders. One minute for one question.

**Deputy Micheál Martin:** The disenfranchisement of large parties continues. I will say no more.

**An Ceann Comhairle:** Excuse me, Deputy. Your party agreed to the amendment of Standing Orders which apply to every Member. The quicker we start, the more Members will be able to speak.

**Deputy Micheál Martin:** In the programme for Government there is a reference to the Education for Persons with Special Educational Needs, EPSEN, Act, which is the legislation dealing with special education. It refers to sections that were introduced on a non-statutory basis, which does not make sense to me. The Taoiseach may not have the relevant information available to him, but I ask him to communicate the various sections of the Act which have been properly and statutorily commenced and those which have not been. I thought it was a very strange phrase.

Will it be possible to get an update before the recess on the progress made in delivering the housing plan?

**Enda Kenny:** I will revert to the Deputy regarding the EPSEN Act and the sections that have not been implemented by statute and on a voluntary basis. The Deputy's second question referred to housing.

**An Ceann Comhairle:** I did not hear a second question because there is only provision for one. I am very sorry.

**Deputy Gerry Adams:** On Saturday, protesters took part in a rally on Merrion Square to protest at the rise in car insurance premiums, which have increased by 67% over the past three years. Those involved who have to carry this burden want the Government to establish a task force, similar to the Motor Insurance Advisory Board, MIAB, which was established in the 1990s and whose recommendations led to a 40% drop in premiums. The Minister for Finance has established a task force in his Department to review policy in the insurance sector, but it has not yet begun to deal with the reasons behind the major spikes in premium costs. Will the Taoiseach indicate when he expects the review to be completed? Will he consider establishing a task force similar to the MIAB?

**Enda Kenny:** We will discuss this at the next Cabinet sub-committee meeting and advise Deputy Adams of the progress made and whether the outcome is that a task force should be established. When we called the insurance companies together previously about flooding, many of them commented that fraudulent claims were driving up motor insurance. I have seen that refuted in other areas. The rise in insurance costs is a matter of concern and we will examine the matter carefully.

**Deputy Brendan Howlin:** I wish to ask the Taoiseach about the commitment in the programme for Government on the National Maternity Hospital. As he is aware, the previous Government committed €150 million for the project and planning permission was to have been lodged in the final quarter of last year. The project is now seven months behind schedule. A mediator was appointed months ago to sort out the problem and was to report back to the Minister for Health, Deputy Harris. Has the mediator reported back, and when will we see progress on a new National Maternity Hospital?

**The Taoiseach:** Deputy Howlin was in government himself when the money was allocated for the project. I find it disgraceful that the situation has not been resolved. As the Deputy is aware, it is not a political problem. The money is in place, a mediator was appointed and people should be able to agree. I have heard so many instances of the inadequacy of the building that has been the National Maternity Hospital for more than 100 years. The details should all be arranged and the project should move on. I will advise Deputy Howlin when I speak to the Minister for Health about the progress being made by the mediator. This is something that is in the interests of everybody.

**Deputy Paul Murphy:** I refer to the reports that the European Central Bank is seeking to have sight of, and presumably influence over, Opposition legislation in advance of it being discussed and voted on in this House. The European Central Bank is a body with no democratic legitimacy. It is unelected and unaccountable and has played a disgusting role in the course of European crises in various coups in Italy and in Greece. It is reported that the ECB has suggested there would be “potentially very serious consequences” for a failure to comply with its wish to see the legislation. We have no intention of complying with or facilitating the ECB’s interference in the democratic process. Is there any proposal for legislation to facilitate the ECB to have access to Opposition legislation in advance of it being discussed and voted on in this House?

**The Taoiseach:** This is a sovereign country with a sovereign Government and we are entitled to draft legislation. The changes made here recently allow for that to an even greater extent in terms of proposed legislation from Members of the Opposition as Private Members’ Bills. There is no such proposal.

**Deputy Mattie McGrath:** The Legal Services Regulation Act 2015 has been enacted for a full 12 months, yet there is still no sign of the regulatory authority being set up. People are being charged enormous fees and significant issues arise in that regard. When will the regulatory authority which underpins the Act be set up?

**The Taoiseach:** As Deputy McGrath said, the legislation was enacted in 2015. I will advise the Deputy when the Act will be implemented.

**Deputy Declan Breathnach:** Page 110 of the programme for Government refers to farm gate investment. The Taoiseach and the Minister for Agriculture, Food and the Marine are well



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aware that in excess of 70 questions have been asked in this House on the targeted agricultural modernisation scheme, TAMS, programme, and the failure to pay farmers who have been approved. The excuse is that the computer system is not working. When will a commitment be made on a payment date for the farmers involved, many of whom have been offered loans from the banks, which completely defeats the purpose of the scheme?

**The Taoiseach:** I do not know anything about the failure of a computer system in that regard but over the years the Department of Agriculture, Food and the Marine, and the Minister, have been very diligent in attempting to have farmers paid promptly. In some cases farmers are paid a portion of the money to which they are entitled in advance. I will follow up on the point Deputy Breathnach raised but he can take it that the Minister is anxious that farmers are paid on time.

**An Ceann Comhairle:** I call Deputy Aindrias Moynihan on the same matter.

**Deputy Heather Humphreys:** Does the matter relate to promised legislation?

**Deputy Aindrias Moynihan:** Some farmers who have expended cash and done the work as recently as last January, who appeared to have approvals, have not been able to collect them. The Minister said the payments would be made in June and July. Up to 4,000 farmers are affected. When farmers try to access the website, they find it is not active and the option of drawing down the payment is not available to them.

**An Ceann Comhairle:** Deputy Moynihan's point is made.

**Deputy Aindrias Moynihan:** In the meantime they are borrowing money to carry out work and making repayments on it.

**An Ceann Comhairle:** A parliamentary question or Topical Issue would appear to be the best option in terms of getting a response.

**The Taoiseach:** I will ask the Minister for Agriculture, Food and the Marine to note the points made by the Deputies. I am sure there is a reason the payments have not been issued. I will have the point the Deputy raised cleared up.

**Deputy Michael Healy-Rae:** The programme for Government states that the renewal of towns and villages will be a top priority for the new Minister with responsibility for regional and rural affairs as a way to revitalise rural Ireland. To deliver on this goal, the new Minister will develop a new and improved town and village renewal scheme, with input from the Oireachtas, in time for the budget in 2017. As part of the scheme, the Government proposes to commit additional funding to support the development of rural towns and villages. When will the House learn about this scheme and how much funding will the Government allocate to it?

Finally, I thank the Minister again publicly in this House for allowing "Star Wars" to come to Kerry, because it would not have been there only for that. I give credit where credit is due.

**An Ceann Comhairle:** We will not get into the movie industry. Taoiseach - not on "Star Wars", now.

**The Taoiseach:** They are following on "Ryan's Daughter," which was years ago.

The work preparing for the various schemes is well under way. The Minister and the Min-

ister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs will be very diligent to see that this happens as quickly as possible.

**Deputy Caoimhghín Ó Caoláin:** The Select Committee on Justice and Equality had its first meeting this morning, dealing with the Paternity Leave and Benefit Bill. However, as I speak, we have no certainty as to when the joint committee will sit. I understand the difficulty is that the appointments to the various Oireachtas committees from the Seanad have not yet concluded. It is absolutely disgraceful, after this long period of time, that we are faced, a couple of weeks before the recess, without even the opportunity of addressing a work programme. This applies to all of the committees. I ask the Taoiseach to establish why there is such an inordinate delay by the Seanad in appointing members to the joint Oireachtas committees, and to ensure that is done as expeditiously as possible so we can progress our programme of work.

**The Taoiseach:** I certainly will. I will inquire this morning about that.

**Deputy Willie O’Dea:** Well done on “Star Wars,” Taoiseach, but back here on planet Earth there is a commitment in the programme for Government that a working group will be set up to establish whether post offices could be used as a hub for the provision of State services such as motor taxation. I ask the Taoiseach whether that working group could be established before the recess, as this situation has now become very serious.

**The Taoiseach:** There have been a number of meetings with Mr. Kerr, who wrote the report, on the issues that arise there. The Government already made the decision some time ago that the basic bank account would be made available to the post offices.

**Deputy Willie O’Dea:** I know that, but what about the work?

**The Taoiseach:** Work is going on regarding driving licences, as the Deputy mentioned. As I said, a number of meetings have taken place, but I will advise the Deputy of the progress made. It is a matter that has been discussed a few times.

**Deputy Joan Burton:** I ask the Taoiseach about the proposal by the Minister with responsibility for housing, Deputy Simon Coveney, to the effect that planning permission for housing estates of more than 150 units will go straight to An Bord Pleanála and bypass the local authority entirely. The follow-up proposal by Deputy Barry Cowen, the Fianna Fáil spokesperson, is to bring that down to 30 units. In built-up areas, that would end planning as we know it. In fact, it would be back to the oldest alliance between Fianna Fáil and Fine Gael relating to fast-track planning in the interest of developers.

**An Ceann Comhairle:** Does the Deputy have a question?

**Deputy Joan Burton:** Can the Taoiseach tell me whether this will result in legislation and when?

**The Taoiseach:** I think the Deputy’s comment is completely unworthy of somebody who has served in government and who is a former Tánaiste. I reject that assertion completely.

**Deputy Joan Burton:** It is in the paper.

**The Taoiseach:** I reject Deputy Burton’s assertion about going back to the old days between political parties.

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**Deputy Joan Burton:** I served on the old Dublin County Council. I have a lot of personal experience of this.

**An Ceann Comhairle:** We do not need to know about the old Dublin County Council.

**Deputy Joan Burton:** I have a lot of experience of it. Do not lecture me about it.

**The Taoiseach:** We do not indeed, An Ceann Comhairle. We know enough about that.

**An Ceann Comhairle:** Thank you, a Thaoisigh; please deal with the question.

**The Taoiseach:** These are matters that will be part of the housing action plan to be delivered in outline very shortly by the Minister for housing, planning and local government. Obviously, incentives are built in there for county councils to move on and for local authorities to get on with the job of providing affordable houses and social houses for the many people who need them throughout the country. As regards Deputy Ó Caoláin's question, the Seanad Committee on Procedure and Privileges is meeting this week to appoint committees through the Committee of Selection.

**Deputy Michael Moynihan:** As regards the programme for Government and the commitment on health care, a serious issue has developed with a constituent of mine over the past 24 hours. The person was waiting nearly four months for a serious cancer operation only to be informed yesterday that the operation scheduled for today was now being stopped because of the beds crisis in Cork University Hospital. It is disgusting that this operation for a life-threatening condition has been cancelled. I have the facts of the case, but I do not want to name the family involved.

Under the programme for Government and following what our party leader, Deputy Micheál Martin, said on Leaders' Questions, the crisis in all hospitals is shocking. It is particularly so concerning this issue because what could be a life-saving operation was cancelled at 24 hours' notice. The information given to the family was that it was because of the beds crisis within Cork University Hospital.

**The Taoiseach:** It is an issue. If Deputy Moynihan wants a detailed response as to why a life-saving operation was cancelled this morning, obviously it may well be because of bed management problems or due to something else within the medical team. I do not know.

**An Ceann Comhairle:** A parliamentary question might help.

**The Taoiseach:** I suggest that if the Deputy gives the details to the Minister for Health, he will supply a factual answer. It does not answer the question, though, concerning the patient who needs this operation. I hope that when it happens, it will be a success for the person in question.

**Deputy Robert Troy:** Patients in St. Vincent's Care Centre in Athlone were informed last night that they would have to leave that hospital this morning to allow electrical works necessary under health and safety requirements to be carried out. This morning we have a situation whereby families are blocking ambulances taking patients from the hospital. The manner in which the HSE has dealt with patients, their families and staff is nothing short of disgraceful.

Will the Taoiseach confirm that this is a temporary measure and is not an attempt to close St. Vincent's Care Centre by stealth? When will the health information and patient safety Bill

come before the Houses in order that all Members of the Oireachtas will have an opportunity to make an input into it? That would ensure a situation such as that pertaining in Athlone this morning will never happen again.

**The Taoiseach:** The Bill will go for pre-legislative scrutiny shortly. As regards the Deputy's first question, I can confirm that it is a temporary move. The decision was taken to transfer residents from St. Vincent's Care Centre in Athlone to alternative accommodation because of an electrical report that highlighted a number of risks, including fire and power outages that led to service failures in the facility. They affected lighting, heating and electrical equipment. The transfer will take place on a phased basis over the next two to three days. It is temporary. The patients will be transferred back again when things have improved.

**An Ceann Comhairle:** I thank the Taoiseach. That concludes questions on proposed legislation. My apologies to the six Members whose questions have not been reached.

## **An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Colscaradh) 2016: An Chéad Chéim**

### **Thirty-fifth Amendment of the Constitution (Divorce) Bill 2016: First Stage**

**Deputy Josepha Madigan:** Tairgim:

Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht chun an Bunreacht a leasú.

I move:

That leave be granted to introduce a Bill entitled an Act to amend the Constitution.

I am pleased and privileged to move this measure, my first Private Members' Bill, before the House. My Bill centres on reducing the period before which one can apply for a divorce from four years out of the preceding five, to two years out of the preceding three.

Last month marked the 20th anniversary of the Family Law (Divorce) Act being signed into law. We need to re-examine this law. I believe in marriage and the constitutional protection given to it, but I do not believe in causing people unnecessary emotional and financial distress.

The four-year gap between separation and divorce has unfortunately proven to be cumbersome and draconian. Protracted matrimonial litigation has dire consequences on the family unit as a whole, especially on children. We have a duty to treat separated couples more humanely, less judgmentally and with compassion. As a family lawyer for two decades and as a mediator, I have witnessed how the 1996 Family Law (Divorce) Act functions. I have witnessed at first hand the consequences of couples waiting four years to issue divorce proceedings, even when those proceedings are uncontested. Marital breakdown is a tortuous, complex and all-encompassing process. The purpose of the Bill is to strike a balance between affording marriage the protection it deserves and showing fairness to separating couples.

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Currently, a separating couple is required to wait four years before they can issue divorce proceedings. The Bill proposes a reduction in this timeframe to two years. If the Bill is passed, a referendum on the proposed two-year rule will be required. I believe that two years is sufficient time for a couple to come to terms with the fact that their marriage is over. It gives the couple time to go through the five stages of grief that Elisabeth Kübler-Ross delineated, including denial, anger, bargaining, depression and acceptance. It allows them sufficient time to adjust, to seek personal counselling and-or family therapy, to obtain independent legal advice and to inform themselves of alternative dispute resolution mechanisms such as mediation.

This Bill, if passed, will give people options. They will be able to bypass the legal separation process and obtain a divorce after two years living separate and apart or obtain a legal separation by deed or a judicial separation and never seek a divorce.

I have spent a long time reflecting on the needs of separating couples. I believe this Bill is reasonable and fair. Marriages break down, unfortunately, for all sorts of reasons. We should no longer make finalising the break-up period too long, expensive and emotionally distressing. In my experience, people have a greater sense of stability and certainty post-divorce when they are no longer embroiled in high conflict litigation and they have clarity and finality. This is particularly true for the children of these marriages.

I believe this Bill represents an Ireland that is more compassionate and inclusive than the Ireland for which the four-year rule was written over two decades ago. I commend the Bill to the House.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** No.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

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

**Deputy Josepha Madigan:** Tairgim: "Go dtófar an Bille in am Comhaltaí Príobháideacha."

I move: "That the Bill be taken in Private Members' time."

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

**Ceisteanna - Questions**

**Official Engagements**

1. **Deputy Gerry Adams** asked the Taoiseach to report on his recent contacts with the Government of the United States of America; and if he will make a statement on the matter. [18143/16]

2. **Deputy Mick Barry** asked the Taoiseach to report on his meeting with the Vice President of the United States of America, Mr. Joe Biden; and if he will make a statement on the matter. [18070/16]

3. **Deputy Jim Daly** asked the Taoiseach the discussions he had with the American Vice President, Mr. Joe Biden, during his visit here in relation to progressing the proposed Cork to Boston Norwegian flight route. [19090/16]

4. **Deputy Jim Daly** asked the Taoiseach if he will make direct contact with the President of the United States of America, Mr. Barack Obama, to stress the importance of the progression of the proposed Cork to Boston Norwegian flight route; and to ensure any political obstacles in the United States of America are adequately addressed. [19091/16]

**The Taoiseach:** I propose to take Questions Nos. 1 to 4, inclusive, together.

I have previously reported to the House on my visit to the United States in March for the St. Patrick's Day programme, which included a number of political meetings, including with President Obama. I have also already reported to the House on my visit to Washington in May for events to commemorate the centenary of the 1916 Easter Rising.

On Tuesday, 21 June, I met with US Vice President Joe Biden in Government Buildings. This was the first engagement of his six-day programme in Ireland. We had a cordial and productive discussion on a range of issues of mutual interest to our two nations, including the strong bilateral economic and trade relationship between Ireland and the United States.

In this context, I recalled that I had raised the issue of the licensing of Norwegian Air International with President Obama and Vice President Biden when we met in March. I welcomed the subsequent progress that the US authorities have made with their tentative decision on 15 April to grant a foreign air carrier permit to Norwegian Air International. I emphasised to the vice president that we look forward to this decision being confirmed as soon as possible so that Norwegian Air International can launch new services between the US and Ireland, including a route from Cork. The Vice President expressed his hope that the issue could be resolved as soon as possible.

The Vice President and I also discussed a range of international and European matters, including the British referendum on EU membership, which was due later that week, and the Northern Ireland peace process. We also discussed the issue of US immigration reform.

The Vice President commended the Irish Government on its ongoing advocacy for immigration reform and expressed his dissatisfaction with the lack of progress on the issue in the United States. Deputies will be aware of the latest disappointing development where the US Supreme Court is evenly split on President Obama's executive action, so the lower court decision block-

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ing President Obama's executive action remains in place.

During our meeting, we spoke about the recent mass shooting in Orlando. I had previously written to President Obama to convey the condolences of the Government and the Irish people following this atrocity and I took the opportunity to express our condolences in person to the Vice President.

Our meeting concluded with us looking forward to the remainder of the Vice President's visit, which included a meeting the following morning with President Higgins. Reflecting the Vice President's interest in exploring his Irish heritage, the programme included events in counties Mayo and Louth as well as in Dublin. The Vice President was also accompanied by a number of close family members. Before his departure for Washington on Sunday, 26 June, I hosted a lunch at Farmleigh House for the Vice President and his family, which was also attended by Government Ministers, the Ceann Comhairle, representatives of the main Opposition parties, business representatives, the State agencies and Irish American interests.

The Vice President's visit was a great success and, I believe, has contributed to further strengthening the deep friendship between Ireland and the United States.

*1 o'clock*

Before his departure for Washington on Sunday 26 June, I hosted a lunch at Farmleigh House for the Vice President and his family, which was also attended by other Government Ministers, the Ceann Comhairle, representatives of the main Opposition parties, business representatives, the State Agencies and Irish-American interests. The Vice President's visit was a great success and, I believe, has contributed to further strengthening the deep friendship between Ireland and the United States.

**Deputy Gerry Adams:** I agree with the Taoiseach that the visit by Vice President Joe Biden and his clan was a great success. Like the Taoiseach and others here, I have met many who have travelled back home to their ancestral home place. It is always emotional and that was very obvious in the way Joe Biden and his family were met, not least in the Taoiseach's county of Mayo. Along with Deputy Munster, I attended the event in Carlingford in County Louth and the farewell luncheon in Farmleigh House. I thank the Taoiseach for the invitation to that event. Vice President Biden was entirely at home in the beautiful Cooley Peninsula, particularly in the lovely village of Carlingford looking out across the lough towards the Mourne Mountains with Slieve Foy at our back.

I am also pleased that the Taoiseach had the opportunity to discuss immigration reform. Vice President Biden is a long-standing supporter of the peace process, so it was good that the Taoiseach was able to talk to him about that as well. I know that Vice President Biden is very conscious of the difficulties faced by the 50,000 undocumented Irish citizens in the US.

The Taoiseach alluded to talking about other international issues. He may know that, unusually, the US Administration has strongly criticised Israeli plans to illegally build hundreds of new homes in existing Jewish settlements in the occupied West Bank and east Jerusalem. The US State Department has described this as the latest step in a systematic process of land seizures and the UN Secretary General has said that he is deeply disappointed. Half a million Israeli settlers have been living in more than 100 illegal settlements since the 1967 occupation. Did the Taoiseach raise this issue with Vice President Biden? Clearly, it is a good thing that the US Government is criticising this action. I think our Government can give a lead. The

Taoiseach knows about the programme for Government commitment to recognise the state of Palestine and that in 2014, the Oireachtas voted in support of the right of the Palestinian people to self-determination. Will the Taoiseach consider formally recognising the Palestinian state, upgrading the Palestinian mission and adding this State's support to the political movement needed to re-establish the peace process in the Middle East?

**Deputy Jim Daly:** I thank the Taoiseach for his reply. I have spoken with him on a number of previous occasions about the importance of this route for Cork to connect the entire southern region of Ireland to the US. While for the US this is clearly a football they want to kick around politically, for us in Cork it is far more important than that. What interests those who are trying to promote the region as a tourist destination is the footfall that would result from this connectivity. We have many hidden gems of excellence throughout the region that we want to showcase to the US, so this is a vital link that we need to see progressed.

I thank the Taoiseach for raising the issue with Vice President Biden. I asked the Taoiseach whether he would be willing to go back to President Obama, because I understand that the US authorities will sit on this until after the election, so it will be towards the end of the year before they make any decision. That is a lot of time and a lot of lost opportunities for the southern region. It is not just a Cork issue. I think the Taoiseach is aware that it has a knock-on effect on his constituency and the airport in Knock. Indeed, I think it will have an impact on the entire country and our economy. In the aftermath of the Brexit debate, it is important that we look after our strategic interests and ensure this is followed up. I would appreciate if the Taoiseach would confirm that he will go back to President Obama and ask him. The Taoiseach said Vice President Biden said he hopes it will be resolved, but I hope he will do more than just hope and that he will take out the finger and ensures it happens because it is on his desk.

**Deputy Mick Barry:** To follow on from the question that has been raised by Deputy Jim Daly, I am interested in the conversations the Taoiseach had with Vice President Biden in a general sense but particularly on the issue of the Cork-Boston flights. It is fair to say that in Cork city and county there is a strong mood for connectivity and flights connecting ourselves with Boston and New York at a later point. Cork city and county also form an area with a strong tradition when it comes to standing up for and respecting workers' rights. The issue of workers' rights is in the mix of the debate about these flights. We have had reports that Norwegian Air is talking about using agency workers who would be sourced from outside the US and the EU, perhaps with cabin crew and pilots taken on from south-east Asia. There has been talk of wages being paid of \$500 a month, and with the race to the bottom, that is something that would concern people. In this country, the Irish Airline Pilots Association, IALPA, has raised those concerns and in the US they have been raised by various trade unions and members of Vice President Biden's party, Bernie Sanders and Hillary Clinton. I am interested in information and an update on flights and connectivity. I am also wondering if the Vice President, whose Department of Transportation is looking into this, has any further update or information about the workers' rights issue here.

**The Taoiseach:** I extended an invitation to Vice President Biden to come here quite a number of years ago and I was very glad that during his last year in office he was able to come to Ireland on a semi-formal visit. I agree with Deputy Adams that he was really pleased to explore the roots of his forefathers in Carlingford and Ballina, County Mayo. I found Vice President Biden to be really interested in people, his Irishness and his roots. He was accompanied by his sister, daughter, sister-in-law, grandchildren and other members of his family. He was making a real effort to have them understand the extent of the connections between Ireland and the



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United States. His visit was an outstanding success.

While we did not discuss the question of Israel with him, the acquisition of further lands by Israel for the purpose of building apartments or houses is one I deplore. It is of great concern to the general, fragile efforts being made to bring about a two-state solution. This will not help the situation. The Minister for Foreign Affairs and Trade is working on the question of Palestine, having moved some way in this direction, and there are still some matters to be considered.

Deputy Daly raised the question of Cork Airport and Norwegian Air, as did Deputy Barry. Deputy Martin has also raised it on many occasions. When I raised it with President Obama in the White House, while it is not directly within his remit, he was very supportive of the matter being dealt with quickly. Shortly after that came the approval of a foreign air licence to Norwegian Air International from the secretary for aviation. That was on the basis of it being compliant with the open skies agreement with the EU. The matters Deputy Barry raised in respect of the employment of pilots have all been sorted out. Vice President Biden was well aware of this and gave his support strongly for a quick conclusion. It should be noted that, were this to be in operation now, Norwegian Air International would do for long-haul flights what Ryanair has done for short-haul flights, which would increase footfall through to the country generally in huge numbers either way across the Atlantic. As I understand it, it is fully compliant with the European Union open skies policy and is backed by the European Commission. This is not an administrative hold-up. There were quite a number of objections from unions in the United States, which feared the employment of pilots from the Far East. As I understand it, that matter has been resolved. I hope this can become a reality quite quickly.

Deputy Daly asked me to confirm that I would go back to speak to President Obama. We can communicate with him anyway. We will certainly do that because the Vice President undertook, after I spoke to him in Government Buildings, to speak to President Obama about this. Obviously, we have given a report of the discussion that we had on that matter.

### **European Council Meetings**

5. **Deputy Gerry Adams** asked the Taoiseach to report on the recent meetings of the European Council that he has attended; and if he will make a statement on the matter. [18144/16]

6. **Deputy Micheál Martin** asked the Taoiseach his contribution at the European Council meeting on 28 June 2016 following the Brexit referendum result; and the response from member states to same. [19355/16]

7. **Deputy Brendan Howlin** asked the Taoiseach to report on the European Council meeting; and his agenda for European Council discussions in terms of the Government's strategy for dealing with the vote to exit the European Union by the electorate of the United Kingdom. [19375/16]

8. **Deputy Ruth Coppinger** asked the Taoiseach to report on the two-day summit he attended in Brussels following the result of the referendum in the United Kingdom. [19475/16]

**The Taoiseach:** I propose to take Questions Nos. 5 to 8, inclusive, together.

I attended the European Council on 28 June and the informal meeting of 27 Heads of State and Government on 29 June. The focus of both meetings was on the outcome of the UK refer-

endum which took place on 23 June. The European Council also considered, relatively briefly, a number of other issues, including migration, the Single Market, investment, economic and monetary union, taxation, agriculture, Libya, the EU Global Strategy on Foreign and Security Policy, EU-NATO co-operation, and the association agreement with Ukraine. In an exchange on trade, I stressed that the Commission should continue to work towards agreeing the Transatlantic Trade and Investment Partnership, TTIP, deal with the United States. The British Prime Minister, David Cameron, attended the meeting on Tuesday, where all member states expressed regret at the outcome of the referendum but respect for the democratic decision of the UK electorate.

At the meeting of the 27 leaders, it was agreed that there could be no negotiations until Article 50 of the Treaty on European Union was triggered, and that, while this will not happen immediately, it should take place as soon as possible. The negotiations are likely to take at least two years and, in the meantime, the UK remains a full member of the Union.

On the separate question of the future relationship between the UK and the EU, the UK side has yet to clarify what it wants. There will be many complex and technical issues to consider. British politics are in a turbulent phase and we will have to await the election of a new Prime Minister before the UK approach becomes clearer. The 27 leaders clarified that the European Council would direct the process, but the Commission and the European Parliament will also play important roles.

At the meeting, I spoke about our long history with the UK, including the Northern Ireland peace process and our common entry to the EU in 1973. I outlined our specific interests, including Northern Ireland, the common travel area and trade. We have been emphasising these points to our EU partners for some time and they are widely understood.

Our overall interests lie in a stable, prosperous and outward-looking UK. The closer its future relationship is with the EU, the better from our perspective. We will need to ensure in due course that the negotiating mandate - which has to be given by the member states, including Ireland - will reflect our specific concerns.

**Deputy Gerry Adams:** Gabhaim míle buíochas leis an Taoiseach. Everybody is now well aware of the real risks to the well-being of our people as a result of the Brexit vote. Yesterday, in his post-Council statement, the Taoiseach acknowledged that too lengthy a gap in the process of negotiation might prolong uncertainty, with negative consequences for businesses and consumer confidence. Yesterday he spoke of the need for exploratory work to begin with the British Government. The Taoiseach stated last week that the British Prime Minister wanted early bilateral engagements at senior official level and he went on to state that senior British officials met officials from the Department of the Taoiseach. Can we get some sense of what issues were discussed, what progress, if any, was made, and when the next meetings will occur? Could the Taoiseach also clarify the status of these engagements?

The Taoiseach has stated that he wants the Government represented at any EU-British negotiations in order to protect the interests of this State. What has been the response to that? Has the Taoiseach put that issue, and how has the EU - and, for that matter, the British Government - responded? The Taoiseach rehearsed the issues which he quite rightly brought up at the Council meeting. Can he give us some sense of how his concerns have been responded to?

I will go back, if I may, to this issue of a national forum. The Taoiseach stated it had merit

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and that it was a good idea. Three of the Opposition leaders here have supported the proposition. Will the Taoiseach meet these three leaders and others, if they want to be there, to discuss how we can advance this idea? I also would argue strongly for, and welcome, an all-island framework and a whole-of-Government contingency framework as described by the Taoiseach. That is appropriate because a partitionist approach to the development of strategy and policy in negotiation structures would put at risk, in particular, the gains that have been made for citizens since the Good Friday Agreement was achieved.

I want to raise one specific issue. There is an ongoing effort to achieve the building of the Narrow Water bridge project. I recently visited the site with the Northern Minister for Finance. Brexit strengthens the argument for proceeding with the project with all speed. It does not weaken the argument. A report was noted at the North-South ministerial meeting, but this is a project to enhance the tourist and economic potential of the Border region - both sides of the Border. I ask the Taoiseach if he would be prepared to take an initiative on that matter.

**Deputy Micheál Martin:** Yesterday, the Taoiseach mentioned, both in his speech and in his reply, that the Council would lead the negotiations.

**The Taoiseach:** The European Council will oversee the process.

**Deputy Micheál Martin:** I put it to the Taoiseach that there is a view abroad that not only should the Council lead the process but it should appoint the negotiators on behalf of the Council to engage with the British Government on negotiating the Brexit situation, both the exiting process and the parallel process of building a new relationship with the United Kingdom. Ideally, such a relationship would be something along the lines of the European Economic Area, particularly in view of the deal that was done for Norway, because Britain's access to the Single Market would benefit immeasurably the island of Ireland. Anything short of that will cause difficulties. These are issues for the incoming British Prime Minister, because they will have to swallow hard in the end of the day if the four pillars are to be observed in facilitating access to the Single Market. This is important, because there has been some disquiet about the performance of the President of the European Commission, Mr. Juncker, and some of his commentary.

In the immediate aftermath of the result, we needed cool heads. First, one should always accept the democratic wishes of a people. Whether one likes it or not and whether one agrees or disagrees, there should be respect for the will of the people as articulated in the ballot box. That is the starting point in such a situation. We all have made our contributions in terms of how it all happened, but the key point is that this is the starting point. The Commission has, to a certain extent, compromised itself even before we start. There has been a sense of getting even, or "Let us move on quickly and move them on." That kind of approach is not sane or sensible in the longer term.

Looking at the longer term with regard to European Union coherence, the bottom line is that there needs to be a positive and constructive trading relationship with the United Kingdom. Over time, that relationship needs to be built on proper values such as human rights. Governments and democracies change, and therefore one must create a framework that can be adaptable over time to a changing political situation in the United Kingdom, which can certainly happen.

In terms of these negotiations, will the Taoiseach indicate if he has sought for Ireland to be represented on a negotiating team, given our unique and special trading, economic and social

relationship with the UK? We have a case to make that we should be on a negotiating team or have a representative on that team. We have a unique contribution to make to the all-island dimension. Europe has been an important backdrop to peace in Northern Ireland, including the PEACE fund and the other various funding mechanisms. At this stage we should be working on a process that might seek to retain European Union supports for PEACE fund initiatives, reconciliation within the North and North-South engagement, interaction and projects. We should put that proposition to the European Union, notwithstanding the UK wanting to exit.

We should also put the proposition that there is a special issue with Northern Ireland. I do not know how the United Kingdom would react to this but we should push the idea that under the Good Friday Agreement of 1998, the consent of the people in Northern Ireland is explicitly called for in terms of a united Ireland and the future of Northern Ireland. Now, against the will of a majority of people in Northern Ireland, it will be taken out of the European Union. There is an issue in terms of the future of Northern Ireland and the island of Ireland that is worth pursuing with the European Union. It relates to the island economy and its political dispensation, and it is not something that can be glossed over as this issue unfolds. The more people begin to realise the impact of Brexit - it is becoming more immediate by the day with real and hard impact on the streets and farms - the more people may begin to consider this in a different way, both within the North and across the United Kingdom.

Is the Taoiseach's team in the Department looking at creating new structures for civil society dialogue, which has been underdeveloped in the North? The parties were not enthusiastic about the civil society dialogue element of the Good Friday Agreement and it has been allowed to wither. It never got off the ground. Even politicians have said to us over the years that it is not something they want to entertain. They were not too enthusiastic about it, truth be told. Now, it is to be regretted, and I urge the Taoiseach to develop mechanisms for a robust civil society dialogue involving trade unions, farmers and business elements, as well as people in general. We should get a dialogue going both North and South about the Brexit issue.

**Deputy Brendan Howlin:** In the immediate aftermath of the Brexit vote, the Taoiseach provided a useful briefing for all leaders in Government Buildings. Both the verbal and written presentation set out the strategic issues that needed to be addressed as a matter of urgency. What is less clear to me since is the end game. What is Ireland's objective, now we have had a chance for reflection?

The Taoiseach stated yesterday that senior officials from the United Kingdom engaged with senior officials from the Irish Government in recent days. What exactly was the framework in which that engagement happened? Did the Irish team specify the desired outcome of the new position and whether the United Kingdom and Ireland could work in common effort to achieve those objectives?

What is the Taoiseach's view on the timing of the invocation of Article 50 of the Lisbon treaty? As Deputy Martin stated, there are various signals coming from leaders in Europe and those we look to for leadership. In short, the attitude of European Commission President Juncker is, "Here's your hat, what's your hurry?" The attitude of my socialist colleague, Mr. Martin Schulz, in the European Parliament was not an awful lot better, initially at least. There was a little more measured response from President Tusk. We need a specific attitude from Ireland as the strategic issues are so important for this country and the people of this entire island. We must know what our objective will be and how we will work towards it. From an Irish perspective, when would be the optimal invocation of Article 50? This is entirely a matter for the

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United Kingdom but we should have a view with respect to our interaction with good friends in the United Kingdom as to when Article 50 should be invoked.

As I indicated yesterday, should we in the interim work on a bilateral strategy between Ireland and the UK before we engage in a trilateral way between Ireland, the UK and the European Union to see what is the best common outcome for the people of Britain and Ireland? I have not got external legal advice on this matter but my reading of Article 50 is that the framework for negotiations will be set by the Council. It indicates the negotiations will be conducted by the Union and I am not sure what that means. It has been said it is overseen by the Council but who does the negotiations? Is that clear yet? What inputs can we have as of right into those negotiations because our strategic interest is so much greater than virtually everybody else's, aside from the United Kingdom itself?

The interim arrangements were touched on again by Deputy Martin. The negotiations are ongoing on planning the expenditure of the INTERREG moneys that we negotiated in government. I negotiated the PEACE IV moneys as there was no great enthusiasm from the British to have a new programme. During the negotiations for the multi-annual financial framework, Britain wanted to reduce expenditure and did not want to be seen to advocate additional expenditure in any area. The Taoiseach did much work on this and he knows the British attitude was that while they would not obstruct work on PEACE IV, they would not be overt advocates for it. What is the state of the projects now? Deputy Adams would be familiar with many of them. It was expected they would be funded over the next seven years, but will that now happen? Is there any interim arrangement or is it all on hold until the Brexit negotiations conclude?

**An Ceann Comhairle:** The 15 minutes allocated for this block of questions has elapsed. I take it Members are amenable to eating into the time allocated for the third tranche of questions.

**Deputy Micheál Martin:** What is in the third tranche?

**An Ceann Comhairle:** They concern somewhat similar matters.

**Deputy Ruth Coppinger:** We have heard much today about respecting the ballot box and yet I have heard people condemning the outcome of the referendum and the people who took a decision with the ballot box as being right wing and racist. Was there any serious discussion at the European Council about why people took the Brexit decision and how the EU should respond? It seems there is an increasing mood across Europe against the EU. There is an article in *The Daily Telegraph*, for example, suggesting a tsunami of referendums that might take place across Europe, as there is potential for 33 referendums to be called by different states. Not all the people calling for those referendums are right wing and racist - far from it - and in one poll, nearly half of voters in eight big European states wanted to be able to vote on whether they should be a member of the European Union. In France, for example, there is a major strike ongoing against French and EU austerity, emanating from the EU neoliberal agenda. A poll indicates 38% of people in France had a favourable attitude to the EU and 62% had a negative attitude.

President Tusk, in writing about Brexit's outcome, indicates that it is clear that too many people in Europe are unhappy with the current state of affairs, on the national or European level, and they "expect us to do better". There must be more serious discussion among the ruling elite in Europe as to why the fifth largest economy in the world has taken this decision.

Was there any discussion about the growing militarisation in Europe? The image we had

of the EU in this Chamber is of a benevolent and progressive institution, but the image many people on the ground have is of an increasingly undemocratic institution, which is racist in the way that it is disgracefully corralled. The poorest people in the world, who are trying to escape war and poverty, much of the war generated by the EU, and trying to reach freedom, are being penned in in Turkey by the deal the EU has done. It congratulated itself on that deal, saying it has made its borders secure, by keeping out some of the poorest people in the world. It is an incredible state of affairs.

Finally, in respect of events in Britain, does the Taoiseach have a response to the Chilcot report? The Chilcot report has been released in the last hour and it essentially finds that the British Government of the time, and Tony Blair in particular, chose to join the invasion of Iraq before all other peaceful options had been exhausted. It is now becoming crystal clear how the British Civil Service and the British Government duped others into believing there was a serious threat, regarding weapons of mass destruction and 45 minutes. I read an article and the EU summit agreed with that decision. This was two days after millions of ordinary people across Europe marched against the threat of war. We had one of the biggest marches in this country on that issue. Two days after that, the EU met in Brussels and agreed a resolution that expressly approved that war - it approved it as a last resort, but nonetheless it approved it - and condemned Saddam Hussein, etc. The impression is being given that the EU is a wonderful institution, which is neutral, benevolent, or whatever.

I made this point yesterday and I wonder if the Taoiseach would agree that actually there have been some very good developments in Britain since the Brexit result. David Cameron is gone, Boris Johnson is gone, and Nigel Farage is gone. Within the British Labour Party we have a battle for the leadership of the party, with the Blairite pro-war people who duped everybody and who have blood on their hands trying to oust Jeremy Corbyn. I am hoping the Taoiseach will send a message of support to Jeremy Corbyn following the Chilcot report for being on the right side of history on that occasion, because I think he should be sent that message. There will be a battle, but I think the membership will win and there could be a left-wing trend in the British Labour Party. There will be a general election and possibly a left Labour Party, so it is not all bad, actually. In terms of ordinary people across Europe, the people who feel the effects of the decisions of the elite and the austerity that is imposed, it could be a beacon for others to follow.

**The Taoiseach:** Deputy Adams raised the leaders meeting. I think we should do that again next week and I will give everybody the most up-to-date information we have. There have been bilateral arrangements, which I mentioned already. When I spoke to Prime Minister Cameron after he rang me to say he was intending to stand down as a result of the referendum, and again in Brussels, I said we should have the meetings we had arranged following the memorandum I signed with him a couple of years ago, whereby senior officials at the highest level meet once or twice a year, and that we should continue that now. They actually met in Dublin on 30 June to engage bilaterally at a very early stage following the referendum. The issues they had discussed were ones I had referred to the Prime Minister: the common travel area, border and customs, Northern Ireland, North-South issues and bilateral security co-operation. I understand that a number of officials from here have been over in London, so we will keep that at a very active level, but we will also intensify the engagement of officials from Northern Ireland with the permanent representation we have in Brussels, so that they will know what is happening there.

**Deputy Brendan Howlin:** Has a senior point person been appointed?

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**The Taoiseach:** Yes, there is a senior point person.

**Deputy Brendan Howlin:** Who is it?

**The Taoiseach:** They are in the Department here. I will supply Deputy Howlin with the name later. The Secretary General's equivalent was here. We have a person who is the lead person in the Department here. In any event, I have to restructure the numbers in the Department of the Taoiseach here, between that and the Department of Foreign Affairs and Trade, and we are looking at how we might expand those numbers, maybe even from other Departments. I recall that previously there were people contracted in who had experience and expertise in particular areas that would help the general environment in those kind of discussions, but I will advise Members of that.

It was agreed further that detailed work on a number of areas will be required in the coming weeks and months and these will be co-ordinated through mechanisms like the common travel area forum, the Belfast or Good Friday Agreement, and the engagement between the UK permanent secretaries and the Irish Secretaries General here under the joint statement we had back in 2012. I will keep Members informed and we will have a meeting next week, when it is appropriate.

Deputies Howlin and Adams mentioned infrastructure. I referred to this yesterday. If, in theory, when Britain has left, and there were to be no PEACE funds or no INTERREG funds, then many of these projects would obviously fall, because many of them are predicated on money being put up front by us and by Northern Ireland and being recompensed later from a European point of view. A Minister might be asked to put money up front for a project that might not be recompensed later on, or that might fail. This is a stalled process now as we are here, so we need to have our North-South bodies in such a position that they can continue to plan for projects. That is an issue.

Deputy Martin mentioned the oversight of this by the European Council. There are three institutions, as Deputies are aware: the European Parliament, the European Commission and the European Council. Obviously the Parliament has grown in importance over the past number of years. The theory here was that the European Commission has always had the expertise in and the experience of dealing with negotiations from countries that wanted to join the European Union. Equally, that experience is there in this first instance in which a country wishes to leave the European Union, but there was a very strong feeling around the table that it is the European Council, that is, the elected Heads of State or Government, that should oversee this politically. It is a matter for the European Council to give a mandate to the Commission in the nature of any negotiations to be conducted. I would assume - I would make this case very strongly, because we are the country that is most affected by the Brexit decision - that we would be in there at those negotiations as part of the European Council oversight of the work being done by the Commission.

**Deputy Micheál Martin:** Does that mean as part of the 27?

**The Taoiseach:** It is not finalised yet, but it is the European Council, that is, the leaders of the different countries, that will oversee the political process here, so we will have to see to it that this is not left just to the Commission, which has the expertise. It has to be overseen and monitored and have people involved from the European Council. From our point of view, it would be very important that, as Ireland is at the apex of the journey towards the UK and the

EU, we are central to these negotiations and we will have to put a facility in place for that.

We mentioned the PEACE funds. We are co-guarantors of the Good Friday Agreement. I like to think that, irrespective of what negotiations take place, the European Union itself is a peace process, which was founded after the Second World War, as Deputies are aware, but it is very important to understand that leaders are well aware of the importance of the peace process and they are well aware of the importance of the moneys put up by Europe for PEACE IV, negotiated by Deputy Howlin, and the INTERREG funds that were put in place during our own EU Presidency. I would like to think that, because of its importance, we would be able to keep those funds in place.

Deputy Martin mentioned a civil society dialogue. I think some form of that is necessary. That is what I had in mind about having conversations, North and South. As I said, I do not have a mandate to negotiate for Northern Ireland but I have a duty and a responsibility to understand the common challenges that our people face. If we are to be in a negotiating situation it is important to know this.

If and when Britain removes itself from the European Council, whoever the Taoiseach is at the time will be the only representative of the British Isles at the European Council table. It is important that we understand the many challenges we will face. We want Britain to have access to the Single Market but in so doing we also want it to accept the four fundamental principles of the European Union and that will be a challenge for whoever is elected as the new Prime Minister. If they decide that they want to limit immigration and migration it will be very strongly resisted by the European Council, where freedom of movement is a fundamental principle. We do not know who will be elected but Theresa May or whoever it is will have to set out their stall.

People asked about the triggering of Article 50. Nothing can happen until that happens. I have said that I think it important that the new Prime Minister be elected first, and that will happen by 9 September. He or she should then have some time to reflect on their strategies, objectives and intentions. What does Britain want? Does it want a mechanism like Norway? Does it want a mechanism like Switzerland, or Canada, or Singapore? Maybe it wants something new, something British. From our point of view, the common travel area, the Border, the peace process and access to our trading links are all important so the nearer Britain is to the Single Market, the better for us. We will not know its strategy until the new Prime Minister is elected.

**Acting Chairman (Deputy Robert Troy):** The time has now elapsed.

**The Taoiseach:** The framework is set by Article 50 but the Council will oversee it.

Deputy Coppinger asked about the seriousness of the discussions which take place at the European Council. They are serious but the discussion on Wednesday morning took place in a vacuum because we did not have a new British Prime Minister so there was no one to set out what they intended to do. The clock will start ticking when Article 50 is triggered but we need to know the objective and the strategy of the British Government and the new Prime Minister will outline that in due course.

It was then asked who would oversee the negotiations and the answer was that it would be the European Council. It will be necessary to have bilateral or parallel arrangements while the British trigger Article 50 and the discussions take place on Britain exiting the European Union. It is only afterwards that a new framework can be put in place setting out the relationship between the UK and the European Union and, as a consequence, that of ourselves, Northern Ire-



land and the UK. When the exit is completed, the new framework will be known and will be a reality, rather than a theory to be introduced at a later stage.

This will be very complicated and will take a great deal of time. We will see to it that we give everybody in this House full and up-to-date information so that we can make a decision as to where we want to be in the future.

### **Topical Issue Matters**

**Acting Chairman (Deputy Robert Troy):** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Michael McGrath - securing a site for a permanent school building for Rochestown Educate Together national school; (2) Deputy Thomas Byrne - a scheme to re-imburse community groups which incur costs in submitting and presenting to oral hearings in respect of planning permission under the Strategic Infrastructure Act; (3) Deputy Louise O'Reilly - the reports into the nurses and midwives board which raise a number of concerns; (4) Deputy John Brassil - an immediate review to increase the limit under the rent allowance scheme announced for County Kerry; (5) Deputies Thomas P. Broughan and Clare Daly - an environmental impact of the existing runway and the new proposed runway at Dublin Airport, given noise pollution and that the existing runway was not subject to the planning conditions in place for the new runway such as restrictions on night flights and the requirements of the environmental impact study; (6) Deputy Peadar Tóibín - meeting the demand for Gaelscoileanna; (7) Deputy Fergus O'Dowd - restoration and maintenance of appropriate emergency beds for service users in St. Mary's, Drumcar, County Louth; (8) Deputy David Cullinane - insulin pump therapy services available to patients with a type 1 diabetes, the number of vacant endocrinologist posts, the average waiting time to see an endocrinologist or diabetes consultant and the number of cardiac patients who are also diabetics at Waterford University Hospital; (9) Deputy Michael Fitzmaurice - the objection by the National Parks and Wildlife Service to the upgrading and re-alignment of the main Oughterard to Clifden road in County Galway; (10) Deputy Frank O'Rourke - the need for the projected increase in home care packages to be delivered as a priority; (11) Deputy James Browne - undisclosed payments to executives at St. John of God Hospital; (12) Deputy Joan Collins - waste companies, the pay-by-weight system and contracts with customers; (13) Deputy John Curran - provision of additional home care packages to allow patients who have been deemed medically fit for discharge from Tallaght hospital in Dublin 24 to be discharged; (14) Deputy Alan Farrell - refocusing the Government's efforts on cutting child care costs to support families; (15) Deputy Niamh Smyth - the withdrawal of the Beit collection paintings from auction at Christies in London on 7 July 2016; (16) Deputy Maurice Quinlivan - the crisis in the accident and emergency department, including the number of persons waiting on trolleys, and prioritising the opening of the new department at Limerick University Hospital; (17) Deputy Sean Fleming - concerns at artificial pricing thresholds in medicine pricing arrangements with the Irish Pharmaceutical Healthcare Association; (18) Deputy Seán Haughey - the need to ensure all citizens are computer literate through an expansion of the adult literacy programme and other initiatives; (19) Deputy Catherine Conolly - the lack of public consultation following the extension of the deadline for submission

of documentation relating to an application for a foreshore lease by the Marine Institute in An Spidéal and Na Forbacha in Contae na Gaillimhe; (20) Deputies Richard Boyd Barrett and Paul Murphy - the publication in the United Kingdom of the Chilcot report on the war in Iraq; (21) Deputy Anne Rabbitte - lowering the level of the river Shannon from September 2016 so as to prevent winter flooding; (22) Deputies Carol Nolan and John Brady - the operation and rules of the new rent supplement scheme and the housing assistance payment scheme; (23) Deputy Robert Troy - the closure of St. Vincent's Hospital in Athlone, County Westmeath; (24) Deputy Mick Barry - strengthening the powers of the charities regulator; (25) Deputy Bríd Smith - social protection plans for the Jobpath scheme; and (26) Deputy Mick Wallace - the impact of the commencement of construction of a nine-storey office block beside St. Mary's Church at City Quay, Dublin 2.

The matters raised by Deputies Michael McGrath; Thomas P. Broughan and Clare Daly, Maurice Quinlivan; and Fergus O'Dowd have been selected for discussion.

### **Ceisteanna - Questions (Resumed)**

#### **Priority Questions**

##### **UK Referendum on EU Membership**

19. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the implications for expenditure plans in 2017 and beyond of the result of the British referendum on European Union membership; if he will emphasise growth-friendly projects in spending plans, particularly in the Border regions; and if he will make a statement on the matter. [20001/16]

**Deputy Dara Calleary:** I wish to tease out the implications for public expenditure plans and the capital programme of the Brexit vote and an anticipated slowdown in our economy, as well as the withdrawal of the UK from various EU programmes such as INTERREG.

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Planning for the potential implications of the result of the referendum on the UK's membership of the European Union is particularly challenging. Until Article 50 is invoked by the UK, the precise timescale for the UK's withdrawal from the EU is not known. The economic impact of the UK's exit from the EU will also very much depend on the nature of the new arrangements to be agreed between the UK and the EU.

The Government has adopted a contingency framework, co-ordinated by the Department of the Taoiseach, to map out the key issues that will be most important to Ireland. Priority issues identified in the framework include UK-EU negotiations, British-Irish relations, Northern Ireland, trade, investment and North-South Border impacts. As outlined in the framework, the impact on enterprise and trade in Border counties will be monitored closely.

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The summer economic statement, SES, published last month, sets out the Government's medium-term strategy for sustaining economic growth and for budgetary policy. The proposed budgetary strategy for 2017 is not expected to change materially following the result of the UK's referendum on EU membership. The majority of components feeding into the expenditure benchmark calculation for 2017 are included in the European Commission's 2016 spring economic forecast and, based on the forecasts in the SES, the 2017 budgetary strategy is consistent with compliance with the balanced budget rule.

As noted in the summer statement, the Department of Finance will prepare a full macroeconomic projection in advance of budget 2017. The public capital plan published last September set out an Exchequer spend of €27 billion over six years. This includes key investments in transport, education, health and enterprise. In every part of the country where these are delivered, they will boost our competitiveness, sustain jobs and upgrade our social infrastructure.

**Deputy Dara Calleary:** The €27 billion plan was based on conditions and on economic growth figures which have to be reviewed in the context of the decision. It has been nearly two weeks since the British took their decision so is there to be any review of the growth figures? What will that review mean for the capital plan?

The European regional development fund has committed €240 million to the INTERREG programme from 2014 to 2020. I know a date has not yet been set and Article 50 has not yet been triggered but we have to assume that it will happen before 2020, if it is going to happen. In this context, has specific attention been given to programmes such as the Narrow Water bridge, the A5 and the Border programmes?

The pressure exporters are under following the weakness of sterling will impact on corporation tax and VAT returns. This may be a matter for the Minister for Finance, Deputy Michael Noonan, but what are the projections for both, going forward?

**Deputy Paschal Donohoe:** The Deputy's first question was on how the change in the UK's status will affect our economic projections. The Deputy is correct. Two weeks have elapsed since the vote took place, but we have not seen a new Prime Minister elected in the United Kingdom, and it is only when a new Prime Minister is elected and his or her Government determines a negotiation strategy with the European Union that it will be clear what the relationship will be with the Single Market. The Bank of England and the Chancellor of the Exchequer, George Osborne, have made statements regarding what they will do to affect their domestic economy, but those statements were only made yesterday. The net outcome of all of that is the question the Deputy asked me regarding what the effects will be. To restate, we believe that it will not affect our plans for 2016 and 2017. Any effect on our medium-term prospects will be taken into account in the run-up to the budget in October, when we will give a further indication of where we stand, but the Minister for Finance, Deputy Noonan, has indicated that he believes the effect on national income growth would be 0.5%, with two different factors driving that.

**Acting Chairman (Deputy Robert Troy):** Thank you, Minister.

**Deputy Paschal Donohoe:** I think I have 35 seconds left.

**Acting Chairman (Deputy Robert Troy):** I did not start the clock on time, so your minute is up. You will be allowed to reply one more time.

**Deputy Paschal Donohoe:** Would you allow me to answer the second question the Deputy

put to me, please?

**Acting Chairman (Deputy Robert Troy):** You will be allowed to speak again, Minister. We have to keep to the time so that everybody gets an opportunity to speak.

**Deputy Paschal Donohoe:** I would make the point that it is not my fault that the clock started late. I am doing the Deputy the courtesy of trying to answer the questions he put to me.

**Acting Chairman (Deputy Robert Troy):** You will have another opportunity to speak.

**Deputy Dara Calleary:** Has the clock started? I will give the Minister the chance to give a full response to that question.

The Minister committed to a review of the capital programme for 2017. Will that review now take account of the referendum decision and the particular impact that decision will have on specific parts of the country? Will it affect the entire country? I have already called for an all-Ireland response to it at local authority level, but a specific response will be needed for the Border region. In terms of the capital programme, will the Minister facilitate a review that will encourage employment-friendly projects in that region?

**Deputy Paschal Donohoe:** To go back to the earlier question the Deputy put to me, the effect will become clearer in the run-up to budget 2017. The summer economic statement outlined that the cause of any change in national income would be the change in our trading relationship with sterling and having a greater understanding of what the relationship would be between the UK and the Single Market in particular.

Regarding the earlier question the Deputy put to me on INTERREG and the PEACE programmes, whose importance he acknowledged, on the Friday morning when the result was announced, we contacted the Commission about this. I met my officials who have responsibility for that area, and tomorrow morning I am meeting the Minister for Finance in the Northern Ireland Executive, who has responsibility for these areas, to discuss the effect of the UK decision on the INTERREG and PEACE programmes. We remain committed to the commitments the Government has put against those programmes because, as the Deputy will be aware, the majority of funding for those projects comes from the European Union. It is a matter that we and the Northern Ireland Executive need to work through closely.

The Deputy asked me if the change in the UK's membership of the EU will have an effect on the capital plan. We have acknowledged that it will inject uncertainty into our medium-term prospects. The linear consequence of that is that it will have an effect on Government plans, but I have been very clear - the Minister for Finance, Deputy Noonan, has made similar points - that what we then need to examine-----

**Acting Chairman (Deputy Robert Troy):** Thank you, Minister.

**Deputy Paschal Donohoe:** -----is our plans in the context of how they respond to what has happened in the UK. Capital investment to increase productivity and the growth potential of the economy is how we need to respond, and I will be taking specific account of the Border counties.

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## **Lansdowne Road Agreement**

20. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform how he intends to deal with Association of Secondary Teachers Ireland and the Garda Representative Association in the context of the Public Service Stability (Lansdowne Road) Agreement 2013 to 2016; his plans to use the powers he has under financial emergency measures in the public interest legislation to penalise the members of these associations; how this will work in practice; and if he will make a statement on the matter. [19906/16]

21. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform his plans to address outstanding industrial relations issues relating to teachers and members of An Garda Síochána who are currently outside collective pay agreements; and if he will make a statement on the matter. [19905/16]

**Deputy David Cullinane:** There has been far too much talk from the Minister's Department in respect of trade unions and public sector workers currently outside the terms of the Lansdowne Road agreement. There has been talk in the past of penalising and punishing workers who are outside the terms of that agreement. What is the Minister's plan for those workers now? Where do they stand? There are reasonable expectations that all public sector workers have that go beyond the Lansdowne Road agreement. We now have some unions and some workers who for genuine reasons have not signed up. Will the Minister outline his intention in terms of these workers?

**(Deputy Paschal Donohoe):** I propose to take Questions Nos. 20 and 21 together.

First, to be clear and to correct the Deputy from the outset, there has not been talk from me or my Department about penalising anybody. Second, as I made clear publicly over the weekend and in the early part of this week, I am putting equal focus in my Department on the 23 unions that are inside the Lansdowne Road agreement while putting due focus on those three representative bodies who are outside it.

With regard to the other points the Deputy put to me, pay issues for public servants are currently determined within the constraints set by the Financial Emergency Measures in the Public Interest, FEMPI, Acts 2009 to 2015, while the industrial relations environment is managed under the terms of the Public Service Agreement 2013-2018. The programme for Government contains a strong commitment to the Lansdowne Road agreement and gives a framework for the next few years for the Government's proposals for ongoing public service reform as well as setting out an agreed pathway to pay restoration for public servants that is affordable to taxpayers, at a cost of €844 million over three years.

As I have always said, I believe this agreement offers the best framework for reconciling the wage needs of those who provide our public services with the broader needs of those who depend upon the delivery of public services.

This agreement is now in operation for the vast majority of public servants. Over 280,000 public servants are inside the Lansdowne Road agreement. A point I have made, and I made it again to Deputy Cullinane, is that we need to put equal focus on those public servants who are inside the agreement and the 23 unions that voted for it.

The Government has to, and will, respect and keep faith with the decisions of the vast majority of public servants to come within the Lansdowne Road agreement. The benefits of and

the protections afforded by the agreement will therefore apply to those people who are inside the framework. Those not represented by a body that is inside the agreement will have the relevant provisions of the FEMPI Act apply to them, and will not benefit from the protections and benefits afforded by the agreement, including incremental progression, inclusion of the supervision and substitution allowance in the salary scale of teachers, and the protections negotiated in 2010 regarding compulsory redundancies.

The Government does not want to be in dispute with any group of people working for it. The recent decisions by the AGSI and the Teachers' Union of Ireland are clear examples of the progress that has been made in bringing more associations within the Lansdowne Road agreement.

The agreement is also flexible enough to allow for the concerns of recent recruits to the public service to be addressed in a negotiated way. I confirm to the House that in that context, officials of my Department and the Department of Education and Skills agreed yesterday with the INTO and the TUI, both unions inside the agreement, to have engagement later this month to begin to fully scope out the issues involving pay arrangements for newly qualified teachers.

**Deputy David Cullinane:** The Minister said he had no intention of punishing those public sector workers who are outside the terms of the Lansdowne Road agreement, but then went on to set out exactly how he will punish them. They asked for issues to be addressed that were outside the terms of the Lansdowne Road agreement. They did not get them in those negotiations. He is now saying they will not benefit from what is in the Lansdowne Road agreement. Furthermore, he is saying they will be subject to the extraordinary powers that were given to him by the previous Government regarding the FEMPI legislation, so they will be further punished. That is what is going on here. He is punishing those workers who are outside those agreements.

The Minister has no plan beyond the Lansdowne Road agreement for public servants. He talks about those who came into the system in 2011. I have tried my best to get a figure from his Department as to how much it will cost to return to a single-tier pay structure in the public service to deal with pay equalisation. I met officials from the Minister's Department. They are not able to give me the figures. They say it is impossible to cost.

**Acting Chairman (Deputy Robert Troy):** Thank you, Deputy.

**Deputy David Cullinane:** The Minister needs a plan that is fair to deal with the unwinding of the FEMPI legislation-----

**Acting Chairman (Deputy Robert Troy):** Allow the Minister to reply.

**Deputy David Cullinane:** -----and he does not have one.

*2 o'clock*

**Deputy Paschal Donohoe:** Not only do we have a plan, but we have a plan that has been accepted by 280,000 public servants in 23 unions. The reality is that if I was adopting a different approach and looking to dismantle the Lansdowne Road agreement, Deputy Cullinane would be in the House criticising me for doing that and for not keeping faith with the 280,000 people in those unions who are part of the agreement.

With regard to language of punishment, that language is entirely Deputy Cullinane's. It is language that neither I nor any Member of the Government has used.

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**Deputy David Cullinane:** If the cap fits, wear it.

**Deputy Paschal Donohoe:** We have always been very clear that the benefits of an agreement have to accrue to those who are part of the agreement. If I was to use a different approach, the Deputy would again be criticising me for doing it.

I will now turn to the position in relation to new entrants who joined the public service during the crisis. I have already indicated to Deputy Cullinane that my Department has begun preliminary meetings with unions in that regard. We held a meeting yesterday with the INTO and the TUI.

**Acting Chairman (Deputy Robert Troy):** Time please, Minister.

**Deputy Paschal Donohoe:** Of course, the cost of that will be subject to our Estimates process but most obviously will be subject to the nature of the agreement.

**Deputy Ruth Coppinger:** Even rent is way too much for young teachers.

**Deputy Dara Calleary:** I want to tease out the announcement by the Minister that he mentioned during his first reply to Deputy Cullinane regarding the process with the Department of Education and Skills, the TUI and the INTO. Perhaps the Minister will outline what exactly is involved in that process, what is the deadline for completion and how deep the consultation will be for those involved in the process with new entrants.

With regard to the Garda Representative Association, GRA, it has an issue around commitments given to them by the Minister and his predecessor under the Haddington Road agreement not being met, particularly the review of Garda practices. Perhaps the Minister will clarify the situation.

With regard to new entrants to the education sector, does the Minister have plans to enter into a process with other new entrants into the civil and public service around their allowances and terms and conditions?

**Deputy Paschal Donohoe:** I will address the Deputy's first question. This builds on a commitment I gave in the earlier Dáil session around dealing with issues for new entrants. I may have been responding to questions to Deputy Calleary on this when I indicated to him that the Lansdowne Road agreement creates the processes in which matters of concern to those inside the agreement can be dealt. That is what we are doing. We are triggering one of those processes. With regard to how long that will take, I am not going to impose a deadline on that process as I do not believe it fair to those unions who have come in good faith to engage with us on the matter. I am having this engagement because of recognition of the concerns articulated by the unions on this matter.

The Deputy referred to the GRA. I am pleased to confirm that an individual has been appointed with the support of the parties involved, Mr. John Horan,-----

**Acting Chairman (Deputy Robert Troy):** I thank the Minister.

**Deputy Paschal Donohoe:** -----to look at how issues around the GRA, the Department of Justice and Equality and the Government can be dealt with.

The Deputy's final question was about terms, conditions and allowances of other new en-

trants in the civil and public service. We will look at such matters and engage with unions all the time inside the Lansdowne Road agreement on issues of concern to them.

**Acting Chairman (Deputy Robert Troy):** I thank the Minister. Deputy Cullinane has one further question.

**Deputy David Cullinane:** The Minister is a master at not answering the question I ask. The question was what is his plan to unwind FEMPI beyond the Lansdowne Road agreement? I am not asking the Minister to tear apart the Lansdowne Road agreement. I am asking him to spell out his plan for unwinding FEMPI in its totality and how long it would take to do it. There are reasonable expectations that all of those, including the trade unions under the Lansdowne Road agreement umbrella, have that go beyond the agreement.

Will the Minister also clarify how he will treat those public sector workers who are not unionised and who did not sign up to the Lansdowne Road agreement because they were not in unions? How will the Minister treat them? Will they be treated differently from those members of ASTI or the GRA who voted against the Lansdowne Road agreement and are outside it? The Minister has not thought this through. What about dual schools which have different unions? He needs to think this through and he has not. He has no plan to deal with that other than what was in the previous FEMPI legislation.

**Deputy Paschal Donohoe:** Alas, I am not a master of anything at all. I answer the questions which the Deputy puts to me. However, when I answered the questions, I pointed out that not only is there a plan, but the plan has been voted on by the majority of unions. These are points of truth of which the Deputy takes no cognisance, apart from the fact that if I was outlining any other course of action the Deputy would be here criticising me for letting down the people who voted for this agreement.

I will answer the question, which the Deputy did not put to me earlier, on plans to unwind FEMPI. The programme for Government is very clear on this aspect. The future of the FEMPI legislation has to be based on negotiation with those in the trade union movement and based on the ability of the State to afford it. It is all in the context of the collective Lansdowne Road agreement, which at the moment is giving wage increases to members who are part of the agreement.

The final question put to me by the Deputy was about the impact of this process on schools in particular. The Department of Education and Skills is dealing with the matter, keeping in mind what could happen later in the year and the recent decision by the ASTI in relation to the Lansdowne Road agreement. Not only do we have a plan and a strategy, but we have-----

**Acting Chairman (Deputy Robert Troy):** I thank the Minister. He has made that point a number of times.

**Deputy Paschal Donohoe:** -----a plan that has been accepted by the majority of unions.

**Deputy Dara Calleary:** The Minister has said he will not impose a deadline on the new process he has announced but he does need to inject a sense of urgency into the process. We are asking people who are new entrants since 2012 to do the same job as those who were there before them at a time when rental costs are sky high and there are many other issues which affect them. There needs to be an urgency about it.



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It is time the Minister laid out a roadmap for the gradual unwinding of FEMPI. The Minister needs to introduce proposals against which an unwinding can be measured. People need to be given some sort of a sense of roadmaps, measurables and a process for the unwinding. Perhaps the Minister will also clarify where we are at on the public service pay commission. I would like to hear from that soon.

**Deputy Paschal Donohoe:** The Deputy referred to the need for urgency. I acknowledge that this is a matter that Deputy Calleary has raised with me on new entrants in to the public service and especially teachers. That has informed the approach taken by me and the Department of Education and Skills on this matter.

With regard to the unwinding of FEMPI, it should be put into context. I am taking a group of questions on this point in just a moment. We are in year one of a three year agreement. We are in the early phase of an agreement which a number of unions have just voted to join. This three year agreement still has two years to run. When considering future legislation and the environment post-Lansdowne Road agreement, we will lay out our plans when the current agreement has expired and has done the work we are expecting it to do and which we have agreed with the majority of unions.

### **Public Sector Pay**

22. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform the rationale for renewing the Financial Emergency Measures in the Public Interest legislation, given recent reports that Ireland is the European Union's fastest growing economy; if he had discussions prior to this renewal with the Department of Finance on alternative revenue streams to replace the €2.2 billion that public sector workers contribute to the economy; and if he will make a statement on the matter. [20100/16]

**Deputy Richard Boyd Barrett:** How can the Minister say, with a straight face, that he is doing anything other than putting a gun to the head of public sector workers? That gun is called FEMPI. The Minister has really outlined it. There is a series of pieces of legislation that have absolutely no justification any longer because there is no financial emergency. The financial emergency is over and the Government is never short of throwing around figures on the economic growth rates. How can the Minister say he is doing anything other than bullying all ----

**Acting Chairman (Deputy Robert Troy):** Please allow the Minister to reply.

**Deputy Richard Boyd Barrett:** ----public sector workers with this legislation that should be abolished?

**Deputy Paschal Donohoe:** I wish to correct a point I had made to Deputy Calleary. I should have said "when the agreement is due to expire" as opposed to "when the current agreement has expired".

The FEMPI measures were enacted by the Oireachtas and remain in place until their repeal. Under section 12 of the FEMPI Act 2013, I am obliged to review and report to the Houses of the Oireachtas on the operation, effectiveness and impact of the relevant Acts and consider whether any of the provisions of the relevant Acts continue to be necessary having regard to the purposes of those Acts, the revenues of the State and State commitments in respect of public

service pay and pensions. The report on the review undertaken was laid before both Houses of the Oireachtas on 29 June in accordance with the provisions of the Financial Emergency Measures in the Public Interest, FEMPI, Act 2013. Among the considerations which informed the determination by me of the necessity for the continuing application of the measures provided for under the Acts were the instability in the international economy, including risks posed by Brexit, the still fragile nature of our economic recovery, the need to protect hard won competitiveness gains, the high level of debt, our continuing need to borrow, the obligation to comply with the Stability and Growth Pact and the need to balance competing demands within the available resources.

The terms of the Lansdowne Road agreement reducing the impact of the pay reductions are being implemented through the FEMPI Act 2015 through a three year programme at a full year cost of €844 million in 2018 with additional provisions providing for a similar programme of reductions in the impact of the public service pension reduction at a full-year cost of €90 million in 2018.

**Deputy Richard Boyd Barrett:** Some of the victims of the FEMPI legislation are sitting in the Visitors Gallery today, newly qualified teachers, young teachers and local authority workers who have been crucified with this emergency legislation first brought in by Fianna Fáil and the Green Party and continued by Fine Gael and the Labour Party.

The Minister has not answered the key question. Is there still an emergency? If there is not an emergency how can he possibly justify continuing to punish these workers? All of the things the Minister mentions, the instability and all the rest, were the fault of these young teachers or nurses or gardaí or local authority workers but they have suffered cruelly as a result. Even at the end of the Lansdowne Road agreement process they will be earning less than they were earning in 2009. Many of the conditions they lost are not even mentioned in the Lansdowne Road agreement.

**Deputy Paschal Donohoe:** I did answer Deputy Boyd Barrett's question. I laid out very clearly the reasons why I believe the maintenance of the legislation is needed.

**Deputy Paul Murphy:** There was no Brexit then.

**Deputy Paschal Donohoe:** I outlined the reasons for that very clearly and I am sure I will be debating them with the Deputy later on and I believe also on Friday. The full cost of repealing all the FEMPI measures is €2.2 billion.

The challenge for me is that if I consider the issues the Deputy raises regularly with me - the need for housing, for more investment in our health services, bringing more people into front-line roles in our public service - I have to reconcile all of that with the wage and pension costs of supporting those already inside the public services. The additional expenditure required to relinquish that legislation is over €2 billion. Perhaps the Deputy could tell me, and I would appreciate his views on the matter, how I can find that €2 billion-----

**Deputy Bríd Smith:** We have loads of ideas.

**Deputy Paschal Donohoe:** -----while meeting all of the needs that the Deputy raises regularly with me because he is right to raise those issues.

**Deputy Ruth Coppinger:** Get the corporation tax.

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**Deputy Richard Boyd Barrett:** I have no problem doing that. First, the Minister got a bounce of an extra €2 billion in corporate tax receipts last year. We are €700 million ahead of target on tax revenue at the moment, much of it coming from the corporate sector because we on this side of the House began to demand action on the “double Irish” tax scam that has started to force these corporations to pay a bit more tax. The Minister should use some of that money. He should bring in a financial transaction tax and tax people earning in excess of €100,000 more, instead of maintaining absolutely draconian cuts in the pay and conditions of public sector workers and an Act which has extraordinarily draconian provisions and which can be described as nothing other than bullying. Most of the people who signed up to the agreement only signed up because the Government put a gun to their heads called FEMPI and told them to sign up to this, which was unacceptable, or they would be punished by not getting their increments or allowances and not allowing for promotions. How can the Minister justify that extraordinarily draconian behaviour?

**Deputy Paschal Donohoe:** I have outlined the rationale for this. I have always made very clear my appreciation for the huge contribution the public service has made to our country at a time of great difficulty but amidst the anger the Deputy has articulated let us also acknowledge two other points about what is happening in our public services, first, over the past two years we have over 18,000 more public servants, the majority of them performing the frontline roles that the Deputy regularly calls for. We have more special needs assistants, SNAs, than we have had before. We are hiring new people to teach, which we were not able to do some years ago. The improvement in our public finances has given the State the ability to do that. Any future change will happen because of a change in our economic circumstances that the Deputy said was never going to happen. He said in this House that we would not see our economy get to a point where its prospects would improve and now with the very improved prospects that he said would not happen he is not acknowledging the change they are making in terms of our ability to hire more people, put more money into our health services and to pay for agreements such as the Lansdowne Road agreement-----

**Deputy Ruth Coppinger:** Give people equal pay.

**Deputy Paschal Donohoe:** -----which are needed and which have been accepted by the majority of unions in our State.

**Deputy Bríd Smith:** With a gun to their heads called FEMPI.

### **Flood Prevention Measures**

23. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform the progress that has been made in relation to flood prevention measures in the Finn Valley area of County Donegal. [19903/16]

**Deputy Thomas Pringle:** This question relates to the devastating flooding that took place in County Donegal last December in the wake of storm Desmond. Large parts of east Donegal through Ballybofey, Castlefinn and Lifford were severely flooded. The flooding dissipated very quickly and in the weeks afterward there was very severe flooding in the rest of the country. I want to make sure the incident in Donegal stays on the Government’s agenda to make sure the funding is put in place to remedy this situation as quickly as possible because there is no doubt it will arise again.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney):** The core strategy for addressing the areas at significant risk and impact from flooding is the Office of Public Works, OPW, catchment flood risk assessment and management programme, CFRAM. CFRAM is reaching a stage where we will put it on public display in mid-July. All the preliminary options have been displayed. The Government has announced increased levels in the investment for flood relief as part of its capital investment plan 2016-21. The Government recently announced increased levels of investment in the area of flood relief as part of the overall Capital Investment Plan 2016-2021 and this investment programme will allow for consideration of measures arising from the flood risk management plans.

Twenty-six areas for further assessment, AFAs, are being assessed in County Donegal under the CFRAM programme. These were deemed to be areas of potentially significant flood risk under the preliminary flood risk assessment, PFRA, which was completed in 2011. The Donegal AFAs are being assessed under the north western-Neagh Bann CFRAM study. Work on this study is progressing well. Further information is available on the study website: [www.neighbanncfрамstudy.ie/](http://www.neighbanncfрамstudy.ie/).

The following is the list of AFAs in Donegal:

<i>Ardara Ballybofey / Stranorlar Bridge End Bunbeg - Derrybeg Bunrana and Luddan Bundoran and Environs Burnfoot Carnadonagh Kerrykeel (Carrowkeel)</i>	<i>Castlefinn Clonmany Convoy Donegal Downings (Downies) DunfanaghyDungloe Glenties Killybegs</i>	<i>Killygordon Letterkenny Lifford Malin Merville Newtown Cunningham/ (Newtowncunningham) Ramelton (Rathmelton) Rathmullan</i>
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**Deputy Thomas Pringle:** I thank the Minister of State for his response. The key point is when the money will be made available following the completion of these studies, particularly for areas that are the responsibility of the OPW. I understand very few areas in Donegal the direct responsibility of the OPW. I presume the next stage will be applications for funding. I refer in particular to east Donegal, Finn Valley, Ballybofey, Stranorlar and Lifford. When will their status in the priority listing within the Department for funding for works to be carried out be decided?

**Deputy Seán Canney:** Three hundred areas throughout the country will be determined and put on a priority list. Based on that, projects will be taken in order of priority. The public consultation that will happen in the next three months will determine people's input into that process and will be adopted by local authorities early next year. There is plenty of room for minor works schemes to be carried out to relieve some flooding. Projects up to €500,000 in total can be applied for through local authorities. Such schemes can be brought forward at any time by local authorities. A total of €430 million is available over the next five years for projects to be carried out. We would welcome any applications under the minor works scheme for projects in Donegal.

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## Other Questions

**Acting Chairman (Deputy Robert Troy):** We will move on to Other Questions. Question No. 24 will be taken with Question Nos 25, 29, 39 and 53. The maximum time under Standing Orders allowed for group questions is 18.5 minutes. I will endeavour to be as fair as possible to each Member, but they should bear in mind that the longer they speak the more time they are taking from their colleagues. The Minister has six minutes to make an initial reply. The 12 minutes allowed following that will be divided between the number of people who are down to speak.

**Deputy Richard Boyd Barrett:** How much time is available?

**Acting Chairman (Deputy Robert Troy):** The Minister has six minutes, Deputy Boyd Barrett has a minute and the Minister has a minute to reply. Deputies Shortall, Barry, Coppinger and Murphy each have a minute and the Minister will reply to each Deputy. Deputy Boyd Barrett can then ask a final question, with the Minister to reply. I am only carrying out Standing Orders. If the Minister does not use the full six minutes and there is time available at the end, I will allow people to speak for a second time.

**Deputy Ruth Coppinger:** Deputy Barry is at a meeting of the Business Committee.

**Acting Chairman (Deputy Robert Troy):** If he is not present in the Chamber, somebody can deputise for him.

## Public Sector Pay

24. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform his rationale for renewing the financial emergency measures in the public interest legislation, given recent reports that Ireland is the European Union's fastest growing economy; if he had discussions with the Department of Finance prior to this renewal on alternative possible revenue streams to replace the €2.2 billion that public sector workers contribute to the economy; and if he will make a statement on the matter. [19754/16]

25. **Deputy Róisín Shortall** asked the Minister for Public Expenditure and Reform his target date for the complete unwinding of the financial emergency measures in the public interest measures; and if he will make a statement on the matter. [19801/16]

29. **Deputy Mick Barry** asked the Minister for Public Expenditure and Reform if he will repeal the financial emergency measures in the public interest legislation given the Government's claim of economic recovery. [19762/16]

39. **Deputy Ruth Coppinger** asked the Minister for Public Expenditure and Reform his plans to repeal the Financial Emergency Measures in the Public Interest Acts. [19803/16]

53. **Deputy Paul Murphy** asked the Minister for Public Expenditure and Reform if he will consider a repeal of financial emergency measures in the public interest legislation in view of the Government's claims regarding economic recovery; and if he will make a statement on the matter. [19800/16]

**Deputy Richard Boyd Barrett:** One of the most shocking aspects of the emergency mea-

asures taken was what was done to newly qualified teachers, nurses and public servants. There is nothing in the Lansdowne Road agreement that commits to doing anything about that pay apartheid. What is the Minister going to do? How can he justify the sort of pay apartheid that will mean that somebody who happens to come in after 2012 will, over the course of 40 years of a working life, earn €250,000 less than somebody who happened to come in before that?

**Deputy Paschal Donohoe:** I propose to take Questions Nos. 24, 25, 29, 39 and 53 together.

I have already touched on some of the points regarding the justification for renewal of the legislation. I will not read the text of my reply again because the Deputy is already familiar with it, and I will not waste his time and the time of those in the Gallery by not responding to the questions.

On the particular point put to me by the Deputy regarding the status of people who joined our public service at various points during the crisis we went through, for one employer - namely, the State - its resources and ability to hire people were very badly affected because of the crisis we were in at that point. As was the case with other employers who also found themselves facing difficulty, employees were taken on in changed circumstances.

In reply to Deputy Calleary, I said that the Lansdowne Road agreement puts in place processes and ways in which representatives of employees - that is, unions - can deal with their employer, which in this case is the Government. We made progress in that area a short while ago regarding the status of issues raised by firefighters. I have now indicated to the House that meetings took place yesterday regarding the INTO and TUI on that very issue. We will now determine how and whether we can work with unions on that matter.

I want to acknowledge the significant contribution that public servants make to our country every day. I refer to the stark figures I outlined to the Deputy earlier. The immediate repeal of all of the measures taken across that phase of our emergency actions would cost €2.2 billion per year. I cannot reconcile that figure with the need to fund all the other public services that the House wants me to deliver.

**Deputy Richard Boyd Barrett:** Talk of negotiations is not a commitment to get rid of something that is patently unfair. Rather, it suggests that the Minister does not intend to fully get rid of something that is completely unjustifiable - namely, this sort of pay apartheid.

In terms of new entrants, a lot of teachers now have no incentive whatsoever to increase their qualifications, particularly those that would allow them to work in areas such as special needs or with vulnerable groups, because most of the cuts imposed on newly qualified teachers were in the areas of allowances, which are mainly linked to qualifications. Not only has the Government imposed an unfair pay apartheid on teachers and other public sector workers but, now that the embargo has been lifted, a bomb will go off in terms of the injustice facing such public servants. The Government is also undermining the quality of education for children, particularly those who are vulnerable, in the education system.

**Deputy Paschal Donohoe:** The Deputy accused me of acting in bad faith. If I stood up in the House and said the negotiations and discussions were not on the way he would condemn me for that, as he has done in the past. I am now confirming that the discussions began yesterday. The Deputy used a crucial phrase in saying that the embargo was gone. We now have the ability to hire more public servants to take on front-line roles than would have appeared possible or realistic number of years ago. This is all due to the very change in our circumstances that the

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Deputy said would never happen. The Government now wants to use the benefits of that to try to support those who provide invaluable work in our classrooms, our teachers, the work gardaí do-----

**Deputy David Cullinane:** The Minister has not answered the question. He is waffling on.

**Deputy Paschal Donohoe:** Now, through the Lansdowne Road agreement, we will honour the agreement we have with them. As I said, we began discussions with representatives of teachers yesterday.

**Deputy Róisín Shortall:** I have three points to put to the Minister. Last year, when the then Minister, Deputy Howlin, introduced legislation to start the restoration of pay that had been cut, he said there was a real threat of legal action given that the State was no longer in an emergency situation. Has the Minister taken legal advice in this regard and, if so, what did it state? By any measure, the State is no longer in an emergency situation. For that reason, does the Minister accept that there is a very strong case for accelerating the restoration of public sector pay, particularly for low-paid workers, many of whom still qualify for family income supplement, and pensioners?

I refer to new recruits. Does the Minister accept the urgency of the situation? Many young teachers are heading off to places such as Dubai and Abu Dhabi to try to get some money together in order that they can live in Dublin, in particular. This is a wholly unsatisfactory situation. Teachers, nurses and gardaí are affected. I heard what the Minister said about starting talks with the two teacher unions, but does he accept that this is an urgent issue and he needs to move quickly to restore pay?

**Deputy Paschal Donohoe:** I thank Deputy Shortall for her questions. In response to her first question on whether I am aware of the potential for legal action, of course it is always open to any group within society to challenge any piece of legislation introduced by the State. Deputy Shortall put a direct question to me, asking whether I am acting in a manner consistent with the legal advice I have received. The answer to that question is "Yes". I would not bring forward the maintenance of a piece of legislation unless I was absolutely satisfied it was legal, and I am.

In response to the second question the Deputy put to me on acceleration beyond the Lansdowne Road agreement, I do not have plans to go beyond that agreement at the moment. I stress to Deputy Shortall that we are halfway through the first year of that agreement. As I said previously, what I do not want to see happen - because I have seen the harm it causes - is promises of wage increases today that the State will find out it cannot pay for in the future. That would become the savage wage cut of tomorrow.

**Acting Chairman (Deputy Robert Troy):** I thank the Minister.

**Deputy Paschal Donohoe:** I do not want that to happen.

On the third point, I am aware of people whom we want to work in the public service who are going abroad.

**Acting Chairman (Deputy Robert Troy):** The Minister will have other opportunities to respond.

**Deputy Paschal Donohoe:** I want them to be able to stay at home.

**Deputy Róisín Shortall:** When?

**Deputy Ruth Coppinger:** Over a 40-year career, a teacher starting out now faces a loss of €250,000 compared to when I started teaching. Does the Minister think that is justified? The starting salary for a teacher now is €8,500 less than it was a few years ago, which is a 20% cut. The Minister is maintaining that in the new agreement. The reason the ASTI and others have not signed up to the agreement is that they are not willing any longer to go into the staff room and look young teachers in the eye when some people are earning higher pay and others are not. The media is very fond of saying that the unions sold out young teachers. Here is a union taking a stand against selling out young teachers and they are being blackguarded as a result. It was the same with Luas workers. They took a stand against new drivers being put on a lower pay scale and they were blackguarded by the media and the Government. That is what happens when people opt out of an unequal arrangement.

**Deputy Paschal Donohoe:** Nobody is being blackguarded by this Government. As Minister for Transport, Tourism and Sport, I dealt with some of the Luas issues. I have dealt with many industrial relations matters. I have always recognised the right of people to be outside collective agreements and their democratic right to ballot on any agreement that is put to them. It is for union members to make a decision on whether they want to be part of an agreement or not.

I am pleased that Deputy Coppinger specifically mentioned the ASTI. The Minister for Education and Skills, Deputy Bruton, has made it very clear that he wants to engage with the ASTI on its association with the Lansdowne Road agreement and other issues of concern to the union. However, I also respect those people who voted in favour of the agreement. Deputy Coppinger took no cognisance of the point I made a moment ago, namely, that yesterday we began engagement with unions on the issue she raised.

**Deputy Paul Murphy:** I wish to respond to the point about democracy. It is utterly cynical to attempt to portray a vote by workers in favour of, for example, the Lansdowne Road agreement as an endorsement that the Minister can now use to justify the financial emergency measures in the public interest, FEMPI, legislation, considering that FEMPI existed previously. FEMPI existed in order to act as a gun to the head of workers and unions and to create pressure on them to vote in favour of the deals. That was its explicit purpose. FEMPI is fundamentally anti-democratic, as is the way it is being processed. The intention is to cut across democracy. The way it is being dealt with in this House and the fact that we do not get a vote on the extension of FEMPI is fundamentally undemocratic.

FEMPI is also fundamentally misnamed. Where is the financial emergency? How can the Minister tally that with the statement by the Minister for Finance, Deputy Noonan, that the economic recovery is now firmly established? Also, it is not in the public interest; neither the destruction of public service nor the undermining of people's wages and conditions was in the public interest. It was in the interests of bondholders and bankers, who got that money, and other private sector employers who wanted to benefit from a divide-and-rule situation.

**Deputy Paschal Donohoe:** What is cynical is putting words in my mouth that I never said. I never said that anybody who voted for the Lansdowne Road agreement was voting for FEMPI.

**Deputy Paul Murphy:** But the Minister used it as justification.

**Deputy Paschal Donohoe:** No. Deputy Murphy is putting words in my mouth. I can see



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the Deputy has already acknowledged that he is wrong.

**Deputy Paul Murphy:** What?

**Deputy Paschal Donohoe:** What I said is that those people who voted for the Lansdowne Road agreement simply voted for that agreement.

**Deputy Paul Murphy:** But in the context of FEMPI.

**Deputy Paschal Donohoe:** I did not make any reference to FEMPI.

**Deputy Ruth Coppinger:** The Minister threatened people.

**Acting Chairman (Deputy Robert Troy):** The Minister should be allowed to speak without interruption.

**Deputy Paschal Donohoe:** In relation to the latter point, Deputy Murphy put to me his concerns regarding the process being anti-democratic. What would be anti-democratic is a failure to take account of the fact that the majority of unions have voted for the agreement. That is what I have done.

**Deputy Paul Murphy:** Because of FEMPI. That is why it is anti-democratic.

**Deputy Paschal Donohoe:** What the Deputy has put to me is how we make use of the benefits of a recovery that he alleged would never happen.

**Deputy Paul Murphy:** Is there a financial emergency or a recovery? The Minister cannot have both at once.

**Acting Chairman (Deputy Robert Troy):** There should be only one speaker at a time.

**Deputy Paschal Donohoe:** Deputy Paul Murphy said in the House on a number of occasions that the very kind of change in the economy that is enabling this would never happen, and because it is now happening, we are in a position to hire 18,000 more public servants-----

**Deputy Ruth Coppinger:** There are more people on lower pay. That is the strategy.

**Deputy Paschal Donohoe:** -----and to honour the commitments we have made.

**Deputy Richard Boyd Barrett:** We never said there would not be economic growth. The question is whether the benefits of that growth would accrue to the majority or to a tiny elite. That is why we raise this issue. It is extraordinary, cynical and laughable for the Minister to suggest that FEMPI was not a major factor in essentially threatening people with a stick or sword over their head and saying that if they did not sign up to the Lansdowne Road agreement they would not get their increments and allowances. Could the Minister confirm that this is what he is going to do - namely, that the gardaí and the members of the ASTI are not going to get their allowances and increments? Does the Minister expect anything other than major industrial strife and justified resistance from teachers and gardaí if he goes ahead and does that?

We have a motion on the Dáil Order Paper calling for the rescinding of FEMPI. We are having a debate because we kicked up last week about this.

**Acting Chairman (Deputy Robert Troy):** I thank the Deputy.

**Deputy Richard Boyd Barrett:** Will we have the right to vote on the motion so that Members can at least show their colours in terms of their attitude to restoring the pay and conditions of public sector workers?

**Deputy Paschal Donohoe:** The latter question is a matter for the Business Committee of the Dáil, as Deputy Boyd Barrett well knows. The ordering of the business is now done by this House rather than by me as Minister or by the Government. It is a matter for the House.

As the adjectives the Deputy ascribes to me get more extreme, could we just look at some of the points and facts about the Lansdowne Road agreement? It is a fact that the largest percentage gains under the agreement accrue to those on lower incomes first, and that the people who gain the most from the agreement are those who are paid the least in the public service.

**Deputy David Cullinane:** Those on more than €65,000 benefit following the pay restoration provided for under the Haddington Road agreement. The Minister well knows that.

**Acting Chairman (Deputy Robert Troy):** The Minister should be allowed to speak without interruption.

**Deputy Paschal Donohoe:** The figures are very clear. The moment one puts facts on the record, those who call for new politics the loudest do not want to hear. They want to stop the discussion.

**Deputy David Cullinane:** That is not a fact.

**Deputy Paschal Donohoe:** The facts are clear. The benefit for people who are earning €23,000 per year is an 8.7% increase.

**Deputy David Cullinane:** The Minister is getting an 8% increase.

**Deputy Paschal Donohoe:** That is needed in recognition of the contribution those people make every day in the delivery of public services.

**Deputy Bríd Smith:** They had their pay and conditions slashed by FEMPI.

**Deputy Paschal Donohoe:** I go back to many of the points-----

**Deputy Bríd Smith:** That is so patronising when the Minister is cutting people's pay.

**Deputy Paschal Donohoe:** When one attempts to put arguments to the people who tabled questions, they have no interest in what one has to say.

**Deputy Bríd Smith:** We hear the Minister.

**Deputy Paschal Donohoe:** I have said again and again-----

**Deputy Robert Troy:** The time is up now.

**Deputy Paschal Donohoe:** -----and I am happy to do so again, in case the Deputy did not hear me when I said it earlier, that I recognise the huge contribution public servants make in classrooms-----

**Deputy Bríd Smith:** They are sitting in the Gallery and they have heard the Minister say that at least five times.

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**Deputy Paschal Donohoe:** -----and offices, the Garda-----

**Deputy Bríd Smith:** They want to see the money back in their pay packets.

**Acting Chairman (Deputy Robert Troy):** Deputy Smith should be fair.

**Deputy Paschal Donohoe:** I recognise that again and again. Our ability to restore their wages and to increase them over time does depend on the future ability of the State to pay for that.

**Acting Chairman (Deputy Robert Troy):** I thank the Minister.

**Deputy Paschal Donohoe:** The annual cost to the State of all the measures the Deputies are asking me to repeal is more than €2 billion.

**Deputy Richard Boyd Barrett:** That could be collected in corporation tax.

### **Social and Affordable Housing Expenditure**

26. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the scope which exists for additional expenditure on social housing by State agencies which will not impact on overall deficit targets; and if he will make a statement on the matter. [19747/16]

**Deputy Dara Calleary:** The all-party Oireachtas Committee on Housing and Homelessness has recommended that we need 50,000 social housing units to be built. This is providing a challenge to the financing arrangements. What work has the Department done in looking at alternative off-balance sheet financing to try to meet this very necessary target?

**Minister for Public Expenditure and Reform Deputy Paschal Donohoe:** The Minister for the Environment, Community and Local Government, Deputy Coveney, is preparing an action plan on housing, to be published shortly, which will consider the scope for using off-balance sheet mechanisms which would not impact on overall deficit targets, to supplement direct Exchequer expenditure. Since the budget of 2015, the Government, under the auspices of a group led by the Minister for Environment, Community and Local Government, has been exploring the options available for using such off-balance sheet mechanisms to fund the provision of social housing without impacting on overall deficit targets. Following detailed examination of proposed options and extensive consultation with relevant State authorities, as well with a wide range of potential providers and financiers of social housing, my understanding is that no new or additional mechanism that would be capable of providing social housing on an off-balance sheet basis has been identified. However, this group is continuing with its work.

The group has also examined the scope for significantly increasing the use of any existing or known off-balance sheet models, already operating for the provision of social housing. While these models obviously have a continuing role to play in this area, the assessment is that it is very challenging to envisage how these models may be capable of being upscaled to provide the solution we require to address the shortfall in social housing provision.

**Deputy Dara Calleary:** Will the Minister confirm whether it is his view or his sense that there is no way of doing this off-balance sheet? There was something to this effect in the middle of his response, but he went on to say it was still being looked at. If this cannot be done

off-balance sheet, given the emergency we face with the number of children in emergency accommodation, how will the Minister deal with it and give it the urgency needed and that his party colleagues have signed up to in the all-party Oireachtas committee? Will the Minister clarify that for me, please?

**Deputy Ruth Coppinger:** So did yours.

**Deputy Paschal Donohoe:** I said there were no additional mechanisms, so there are off-balance sheet mechanisms that are being used at the moment or that have been considered in the past. They are being looked at again. To answer the question the Deputy put to me, I do not believe there are any new further models that have not been considered and which are available to the State to deal with this issue. I believe that the role of the Exchequer in directly funding social housing projects and the delivery of new homes is something we will have to consider. It is something I am reviewing at the moment. The social housing strategy brought forward by the previous Administration outlined €3.2 billion of Exchequer funding available to build new social homes, and not just build them but gain them. Use would be made of rent supplement and the housing assistance payment. There are no additional ways of doing this at the moment that are apparent to me.

**Deputy Dara Calleary:** On the additional measures, how many houses will they supply over the next 12 to 24 months? How can we wrap up those existing measures that are off-balance sheet to respond to an emergency? The Minister mentioned in his first response that this has been looked at since last autumn. The situation has considerably worsened since then. In the context of an all-party committee that did very solid work, we need to recognise and respond to the urgency of the situation by looking at its recommendations, but on the funding and especially going off-balance sheet, that is where we need to inject the urgency.

**Deputy Paschal Donohoe:** This is being urgently looked at. The Deputy asked me what the off-balance sheet models are. He will be aware of two of them: the approved housing bodies and the so-called NARPS models, which are a special purpose vehicle of NAMA. Those are the two main models being used to provide off-balance sheet funding. As I said to the Deputy a moment ago, I do not believe that there are any new models on top of the ones I have just identified that are capable of providing large quantities of homes off-balance sheet. There will be only two ways to respond to this urgently in the short term: making use of the existing two models I referred to, which will be done off-balance sheet, or the Exchequer making a larger contribution across next year and the year after that to directly building social homes.

### **Flood Prevention Measures**

27. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform the amount of money provided in 2016 to date to deal with flooding issues arising out of the floods of last winter; the projects for which this money is provided; and if he will make a statement on the matter. [19553/16]

**Deputy Éamon Ó Cuív:** I wish all the best to my colleague, the Minister, Deputy Seán Canney. I know that he is fully familiar with the problem relating to flooding. The big challenge we all face is that it was an acute issue in the media every day at Christmas, but now that the weather is a bit better and the floods have subsided, it will go at the normal pace. I would like to know how much money we have, but a much bigger challenge is what works will be

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done this year and maybe in the early part of next year out of that money and how quickly they will be done. Winter is coming and we could get a repeat of last year's weather.

**Deputy Seán Canney:** I thank the Deputy for his kind words. I, too, am acutely aware of the flooding that happened throughout the country last winter. I will cut to the chase. The total funding available to the Office of Public Works for its overall flood risk management programme in 2016 is €80.746 million. This amount includes expenditure on capital flood relief works, drainage maintenance activities, the catchment flood risk assessment and management, CFRAM, programme, purchase of plant and equipment, hydrometric and hydrological investigation and monitoring, and the general administration costs for operating the entire programme.

Of the total allocation, €52.561 million has been provided in 2016 for expenditure on flood relief capital works. This amount provides for the preparation and design of flood relief schemes, the construction of flood relief works, the payment of compensation costs arising from these works and the carrying out of minor coastal and non-coastal works by local authorities with funding provided by the OPW under the minor works scheme. It also provides for the carrying out of CFRAM studies. The 2016 allocation includes a deferred surrender or capital carryover of €7 million from the 2015 allocation.

The expenditure to date by the Office of Public Works in 2016 on the flood risk management programme has been €23.223 million. Good progress is being made on the implementation of all of the main elements of the programme. In relation to the capital works element of the programme in particular, major schemes in Ennis, Waterford and the River Wad in Dublin will be completed this year. Works are continuing on the major schemes in Bray, on the River Dodder in Dublin and on the quays in Dublin. The Deputy will be pleased to know that works have now commenced on the River Clare scheme in Claregalway, contracts have been signed for Skibbereen and Bandon and the contractors are mobilising. The schemes at Templemore, Foynes and Dunkellin, again in Galway, are expected to commence construction in 2016.

*Additional information not given on the floor of the House.*

Another 21 schemes will continue to be advanced through design and planning stages.

Smaller-scale flood relief works continue to be funded in 2016 through the OPW's minor works scheme, which puts local authorities in funds to carry out more localised flood mitigation measures. Expenditure of €2.5 million to €3 million is anticipated on this scheme in 2016. Approximately 30 projects have been approved for funding to date in 2016, which brings the total number approved since 2009 when the scheme was introduced to 544, with total expenditure of €30 million approximately.

Good progress continues to be made this year also on the implementation of the CFRAM programme. The programme involves the production of predictive flood mapping for 300 areas of significant flood risk, the development of preliminary flood risk management options and the production of flood risk management plans for those areas.

The draft flood mapping is now being finalised, work on the development of preliminary options to address flood risk is under way, leading to the development of integrated flood risk management plans containing specific measures to address in a comprehensive and sustainable way the significant flood risks identified. The draft plans are scheduled to be made available for public consultation from mid-2016. Following the public consultation process, the finalised plans will include a prioritised list of measures, both structural and non-structural, to address

flood risk in an environmentally sustainable and cost-effective manner.

The Government recently announced increased levels of investment in the area of flood relief as part of the overall capital investment plan 2016-2021 and this investment programme will allow for consideration of measures arising from the flood risk management plans.

Arising out of the particular difficulties experienced last winter by home owners along the Shannon, the Government decided on 5 January 2016 to establish the Shannon flood State agency co-ordination working group to enhance ongoing co-operation across all of the State agencies involved with the River Shannon. The group has met on three occasions to date and has conducted an audit of the roles and responsibilities of State agency organisations and has published its Shannon flood risk work programme for 2016. This work programme, which is available on the OPW website, sets out co-ordinated actions and activities for the Shannon catchment. The group has engaged in a programme of public consultation and has held a series of open days on its work programme. It is also considering, in co-operation with the Attorney General's office, the development of appropriate guidance that will set out more clearly the rights and responsibilities of non-statutory bodies in relation to watercourses.

An interdepartmental flood policy co-ordination group, established to support the OPW's CFRAM programme, was reconvened in July 2015. This group is looking at a range of policy issues, including insurance, community resilience, individual property protection, a national flood forecasting and warning service, a review of the planning and development guidelines and, if necessary, voluntary home relocation to ensure that policies that can benefit communities and individuals directly - to be prepared and respond to or live with flood risk - are fully and carefully considered. The report of the group will be finalised for submission to Government shortly, in conjunction with the completion of the draft flood risk management plans.

I think it is clear from the foregoing that a very considerable amount of work is under way by the OPW to address in a comprehensive and sustainable way the problem of flooding and flood risk nationally. It will take time for all of these measures to have effect, but it is important that the right solutions are found and put in place that will provide a lasting protection to those communities affected by flooding.

**Deputy Éamon Ó Cuív:** The Minister of State's public servants have provided him with a lot of information. Unfortunately, most of it does not really relate to the question I asked, which was quite specific, on the amount of money provided in 2016 to deal with flooding issues arising out of the floods of last winter, the project for which the money has been provided. I give the Minister of State a good example. As he knows, there was severe flooding during that period in south Mayo, from Cong, The Neale and right across towards Claremorris. From what the Minister of State mentioned, it would appear that nothing has happened, that there is no money provided but, more important, no projects are in place to ensure this does not happen again. I am sure that particular pattern is being repeated throughout the country. The places mentioned by the Minister of State are very worthy. They are long-term programmes, including Claregalway which has been in gestation since 2009. Specifically, what has been done for the areas that were flooded last winter that had not been flooded before, to ensure that remedial works are carried out and it does not happen again?

**Deputy Seán Canney:** The Deputy mentioned some areas such as Cong, which I visited last week. Local authorities have a mechanism under the minor works scheme by which they can apply for funding of up to €500,000 for any of these projects. As regards Cong, which the

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Deputy specifically mentioned, the local authority is preparing the necessary estimates to submit them to the OPW for funding approval. In other areas in Mayo and Galway similar minor works applications have been made continuously since 2015 and that is replicated across the country. However, local authorities could be submitting more of these applications. Funding is there for works that happened last year and up to €500,000 can be provided if they meet the criteria.

Our major projects are taking far too long to bring through the process so we can get construction on site. I am acutely aware of that and have done an analysis of what happened in the past since I came into office. As regards the future, I have created a working group in a few Departments to try to reduce the time taken to get flood relief projects on the ground. It is frustrating for people but small projects can be dealt with by local authorities immediately.

**Deputy Éamon Ó Cuív:** I do not envy the Minister of State his task. Year after year, before he assumed office, there was a carry-over. That meant that one fought in the Estimates to get the money, but at the end of the year it was not spent. It is heartbreaking for any Minister worth his salt. It has been happening in the OPW. As the Minister of State said, we need to shorten the system and put more projects into it because there are always unforeseen delays. I hope the Minister of State will do that and will be single-minded in ensuring it happens.

I am very interested in what he said about local authorities not getting projects in fast enough. I welcome the idea of allowing them to do small projects on a developed basis up to €500,000. In a lot of the smaller areas that will do considerable work to alleviate this problem.

What steps has the Minister of State taken to try to put the skids under local authorities to get projects in that could save houses next winter? That would ensure that places vulnerable to coastal flooding will not be flooded again. It would also ensure that significant work could be undertaken.

**Deputy Dara Calleary:** I want to commend the Minister of State. I know from first hand that he has injected a sense of urgency into this process. How many applications has he received from local authorities nationwide directly related to damage done in 2015? How many of those have been approved for work that is under way by the Department? We are in July and are moving into the flood season again, so this work needs to be done now.

**Deputy Seán Canney:** As regards Deputy Calleary's question, I do not have the figures nationally but it is an ongoing process. For instance, Galway County Council has produced its report and a schedule of works. About eight schemes have been approved and six are in the process of being approved. Approximately 24 more are being worked on at the moment. I do not know if that is reflected all over the country but that is what has been happening since the flooding in 2015.

Everything that can be done will be done under the law to try to shorten the process by which we get works done. We must obey the rules and directives, but I am confident that when we have finished the process - which I have set out with the Department of the Environment, Community and Local Government, involving my colleagues the Minister, Deputy Heather Humphreys, and the Minister of State, Deputy Eoghan Murphy - we will create a framework by which we will get procurement, design and implementation of projects. We will thus shorten the time involved to a reasonable period.

Currently, on average, it can take up to seven years to get major projects from inception to

arrival on site. We have to do something about that. I assure Deputies that I will do everything to try to improve on that with the co-operation of all the other Departments involved. I am confident that we will achieve that.

### **Government Expenditure**

28. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform why his Department is ready to oversee a reduction in Government expenditure as a percentage of gross domestic product as shown by the summer economic statement figures given the serious issues facing public infrastructure. [19804/16]

**Deputy David Cullinane:** I tabled a parliamentary question on this issue last week and received a reply from the Minister for Finance, which set out the State's total gross expenditure as a percentage of GDP over the course of the next five years, comparing that to this year and over the next five years. In 2016, the total gross expenditure as a percentage of GDP was 24.1%. That will shrink to 22% by 2021 because of the Government's budgetary plans. Is it not a fact that the Government is shrinking the State?

**Deputy Paschal Donohoe:** The additional capital expenditure that the Minister for Finance and myself announced is precisely in recognition of the additional investment needs our economy has. The figures we outlined in the summer economic statement were very clear. We indicated that €5 billion worth of additional funding would be made available for capital investment, which is €1 billion more than we had originally indicated before the economic statement was announced. That is an increase of 18.5% on the previous Exchequer-funded capital investment programme. Across the period, if and when we can deliver that additional investment, capital investment as a percentage of national income will increase from 3.2% to 3.7% by 2021.

**Deputy David Cullinane:** The Minister is using GNP figures, not GDP ones. Leaving that aside, however, the reality is that figures do not lie. The total amount of money the State will spend as a percentage of GDP is 24.1% this year and 22% to 2021. In a letter to Jean-Claude Juncker, An Taoiseach, Deputy Enda Kenny, said that public investment in Ireland currently stands at just 1.8% of GDP. That is the lowest level in Ireland for many years. His letter went on to talk about the need for flexibilities.

The OECD, Tasc, IBEC and ICTU are all calling for greater State investment. The figures in the summer economic statement are included in these calculations. The reply to my parliamentary question builds in the so-called extra public spend to which the Government is committed. Even with that, the amount of money we spend every year is declining as a percentage of GDP and that is because of tax policies. It is building in tax cuts the Government will plan over the next five years. That flies in the face of a need for greater capital investment.

**Deputy Paschal Donohoe:** I have outlined to the Deputy that the percentage of our national income that is absorbed through capital investment is going to increase. It will increase because of the Government's decision that any additional resources that become available will go into capital investment.

The Deputy makes a point regarding total Government expenditure as a percentage of national income and what will happen to that in the future. Much of what happens in the latter period of the summer economic statement is as a result of the decision taken to set up a rainy-



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day contingency fund, so that as additional resources become available we will prioritise them in two areas. We will make €1 billion per year available after the books have balanced. In addition to that, as additional resources become available we will go into capital investment.

Does the Deputy not acknowledge that we are now seeking to increase capital expenditure as a percentage of our national income and to increase the total level of capital expenditure? We did this as part of the economic statement published a week ago.

**Deputy David Cullinane:** Yes, but the Minister entirely misses the point because the economy is growing. GDP growth is evidence of a growing economy. This does not just concern expenditure: we also tabled a similar question on income. The total amount of income the State takes in as a percentage of GDP year-on-year for the next five years is going down. The total amount of spend as a percentage of GDP is going down year-on-year also.

*3 o'clock*

This means we are taking in less and we are spending less as a percentage of the overall economy. That is the reality. These figures are the basis for budgetary plans, which flies in the face of what the Taoiseach is saying in correspondence to President Juncker. It also flies in the face of what many organisations are quite rightly calling for, namely, more capital investment as a percentage of GDP. That is how the European Union measures capital investment. We have one of the lowest levels of capital investment in the European Union. I agree that it might marginally improve because of the additional money being spent. The Minister is correct that, in terms of what was being spent in previous years, additional money is now being spent. However, as a percentage of GDP, because the economy is growing, it is actually less, which is the point the Minister is missing.

**Deputy Paschal Donohoe:** I am not missing any point.

I welcome that the Deputy has at least acknowledged that we are planning to increase capital expenditure. Four to five billion euro is not a small amount of money. It is an increase of 18% on the €27 billion already provided for additional schools and hospitals, to maintain the roads we have constructed and to provide new transport projects where needed. The Government has prioritised capital expenditure if additional resources become available to the State precisely because we accept there is a need to do so. As I stated earlier, this is enabled by the recovery that Sinn Féin claimed would not happen. Now that it is happening, we have these resources available to us.

I heard what organisations and stakeholders had to say during the National Economic Dialogue regarding the important role the State plays in capital investment. That is one of the reasons we made this decision.

*Question No. 29 answered with Question No. 24.*

## **UK Referendum on EU Membership**

30. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the contingency plans he has developed to deal with the result of the British referendum on withdrawal from the European Union. [19751/16]

**Deputy Pearse Doherty:** The issue on the lips of many people is Brexit. The summer economic statement warned about the dangers of Brexit, yet last night during a discussion between the Minister for Finance and myself on a parliamentary question regarding data provided in the summer economic statement, the Minister said it was too early to speculate on the potential impacts. How has the Department of Public Expenditure and Reform prepared for Brexit, and what will it mean for the capital programme, given that much of the funding in the capital programme is dependent on EU funding on a cross-Border basis?

**Deputy Paschal Donohoe:** As I indicated earlier in response to another question, my Department is represented on the interdepartmental group on EU-UK relations which was convened by the Taoiseach in advance of the UK referendum on EU membership. Therefore, my Department contributed to the risk assessment conducted by the Department of the Taoiseach in advance of the referendum. This was included in the Department's own risk register. In addition, the matter was discussed by the Department's management board prior to the referendum. I also engaged with my officials on the issue in advance of the referendum and in the aftermath of it. The matter will continue to be reviewed by me and my Department on a regular basis. The Department's contingency framework sets out the approach being taken to deal with all of the issues consequential on the UK referendum result.

In regard to the Deputy's question about the effect of the result on our capital plans, as I have already stated, the spending plans for 2016 and 2017 will not change, including capital spending. In regard to what will happen after that, the likely UK-EU relationship and the effects of Brexit on the UK and Irish economies will become clear after the UK has triggered Article 50. Any indication that can be formed prior to that will be flagged as part of the preparatory work for budget 2017 in October. On the choices that may be made, I wish to confirm again that the Government views capital expenditure as an appropriate response to the uncertainty that is being triggered by the UK referendum result.

**Deputy Pearse Doherty:** As pointed out by my colleague Deputy Cullinane, capital expenditure in this country is at an historic low, which the Taoiseach pointed out to Mr. Juncker. We are coming from a base that is way out of kilter with the European average. Even with the additional capital expenditure, capital investment by Ireland is among the lowest in Europe. The Government might get away with that if it was for only one year, but ten years of reduced capital expenditure is not acceptable. There is a big issue in this regard in terms of Brexit. The North-South plan, under the heading "Capital plan", states:

The Irish Government reaffirms its support for the EU PEACE and INTERREG programmes....It will continue to work closely with the Northern Ireland Executive to ensure that funding opportunities are maximised under the EU programmes. Almost half a billion euro will be available from EU sources during the period 2016 to 2021.

As stated, €500 million of EU funding is available. The model of capital investment is based on co-funding. We are speaking in this regard of cross-Border EU funding. As somebody who has to cross the Border twice in my travels to and from the House, I want to know the types of project that are at risk as a result of Brexit. I also want to know that the Department has in place a contingency plan to fund those projects. Will the Minister provide a list of the projects that may now be doubtful as a result of the possibility of being unable to draw down the €500 million in funding from the EU?

**Deputy Paschal Donohoe:** We had a discussion on this point at the plenary session of the

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North-South Minister Council which took place earlier in the week. I will meet with Deputy Doherty's colleague in the Northern Ireland Executive, the Minister for Finance, tomorrow to discuss this issue. The INTERREG and PEACE programmes provide co-funding for infrastructure projects in this country, including across the Border. The Government is committed to those programmes but uncertainty has been generated as a result of the Brexit referendum result. I am committed to working with the Minister for Finance in the Northern Ireland Executive to do all we can to work with the European Union to maintain funding to cross-Border projects. Much work remains to be done in that area.

The Government's commitments to various infrastructure projects under A Fresh Start will be honoured. However, we will have work with the Northern Ireland Executive and the European Commission to address the consequences of the Brexit referendum on funding and projects that are important to everybody on this island.

**Deputy Pearse Doherty:** The Border region is one of the most deprived on the island of Ireland in terms of the infrastructural deficit that exists in many areas, including in my own home county of Donegal. What we need from the Minister is reassurance followed by actions to ensure that, in relation to these projects, which he mentioned are at risk because of the decision of England and Wales to force Northern Ireland out of Europe, they will be funded regardless of the impact of the Brexit result on these funding programmes. That is what we need to know. In other words, in regard to the cycleway projects, the flood defence programmes that were being funded on a cross-Border basis, the waterways projects and the tourism projects, will the Irish Government step in and ensure that a region that has been underfunded in the past will be funded in the future? This will require a realignment of the capital programme to deal with the consequences of Brexit.

I agree with the Minister that there is a great deal of concern about this issue. I welcome his intention to meet with the Northern Ireland Minister for Finance, Mr. Máirtín O Muilleoir, tomorrow. Is the Government going to do more than just talk?

**Deputy Paschal Donohoe:** I cannot help but wonder whether this is the European Union that Sinn Féin during all of its existence has campaigned against.

**Deputy Pearse Doherty:** We campaigned against Brexit.

**Acting Chairman (Deputy Robert Troy):** The Minister without interruption, please.

**Deputy Paschal Donohoe:** The Sinn Féin party campaigned for a "No" vote on the Lisbon and Nice treaties.

**Deputy David Cullinane:** We were proved right.

**Deputy Paschal Donohoe:** Deputy Doherty's colleague, a Sinn Féin MEP, recently said that the economic and fiscal policies of the European Union had had catastrophic affects on the lives of many of its citizens.

**Deputy Pearse Doherty:** We have all lived through it.

**Acting Chairman (Deputy Robert Troy):** The Minister without interruption, please.

**Deputy Paschal Donohoe:** This is the same European Union from which Deputy Doherty was lamenting, and was correct to lament, the exit of the United Kingdom. Deputy Doherty

and his colleagues have campaigned against the European Union and the treaties of the EU for many decades. As I stated, the European Union has made a big contribution to the kind of projects that we all care about.

**Deputy Pearse Doherty:** Answer the question.

**Deputy Paschal Donohoe:** What we are now hearing from Deputy Doherty is a change of view on the European Union. As already stated, I am meeting the Northern Ireland Minister for Finance tomorrow in recognition of the uncertainty that has been generated by the UK's decision to exit the European Union. I welcome hearing Deputy Pearse Doherty acknowledge the benefits of the EU after he and his party have spent decades campaigning against it.

### **Public Sector Pay**

31. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which a capability exists to address the levels of lower pay imposed on members of An Garda Síochána, teachers, nurses and a number of other Public Servants arising from the downturn in the economy, given the disruptive effect this can have within the workplace; if he expects to be in a position to address these issues in the forthcoming or subsequent Budgets; and if he will make a statement on the matter. [19714/16]

36. **Deputy Paul Murphy** asked the Minister for Public Expenditure and Reform if he will introduce changes to end the two tier system of pay and conditions in the Public Service that is particularly badly felt for new entrants; and if he will make a statement on the matter. [19799/16]

37. **Deputy Mick Barry** asked the Minister for Public Expenditure and Reform the steps he will take to end the two tier system of pay in the Public Service. [19761/16]

38. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform if he will end the new entrants pay differential across the public sector given the expanding economy and if he will make a statement on the matter. [19756/16]

49. **Deputy Bríd Smith** asked the Minister for Public Expenditure and Reform if he has undertaken any study or research into the effect on the Public Service of the reduction in starting salaries of newly qualified teachers, nurses and other Public Servants. [19717/16]

51. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the cost of ensuring full pay equality, including in respect of allowances for all public servants recruited post-2011 when compared with those employed pre-2011; his plans in this regard; and if he will make a statement on the matter. [19744/16]

52. **Deputy Bríd Smith** asked the Minister for Public Expenditure and Reform his plans to reverse the reductions in the starting salaries of newly qualified teachers, nurses and other public sector workers. [19716/16]

**Deputy Bernard J. Durkan:** My question attempts to ascertain the extent to which the Minister may find it within his capacity to assist more recent recruits throughout the public service, including gardaí and teachers, who find themselves employed at a lower level causing them difficulties in respect of housing, rent and the cost of living and to ascertain whether the

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Minister can identify a programme for restoration.

**Deputy Paschal Donohoe:** I propose to take Questions Nos. 31, 36 to 38, inclusive, 49, 51 and 52 together.

For the majority of public servants, the difference in incremental salary scales between those public servants who entered public service employment since 2011 and those who entered before that date was addressed with the relevant union interests under the provisions of the Haddington Road agreement. There are, however, a number of areas across the public service where, due to the decision by the then Government in 2012 to cease payment of certain outdated allowances to employees recruited after that time, differences remain.

The Lansdowne Road agreement through the Financial Emergency Measures in the Public Interest, FEMPI, Act 2015 is delivering a three-year programme at a full-year cost of €844 million in 2018. The agreement is also flexible enough to allow for the concerns of recent recruits to the public service to be addressed in a negotiated way and in return for workplace reform to drive greater productivity in the public service, as has already been agreed with representative bodies of one group of public servants. In that context, officials of my Department and the Department of Education and Skills agreed yesterday with the INTO and the TUI, both of whom are inside the agreement, to have engagement later this month to begin to fully scope out the issues involved regarding pay arrangements for newly qualified teachers.

*Additional information not given on the floor of the House*

The programme for Government also states that Government will establish a public service pay commission to examine pay levels across the public service, including any issues relating to new entrants' pay. The precise structure of such a commission and the technical aspects as to how it will operate have yet to be decided upon and will require broad consultation, including engagement with staff representatives as was committed to in the Lansdowne Road agreement.

**Deputy Bernard J. Durkan:** I thank the Minister for his reply. To what extent is it within his capacity to encourage those who remain outside the Lansdowne Road agreement with a view to reducing the friction that continues to exist within those branches of the public service affected by the disparity in income and does he see an opportunity in the course of the negotiations that are taking place or are likely to take place to encourage those who remain outside the agreement to come within its scope?

**Deputy Richard Boyd Barrett:** It was a day of shame for the former Minister for Public Expenditure and Reform, Deputy Howlin, and the Labour Party when he cut the pay of new entrant teachers and other public servants, something that played a big part in the decimation of the Labour Party. It is really unconscionable that this pay apartheid continues. I know the Minister has talked about negotiations but we want to know when he will commit to getting rid of something that is just plain wrong and indefensible. Pensioners have also asked about whether the Minister is willing to fast track the rolling back of the pension cuts imposed under the FEMPI legislation. Can the Minister give some commitment about whether he is willing to speed up the process of restoring moneys to pensioners who, along with the young, were another group attacked by the FEMPI legislation?

**Deputy Dara Calleary:** The process in which the Minister has engaged with the Department of Education and Skills needs to be urgent. We have a brain drain with people leaving the country because they have to do so. We are losing this talent. In respect of new entrants

in nursing and health care generally, are there any plans with other Departments to initiate a process for a similar review of pay and conditions for new entrants across the health care sector and other sectors who are in similar situations in respect of allowances and pay?

**Deputy Paschal Donohoe:** In respect of Deputy Durkan's question about how we can engage with unions outside the Lansdowne Road agreement, the Minister for Education and Skills and his Department have carried out significant work to gain the TUI's agreement to enter the Lansdowne Road agreement. The Minister has made very clear, as have I, that we will engage with unions who are outside the Lansdowne Road agreement to look to address issues that are of concern to them. However, we must do so in a way that respects the fact that 23 unions are inside the Lansdowne Road agreement. We will continue with that approach in the coming weeks and months where we will look to work with people. However, we must respect those who are inside the agreement.

In respect of the question about the brain drain, I have answered the questions from Deputy Boyd Barrett over the course of the afternoon. The Minister for Education and Skills and I are working with unions inside the Lansdowne Road agreement on matters of concern to them. This is why we initiated the discussion yesterday with the INTO and the TUI.

*Written Answers follow Adjournment.*

## **Topical Issue Debate**

### **Schools Site Acquisitions**

**Deputy Michael McGrath:** I welcome the fact that the Minister for Education and Skills is here to take this Topical Issue and I thank him for his attendance. The issue relates to the purchase of a site for a national school in County Cork, Rochestown Educate Together national school. It is a relatively new school that was set up in 2013. It is a fabulous school under the leadership of Dr. Alan Sheehan. Having visited the school on a number of occasions, I can say that there is a palpable sense of enthusiasm within the school. They are passionate about education, but they are facing serious accommodation difficulties.

Since the school was established three years ago, staff and students have been accommodated in temporary accommodation in the grounds of Douglas Hall soccer club. They are grateful for that and it has worked reasonably well since then. However, the reality is that the school is growing rapidly and for the forthcoming school year, 2016-17, it expects to have in the region of 140 pupils attending the school so it will have to split across two campuses, Garryduff in Rochestown and the existing site. Clearly, that presents practical difficulties for parents and staff but they will get over them. The prize they are awaiting is confirmation that a site has been purchased for the permanent school building.

I am hoping the Minister can shed some light on this issue today. At the end of 2015, the school was included in an announcement by the former Minister as going to construction in

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2017. It is now July 2016 and there is still no confirmation of a site being bought so that deadline is looming large on the horizon. I hope the Minister can provide some clarity on that issue.

I know from communicating with NAMA that a site of over 20 acres in the heart of Douglas is being sold by a receiver appointed by NAMA. I understand that this site is “sale agreed” with the Department of Education and Skills possibly with a view to accommodating Rochestown Educate Together national school and the new second level Educate Together school which is due to open in temporary accommodation this September. The Department will not confirm that and has informed the school that the site is not being purchased with a view to accommodating the school. I hope the Minister can provide some clarity on this issue.

I observed a Topical Issue debate last night where the Minister of State with responsibility for training and skills responded to another Deputy about a school. The Minister of State said the existing contractual commitments for 2016 now fully account for the funding that was allocated for 2016 under the previous Government and implied that no new commitments would be made in terms of school buildings as in contracts signed. Will the Minister confirm if that is the case? Does it also relate to entering into a contractual commitment to buy sites? Will the Minister confirm if the Department is in a position to do that because the contracts are with the Department for the site in question, which is in the heart of Douglas and which the Department says it is not buying with a view to accommodating this particular school. It is sale agreed. The Department is doing work in terms of land surveying and geotesting on that site. I hope the Minister can provide clarity for the teachers, staff and parents so they can at least see a pathway to the acquisition of a site and the building of a permanent school building.

**Minister for Education and Skills (Deputy Richard Bruton):** I thank Deputy McGrath for raising the matter. I share his enthusiasm for the development of this school under Dr. Alan Sheehan. There is no doubt it is a very popular school. It opened in 2013 and is in temporary accommodation. The last Minister for Education and Skills included it in the current six-year construction plan announced in November 2015. It was designated to go to construction in 2017 but a permanent site is required to accommodate this new school building.

The Deputy may be aware that the then Minister for Education and Skills signed a memorandum of understanding between my Department and the County and City Managers Association in 2012. This memorandum of understanding fosters increased levels of co-operation and formalises the local authorities’ part in identifying and securing sites for educational use. In this context, my Department has been working closely with Cork County Council towards acquiring a permanent site to meet the needs of the new primary school. A number of potentially suitable sites were identified and were comprehensively technically assessed. Specific aspects relating to the development of some of the sites under consideration required significant investigation. In addition, the plans for infrastructure to access the Douglas area were also under review and clarifications about access to some sites have been required. The Department has examined several options, none of which provided a straightforward solution. The process has involved considerable discussions with relevant vendors and the local authority on the options considered. I can confirm that, subsequent to the analysis which has been carried out, a site option has been identified and it is being actively progressed. Given the commercial sensitivities associated with land acquisitions generally, I am not in a position to comment further at this time. I assure the Deputy that the acquisition of a suitable site for the school is very active on the programme of site acquisitions. My officials are aware of the limitations of the current temporary accommodation and every effort is being made to secure a suitable permanent site for the school as expeditiously as possible. Officials from my Department will be in contact with

the relevant school authorities once the site acquisition process has been completed.

The Deputy raised a couple of other issues. On the issue of sites, the budget for school construction to which the Deputy and the Minister of State, Deputy Halligan, referred is separate from the budget for site acquisitions. The fact that the projects fully absorb our capacity for 2016 does not impinge on our capacity to conclude site deals. I am not in a position to enter into commentary on any specific site. For good, historical reasons there is a commercial sensitivity and until a deal is finalised it is not helpful to speculate on any individual site.

**Deputy Michael McGrath:** I thank the Minister for his reply. I welcome the fact that a site option has been identified and, as the Minister indicated, is being actively progressed. Hopefully, if I am joining the dots correctly, the site in question is the one currently at contract stage with the Department of Education and Skills though I understand the Minister is not in a position to confirm that. I welcome the fact the Department is in a position generally to enter into contractual commitments to purchase land with a view to accommodating schools and that the exhaustion of public funds in terms of commitments for school building does not apply to the acquisition of land. That is welcome.

There is an urgency about this. The school is moving to a split campus situation for the forthcoming school year, 2016-2017. There will be sufficient capacity across those two sites for one further school year - the 2017-2018 school year - but that is it then. At that point it will be in serious trouble. It is taking in two junior infant classes every year and there is growing demand for places at the school. It is in an area of very large population growth. There are a lot of young families in the Rochestown-Douglas area and there is a demand for this school. I ask the Minister to take a personal interest in this case to ensure the file does not gather dust, that the site is actually purchased and the next steps are then taken to move this through the process because when it comes to preliminary design, planning applications, tendering and so forth, to have this school going to construction next year is a challenge. I hope it can be co-located with the second level Educate Together school for the south suburbs area of Cork city which is opening in temporary accommodation at Nagle Community College this coming September. I welcome the Minister's commitment and ask him to take a personal interest and to see this project through.

**Deputy Richard Bruton:** I have been assured by the officials dealing with this that they recognise it is a priority. If they were in any doubt, I will convey to them the Deputy's points about the dual site, the pressure it is putting on the school and the ambitions, scale and growth of the school. I will take a personal interest to see that this can be delivered. These deals have to be nailed down permanently before we can commit that this will go ahead. I am optimistic and Department officials will work hard on this.

### **Dublin Airport Authority**

**Deputy Thomas P. Broughan:** The strategic growth of Dublin Airport has been phenomenal and it is a hugely important contributor to Ireland's economy making approximately €6.9 billion according to a recent InterVISTAS study. It employs almost 16,000 people directly. The number of passengers using the airport reached 25 million in 2015 and in the first five months of 2016 these numbers increased by 14% in a year-on-year comparison. Mr. Kevin Toland, the CEO of DAA, whom I met at his briefing last week, stated that the development of the new north runway will support around 1,200 extra jobs and ultimately create another 30,000 jobs.



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While this further growth and economic impact of Dublin airport is strongly welcomed it is imperative we do not lose sight of the responsibilities of the Dublin Airport Authority to the residents and locality surrounding the airport which is impacted by noise pollution and pollution to the environment. Over the years I have made representations to the DAA on very early take off and high noise levels over Clonsaugh, Coolock and Artane, generally when the wind is coming from the east. Recently I made a number of representations to the chief executive, Kevin Toland, and his staff on behalf of residents from the Offington area, the Howth peninsula and Sutton due to their complaints about take offs from 4.55 a.m. In the late 1980s the 10R-28L runway was built without any planning conditions, no environmental impact study or night flight restrictions. At the time the St. Margaret's community council battled against Aer Rianta for appropriate insulation against noise pollution for the homes affected. The insulation scheme which was implemented at the time is apparently the one now being offered to those affected by the north runway without any review of whether it is still an appropriate level of insulation. Will the Minister confirm this? What research has the DAA carried out to show it is a proper level of insulation? The new north runway is not expected to have night flights though the DAA is saying it will fight that planning condition, meaning that the old 10R-28L runway will have night flights. Residents affected, who I represent, recognise the importance of the growth of the airport, particularly in the light of Brexit. They are simply asking to be treated fairly, with great consideration and the same treatment as those affected by the new north runway, given that the international legislative environment was very different 25 years ago.

**Deputy Clare Daly:** There are two issues here, both connected. The first is the old runway at Dublin Airport. Residents within the contours of the old runway are concerned that increased flights, emissions and traffic will compound the problems they already experience. As Deputy Broughan said, they feel hard done by that the original runway was not subject to the same planning conditions or environmental impact study requirements. They are worried that the mitigation measures that will be available to those coming within the contours of the new runway may be superior to the protection that they get or do not get, as the case may be.

There is a second issue which is of critical importance, and that is the new runway itself. We must register that this application is being made now almost ten years after the permission was given in a completely different type of world that we live in. Even then, with lesser criteria on noise and environmental protection than we have now, the condition applied was that the DAA should not loosen up on its restrictions on night flights. Anybody who went to the briefing last week will be aware that the DAA is explicit in its intention to break that condition that was applied years ago when conditions were less stringent than they are now and that is completely unacceptable to the local communities in the area.

There is a significant issue that the current proposal is to insulate homes that would experience noise levels of 63 dB or above, but night noise levels of 40 dB to 55 dB are known to have adverse health effects according to the World Health Organization, WHO. It is a little annoying that the WHO changed its recommendation on night noise maximums in 2009, two years after the planning permission was granted at a level of 63 dB. We cannot have that. With the current knowledge, we cannot ignore the health and safety impacts on residents in that community. What can the Minister do to reassure us that all of those matters will be considered?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank the two Deputies for once again bringing this particular subject to my attention. I met the DAA last week on the same day as it was making the presentation in Buswells, and I put some of those points to them to take away.

As the Deputies will be aware, DAA has a statutory responsibility to manage, operate and develop Dublin Airport, including the provision of infrastructure necessary to meet existing and future demand, such as the north runway project. The DAA was granted planning permission in 2007 for a second parallel runway and the necessary lands have been preserved for such a project since the 1960s. However, due to the downturn in the economy, the project was not progressed. Given the significant increase in passenger numbers at Dublin Airport in recent years and the projected traffic growth in future years, it is clear that a second parallel runway is needed.

Against this background, the DAA announced its decision to proceed with the development of the north runway project in April 2016. The DAA expects construction to commence in early 2017 with the runway operational by 2020. The planning permission granted for the second parallel runway in 2007 had 31 conditions attached and is valid for ten years. I should point out that planning matters are the responsibility of the relevant local authority, Fingal County Council in the case of Dublin Airport, or An Bord Pleanála, as appropriate. Two of the conditions relating to noise operating restrictions are of particular concern to DAA in that they would result, DAA states, in operations across the entire airport being restricted during the night, between 11 p.m. and 7 a.m., to limit noise impacts on the surrounding area. The constraints are such that flights at the airport in the peak hour between 6 a.m. and 7 a.m. would have to be cut back by approximately one third. Over the last number of months, DAA has been examining the scope of a further environmental impact statement, EIS, for the purpose of seeking a review of the operating restrictions foreseen for Dublin Airport under the existing planning permission for the north runway. I understand that a public consultation has now commenced to explain why changes are being sought to the two planning conditions and to provide an opportunity for stakeholders to contribute to the content of and the approach to be adopted in the EIS process. Regarding the issue of noise, EU Regulation 598/14 relating to the introduction of noise-related operating restrictions at EU airports entered into force last month. This regulation sets out the process to be followed when deciding on noise-related operating restrictions and involves consideration of all potential aircraft noise mitigation measures. The regulation provides for consultation with interested parties, including local residents living in the vicinity of the airport. The new noise regulation presents an opportunity to establish a modern, cohesive and measured approach to the management of noise at Irish airports which is capable of delivering the best outcome for all stakeholders. With a view to ensuring the most effective implementation of the new noise regulation in Ireland, my Department is currently working on the detailed technical arrangements to be set down in regulations that I intend to make in this regard as soon as possible. Finally, I met with senior officials of DAA last week to discuss a number of issues, one of which was the north runway project. The DAA advised that it is very conscious of balancing the national needs in delivering an essential piece of infrastructure while minimising impacts on local communities.

In this regard, DAA briefed me on its engagement with residents on the project and outlined the various strands of work underway on the project, which include the discharging of pre-commencement planning conditions relating to noise mitigation measures, such as the voluntary insulation and house buyout scheme which will be available to residents whose houses are most impacted.

In addition, they spoke about the substantial public consultation and communications programme they have commenced which will continue as the north runway project develops. I understand that these information sessions will provide relevant and accessible information to

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stakeholders about the planning permission that has been granted, what will be built, when it will be built, how it will be built and how any issues will be addressed.

**Deputy Thomas P. Broughan:** The Minister referred to EU Regulation 598/14, some new legislation he would be bringing in, detailed technology arrangements etc. Does the Government intend to introduce a general noise Bill? The concern we mentioned at the DAA briefing is that residents talk about 69 dB levels and the airport referred to average levels.

On night flights, many of the biggest airports, such as Heathrow, Zurich and Frankfurt, have severe restrictions on flights between 11.30 p.m. and 4.30 a.m. Currently, Heathrow is restricted to 16 flights a night. The DAA literature speaks of 65 night flights but in the Roganstown consultation, DAA mentioned 100 flights a night. We will now have the second runway. What will be the Department's attitude on that?

Last week the Minister received the Indecon report which speaks of competing terminals. It also speaks of a possible second airport for Dublin. What is the Minister's attitude to those matters?

There is grave concern from the most affected residents - those within and close to the noise contours. Obviously, we will be expecting a strong response from the Minister.

**Deputy Clare Daly:** When we raised this at Minister's questions, in fairness, the Minister was forthright in his support for residents in the area and the need for them to be adequately compensated. Those points were registered by the local communities and welcomed.

The Minister's answer is explicit as to the intentions of the DAA. They openly intend to try to breach this restrictive night-flight condition even though ten years ago when standards were lower it was deemed to be unacceptable for the local communities. It is even less acceptable now.

There is no business or connectivity imperative behind the proposition of that early morning glut. It is simply in place to enhance the profitability of the carriers, particularly the ones which want to have an aircraft return to base and go back out on another leg. For example, there are early morning flights departing to sun destinations where the passengers would far prefer to go mid-morning. That morning glut is all about aircraft going out and come back in time for a second leg.

The profits of airlines are of a lesser concern to the well-being of the local community. It is unacceptable that those conditions would be breached and that we would not have a cost-benefit analysis on this proposal. Such an analysis needs to be done holistically. I hope the Minister takes those points into account.

**Deputy Shane Ross:** I thank the Deputies again for bringing this to my attention. They will not find a more sympathetic audience or Minister to the problems of the residents than I will be. I am particularly conscious of their difficulties, although I must say that the number complaints landing on my desk is not as many as I would have expected. However, that is probably because they are complaining to the Deputies rather than to me.

**Deputy Clare Daly:** Most of the time.

**Deputy Shane Ross:** I have been conscious of this for some time and I am quite happy that the Deputies are delivering that message to me, and I will keep in communication with the

Deputies.

The issue of compensation was raised by Deputy Clare Daly. When I met the DAA - Mr. Kevin Toland and the chairman, Mr. Pádraig Ó Ríordáin - last week I asked them what sort of measures they had in mind and they addressed the issue of insulation, which I did not think was necessarily the be all and end all. They spoke in terms of paying people premium prices for their houses if they were disturbed or had to move. By that I understand it is not just the market price they are talking about, and I take some sort of encouragement from that. We were not specific on it but I will continue to pursue them on that issue if people feel the noise is so great they must move. In certain circumstances, it is a disturbance that is not warranted and nobody deserves that. They would be unfortunate victims of a necessary development in the country's infrastructure. I take fully the point about some conditions being set for noise many years ago. That might be something to be borne in mind, particularly in the public consultation process.

There was mention of the Indecon report and competing terminals by Deputy Broughan. I am reading the Indecon report now and it is something that will have to be considered in light of developments at the airport. I have an open mind about it and I will be discussing it with various parties in the near future.

### **Accident and Emergency Departments**

**Deputy Maurice Quinlivan:** I welcome the Minister of State, Deputy Catherine Byrne, and wish her well in her role as Minister of State with responsibility for drugs issues. It is an issue on which I have campaigned for a number of years so I hope we can work together on it.

This issue is addressed to the Minister, Deputy Simon Harris, and I refer to the crisis in University Hospital Limerick, as over the past seven days the number of people on trolleys has consistently been the highest in the State. Today there are 30 people on trolleys, yesterday and the day before it there were 40 people on trolleys, while on 1 July there were 30 people on trolleys. Will the Minister of State relay the following questions to the Minister? What steps does he intend to take in dealing with the issue? When does he expect the new accident and emergency department at the hospital to be fully operational? A press release in August 2015 from Professor Colette Cowan, the chief executive officer of the hospital group, stated that the new facility would be delivered in the first quarter of 2017 rather than the previously revised date of December 2016. In response to a question at the regional health forum meeting in June 2015, Professor Cowan indicated that capital funding is approved and in place and the group was working towards the completion of an accident and emergency department by the end of 2016. However, at a briefing by Professor Cowan in May this year that I attended, she stated the expected completion date is now March 2017.

In light of the ongoing crisis and the fact that University Hospital Limerick has the distinction of having the highest number of sick and ill patients on trolleys, when will the new accident and emergency department be in operation? Will the Minister of State give an assurance today on the floor of the House that the opening will bring an end to the trolley crisis, as people are on trolleys instead of beds in University Hospital Limerick? I refer specifically to an opening date rather than completion date, as there is a massive difference in the terms.

Does the Minister of State know the additional bed capacity requirements to enable the new accident and emergency department to function without the chronic overcrowding that exists

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now? This crisis will only be resolved when more beds are delivered. We are dealing with people and not just figures, and unfortunately many of them are waiting for hours and, in some cases, days for care. Many of them are elderly. We must resolve the crisis as quickly as possible and I ask for urgent action.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I am taking this Topical Issue matter on behalf of the Minister. I welcome this chance to update the House on the current position on the accident and emergency department at University Hospital Limerick. Pressure on accident and emergency departments throughout the country has been rising as the population is both growing and ageing. Accident and emergency department attendances have been significantly higher this year, and the HSE has reported an average increase in accident and emergency department attendances of nearly 6% compared with the same period last year. The accident and emergency department in University Hospital Limerick is one of the busiest in the country, with more than 60,000 attendances annually. Of those presenting, the proportion of patients requiring admission has also increased.

I completely accept that delays at accident and emergency departments are upsetting and distressing for patients and families. It has long been recognised and accepted that the current accident and emergency department at University Hospital Limerick is not fit for purpose. A new state-of-the-art accident and emergency department, which will triple the size of the current department, is being fitted out and is scheduled to open in the first quarter of 2017. Once built, the experience of accident and emergency department patients will improve immeasurably in terms of comfort, privacy and dignity. Pending completion of the new accident and emergency department, the university hospitals group is following the system-wide escalation framework agreed by the national accident and emergency department task force and issued to hospital groups in December 2015.

Actions being taken to relieve the pressure on University Hospital Limerick accident and emergency department include the transfer of suitable patients from the hospital to model 2 hospitals in the region, including Ennis, Nenagh, St John's and Croom. Also, and where appropriate, patients are being transferred to community care settings. I know that staff in the hospital are working very closely with community intervention teams to provide antibiotics and other basic care in a patient's home or care facility. This will, it is hoped, facilitate hospital avoidance as well as early discharge. With such a system, people might be able to go home rather than stay in hospital. In addition, extra ward rounds are being conducted and elective surgery is being kept under review. Extra ward rounds are being done in order that people may be discharged more quickly.

The hospital is also communicating with local GPs to ensure patients are referred to the accident and emergency department only where necessary and encouraging appropriate use of local injury units. In the mid-west, there are now three local injuries units in St. John's, Ennis and Nenagh. These units are equipped to see patients with minor injuries and play a significant role in diverting patients from the accident and emergency department. In 2015, over 30% of unscheduled care patients were seen in one of these units. An awareness programme to inform the public of the range of services provided by these units was launched in autumn 2015.

I fully acknowledge the difficulties the current surge in accident and emergency department activity is causing for patients and their families. It is also important that I acknowledge that the staff are doing their utmost to provide safe and quality care in very challenging circumstances. I assure the Deputy that addressing accident and emergency department overcrowding

is and will remain a priority for this Government. In that regard I am confident that the issue in University Hospital Limerick will be significantly improved in 2017 with the opening of the new accident and emergency department. I do not have a date for the opening but I will ask the Minister to revert to the Deputy on that.

**Deputy Maurice Quinlivan:** It is difficult to respond as the Minister is not here, but I hope the Minister of State will relay my comments to him. I am especially pleased the Minister of State indicated the unit is not fit for purpose as that is what the Health Information and Quality Authority, HIQA, stated two years ago and the crisis is ongoing. The amalgamation caused the crisis and the Minister of State mentioned the hospitals at Ennis, Nenagh and St. John's. Closing the accident and emergency departments in those facilities caused the crisis.

Is the expected opening in March 2017? If the date has been decided, has the Minister drawn up plans to incorporate existing accident and emergency staff into the new department? In that context has the Minister spoken to the Irish Nurses and Midwives Organisation, the Irish Medical Organisation and other relevant unions and representative associations who will be involved in amalgamating the staff?

If the new unit is established, what new skills will be required? How is the recruitment drive for the accident and emergency department proceeding? In the framework of the hospital's operational plan for 2016, it states that the hospital will need to reduce total staff numbers in 2016 to achieve financial targets contained within the acute hospital division operational plan.

Is there any plan to reform and invest in modern diagnostic services, such as X-ray scanners, ultrasounds, etc. that will allow faster turnaround of patients? Currently, there are not sufficiently skilled staff available to operate existing equipment so the service is running at half capacity. This delay is increasing the number of people staying in beds in the hospital for longer than needed. We could have such people looked after properly in the community, with proper home help and assistance.

**Deputy Catherine Byrne:** I have taken note of all the questions the Deputy has asked. Unfortunately I cannot answer them for him, but I will say from the reply the Minister gave that it is good news that University Hospital Limerick will have a new emergency department in the first quarter of 2017 and I will ask him to come back with a specific date if that is possible. I also acknowledge, as the Minister has done in his reply, that the other hospitals in the region are helping out at a critical time when patients' needs are rising, people are getting older and more people are attending the emergency department. It is imperative that we inform people that where there are other facilities within a county, people should also use those. They might be only step-down facilities and there might be units that are not fully equipped to deal with emergencies, so only those cases that need to go to the emergency department should go there. I will relay all the Deputy's questions to the Minister and I will make sure he will come back to him on the specific questions, particularly around the date, because I cannot answer that. As the Deputy heard in the statement and as he acknowledged himself, there is a crisis and the Minister fully acknowledges that.

### **Respite Care Services Provision**

**Deputy Fergus O'Dowd:** I welcome the Minister of State and I very much appreciate the interest he has taken in the issues relating to disability that have arisen in my constituency and

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which I have raised with him. St. Mary's in Drumcar is run by the St. John of God's order and for many years there has been an excellent relationship between the staff and the order and, indeed, the users. However, as Drumcar moves into a transition phase, going from a congregated setting to different alternative living for those who will become their former residents, its budget is still very significant. I understand it is around €24 million per year.

The Minister of State can imagine my concerns when in the last few weeks I have had a number of constituents ringing me, all of them regretfully in tears and very upset, looking for an increased level of care in terms of the respite their family members need. Their family members, in each case, have an intellectual disability. One of them occupies a respite bed in St. Mary's in Drumcar for three weeks and then on the fourth week of the month they are forced to leave that respite bed in the proper place and to go to a private nursing home, notwithstanding the excellence of care there. It is inappropriate and unacceptable to the family and, indeed, to the person who is in that bed, because they leave their familiar surroundings and they are put into an entirely inappropriate place with people who are much older than them. Some of those people are in their 90s, while the person I am talking about is in their 40s. When the person's mother is on the phone and she is crying and upset, one says this is not good enough. That is followed by another mother, who is concerned about a family member whom she looks after at home. Every three months the family member gets excellent respite in St. Mary's, Drumcar, but it keeps being cancelled. It was cancelled the week before last and I rang up and asked what was happening with this person, then it was cancelled again last week. People who are getting older are unable to continue without the reasonable respite that Drumcar has always offered them. That is another case.

I also have another member of a different family who has an adult with intellectual disabilities and is unable to get an appropriate and proper medical appointment and assessment for them due to behavioural issues which arise in terms of their disability and their inability to communicate. In fact, there are many difficulties in the house because the person with disabilities has increasing anxieties and concerns and needs to be properly looked after. All of them have been brought to the attention of Drumcar and to the attention of the HSE. To date, they remain unresolved.

Will the Minister of State look at the issue, not just the cases of the people who have come to me, but the wider issue of the emerging needs in our communities? As the institutions close, continuing professional respite and help for these people must be available. It is very important to families who look after their loved ones. I am talking about people in their 60s, 70s and 80s who are looking after their children as they grow older, still with concern for them. They love and care for their families and they just feel the State is neglecting them in this hour of need.

When one contrasts the tremendous work of the staff and the community of St. John of God's with the scandal of the under-the-table payments to senior executives that were announced recently, it is absolutely unacceptable that this can happen. I have no doubt that the Minister of State will intervene immediately and urgently, so that the care these people need comes first and always first. These people must be looked after and I look forward to the Minister of State's response and, indeed, his actions. I know they will be appropriate, but it is unacceptable that the scandal of payments under the counter would continue.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank Deputy Fergus O'Dowd for raising this important issue. I commend him for his work as a strong advocate for people with disabilities in the County Louth area and particularly in relation to this

issue of St. Mary's in Drumcar and the PEER project, which I am also working on.

I will outline my position on services for people with disabilities who need residential supports from the health service. This Government - I emphasise it is a partnership Government - is committed to providing services and supports for people with disabilities which will empower them to live independent lives, provide them with greater independence in accessing the services they choose and enhance their ability to tailor the supports required to meet their needs and plan their lives. I am acutely aware of the changing needs of people with disabilities and understand that many people require additional or alternative services. That is key. The approach I am pursuing is to move away from the old institution model to one of community-based, person-centred services. The programme for Government contains a commitment to continue to move people with disabilities out of congregated settings, defined as a setting where ten or more people with a disability are living, to enable them to live independently and to be included in the community.

This work is already under way and the number in congregated settings has dropped from over 4,000 in 2008, to under 2,800 today. Capital funding of €20 million from the Department of Health is being made available to the HSE in 2016 to move people out of congregated settings. That funding was announced two weeks ago. The funding will be used to facilitate the relocation of some 165 people currently living in 14 institutions around the country to suitable accommodation. St. Mary's, Drumcar, is one of these institutions and St. John of God's is committed to moving 20 residents from St. Mary's into community settings this year. That means 20 people are being dealt with immediately.

I accept the point Deputy Fergus O'Dowd has made that St. Mary's, Drumcar, is a significant provider of disability services in the Dublin north-east area and is part of St. John of God's services, funded by the HSE under section 38 of the Health Act. In 2010 the St. John of God's north-east services amalgamated their adult and children's respite, thereby reducing the capacity of respite provision in St. Mary's, Drumcar. The respite provision is now three weeks for adults and one week for children. There is currently a waiting list of 40 to 43 clients who have been identified as needing community residential placement due to elderly, frail parents caring for adult clients with an intellectual disability. All of these clients - people with disabilities and mental health issues - have been mapped onto a national housing strategy in partnership with Louth County Council. Capacity to respond to residential and respite emergencies is identified and managed on a geographical basis. This is done in consultation with service providers and taking cognisance of the policy in moving people out of congregated settings.

The emerging residential need in the absence of residential development funding over the past number of years is acknowledged by the HSE and myself as a challenge for all services providing support to clients with a disability. Recognising this, I recently announced an additional €31 million in funding for people with disabilities, of which €3 million is earmarked for new initiatives, including the anticipated cost of a number of emergency residential placements arising this year. In this regard, the HSE will continue to reform service delivery models to maximise the use of existing resources and develop sustainable models of service provision with positive outcomes for service users, delivering the best value for money.

*4 o'clock*

**Deputy Fergus O'Dowd:** I welcome the Minister's statement and I again acknowledge his commitment, as well as the extra funding. Drumcar is not doing what the HSE and the parents



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wish it to do and that is why the intervention of the Department is essential. The HSE has assured me there is adequate funding to provide respite needs, which are required by two of the families to which I have referred. It is not acceptable that an adult can be in a bed for three weeks and is need of respite care for another week but is sent into a private nursing home. It is totally inappropriate and it is equally inappropriate that a person under 18 then takes that service. Extra respite facilities need to be opened in Drumcar.

The person in the HSE who deals with this is actually on holiday at the moment but I spoke to them about this earlier and they said they were prepared to initiate any funding that might be available. I cannot speak for this person but I can speak for the families. They are deeply concerned and deeply distressed. I acknowledge that the Minister's brief is to move people out of Drumcar and into community settings but these people are already in the community. They are not getting the service they received for many years. One mother said to me that the respite care she had been receiving for her son for 40 years was no longer available to her. The mother who rang me about this said she was at her wits' end and could not cope with looking after her adult child at home for three months with promises of respite care having been broken not once, but twice. I urge the Minister to ensure the promise is not broken a third time. I have every confidence in his capacity to intervene and to take on board the points I am making.

**Deputy Finian McGrath:** Deputy O'Dowd made a number of crucial points. He is correct to say we need to listen to the families of people who need respite care. This case is not necessarily about funding but the management of resources. I agree with the Deputy's remarks that we cannot have section 38 organisations being given a certain amount of funding only for us to wake up on a Sunday morning to read in the newspapers of top-ups of €2 million while they are talking about reducing services.

**Deputy Fergus O'Dowd:** Hear, hear.

**Deputy Finian McGrath:** That is a scandal and something I will not accept as Minister. My focus is on the people with the disability and their families. The cancellations to which the Deputy referred are also not acceptable in this day and age. It is not good enough. Respite beds are also important and I will follow up on the broader issues raised by the Deputy. I am aware of the work that goes on in the St. John of God services and in Drumcar and we need to ensure they get the maximum support. The three cases to which the Deputy referred have to be dealt with individually and I will follow up on them as well. If there are other serious issues with respite care and with residential issues related to those services, I will follow up on those too.

I have a vision for services for people with disabilities and a major part of that vision is to protect the rights of people with a physical or intellectual disability. I will prioritise certain cases such as the Deputy has mentioned. My loyalty is to the people with disabilities and their families and that is where my focus will be in the next couple of months.

*Sitting suspended at 4.05 p.m. and resumed at 4.30 p.m.*

**Private Members' Business**

**Broadband Service Provision: Motion [Private Members]**

**Acting Chairman (Deputy Declan Breathnach):** I call Deputy Mattie McGrath to move the motion. The Deputy has 20 minutes.

**Deputy Mattie McGrath:** I am sharing time with two other Members who are on their way. I will take eight minutes.

**Acting Chairman (Deputy Declan Breathnach):** Is that agreed? Agreed.

**Deputy Mattie McGrath:** I move:

“That Dáil Éireann:

notes the importance of ensuring that every premises, school and business in Ireland should have access to high speed broadband;

acknowledges that the National Broadband Plan (NBP) aims to address this conclusively;

notes the importance of ensuring that no home, school or business is left behind in the implementation and delivery of the NBP; and calls on the Minister for Communications, Energy and Natural Resources to:

— ensure, in particular, that services provided by the telecom sector can be delivered in rural Ireland;

— where there is a doubt of delivery by the telecom sector, provide assurance that those homes, schools or businesses will get an affordable high speed broadband connection and can be included as part of the State intervention if necessary; and

— update the House on the status of the National Broadband Plan procurement process.”

Ar an gcéad dul síos, ba mhaith liom mo chomhghairdeas a ghabháil leis an Aire, Deputy Naughten. I am delighted the Minister has been appointed. I wish him well and look forward to a constructive engagement with him. I know of his energy and enthusiasm and hope he will be able to deal with this massive issue because it is very important that we deal with it.

The motion notes the importance of ensuring that every premises, school and business in Ireland should have access to high speed broadband; acknowledges that the National Broadband Plan, NBP, aims to address this conclusively; and the importance of ensuring that no home, school or business is left behind in the implementation and delivery of the NBP. That is vital for parity of esteem, fairness and equity. In particular, the motion calls on the Minister to ensure that services provided by the telecom sector can be delivered in rural Ireland, and where there is a doubt over delivery by the telecom sector, provide assurance that those homes, schools or businesses will get an affordable high speed broadband connection and can be included as part of the State intervention if necessary. That is very important if we are to thrive

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as a nation and develop not only our agriculture industry but the many cottage industries and businesses that want to locate in rural Ireland but cannot do so at present. One of the main factors people coming here to take up jobs or those wanting to advertise jobs take into account is the area of broadband provision. It is about high speed connectivity but it is unfair and wrong that people living in towns and regions in rural Ireland, down to the parishes and the streets, and farmers in rural Ireland have one hand tied behind their backs, and sometimes two, because of the lack of a broadband service. That is deplorable and it is time we dealt with this once and for all. We should grasp the nettle and ensure that every house, school and business that needs it has broadband. I say that from the bottom of my heart, and I know that every TD in the Rural Independent Group is of the same view. The Minister understands the problem because he too serves a rural constituency. Those who will speak in the debate this evening, be they from town or city, understand that there are problems with broadband provision, and all we seek is parity of esteem. We are not asking for favouritism or special treatment but parity of esteem with our colleagues, brothers and sisters throughout the Twenty-six Counties.

People doing their examinations and those trying to complete CAO forms are at a terrible disadvantage. I am aware of a case involving a person who had passed the examination to get into the Army some years ago but who for health reasons could not be accepted. There was a second round of applications about 18 months ago. This person went into a café in Carrick-on-Suir, in Tipperary, to ensure they would have broadband. Half way through the online interview the system crashed, and that person was denied the right to continue. She had failed her examination as far as the authorities were concerned. That is not right.

Farmers trying to complete application forms or draw down details of grant payments are at a disadvantage. If they are 30 seconds late submitting their applications they are excluded from that process. It is very important that we have broadband in place.

Business people are affected also. I am a business man who, but for the private providers, would be out of business. I set up a business in 1982 but everything changed with the onset of broadband. Everything has to be on the button and done in minutes. When we first got the fax machine we thought it was a wonderful tool but everything has progressed at a fast pace. It is wonderful, but there is no parity of esteem. We have had roll-out after roll-out of broadband services. I sat behind the Minister when he was a backbencher from 2007 to 2011, and it was nothing but roll-outs. We had them in the previous Government, but they all came to nothing in terms of the person who cannot use it. That is the bottom line. We are depending on the Minister and his officials to do something about that.

We are having this debate now, and I see an amendment has been tabled about the privatisation aspect. I do not care who delivers the service as long as somebody delivers it. It has to be delivered. It is like milk, butter or bread. People cannot live on the wind and without broadband they are at a distinct disadvantage. I dislike comparing this with food when many people are starving but it is as important as everyday kitchen essentials. We need broadband connectivity to the household for people from the cradle to the grave.

Doctors surgeries in rural Ireland are affected also. We have a doctor in our group who I am sure will relate to that. They cannot practise unless they have a high-speed broadband connection to transfer information to consultants back and forth. I refer to vital information on X-rays and so on. It is basic information if one is living in a city but for those who do not, it is different, although there are black spots in cities as well. It is vital that we have that service.

There are 42,207 premises in Tipperary which need to be covered by interventions under the national broadband plan. That is an enormous number. I do not wish to be parochial about this but I speak as a Tipperary TD. Until yesterday, 49% of those premises were not covered by the NBP intervention area, with the remaining 51% to be covered by commercial operators. I had them on to me all week, and I know the Minister met them yesterday. They were on to me again all day today. Those people must be saluted and supported. They cannot be pushed overboard and told their services are no longer required because they have been the lifeline for the countryside, and they must be brought in to whatever is going on. I know there is a tender process taking place but I do not want to see big conglomerates involved. According to the newspapers last night the number was whittled down to three. We have to have respect for those providers who took risks, put their hands in their pockets, put up temporary masts and did everything they could. My colleague, Deputy Michael Collins, had a meeting in west Cork last Saturday morning with a group of private people who are waiting to put their hands in their pockets to pay for this because it is valuable and vital. We must not allow those people to be disenfranchised.

The figures I gave the Minister demonstrate the extent of the broadband crisis, particularly in a rural county like Tipperary which has 3,167 townlands and where services need to be expanded and upgraded. I saw on the six o'clock news last night a report about a family from Clerihan, a village only three miles from Clonmel, which is a town of 20,000 people. We are fortunate with all the industry we have in the area through foreign direct investment and otherwise. Clerihan is three miles out the road from Clonmel. I canvassed there during the election but I nearly had to leave because people are so frustrated. Some of them relocated back from England and elsewhere. They want to work from home and set up small indigenous businesses. They are the people we need to drive the recovery and if they cannot do that without a proper broadband service it is a sad day for Ireland as a whole, especially now following Brexit. We need to be up and at it. We have to compete with the best in Europe and in the world. I will hand over to Deputy Michael Lowry.

**Acting Chairman (Deputy Declan Breathnach):** Deputy Lowry is sharing six minutes with Deputy Noel Grealish.

**Deputy Michael Lowry:** In 2015, leading figures in the world of telecommunications stated that anything below 25 MB could no longer be defined as broadband. As we are all aware, the European Commission has set 30 MB as the basic speed needed for a viable service. In 2016, several reports highlight the fact that only one third of Irish premises are consistently reaching speeds of 15 MB and above. The remaining two thirds of premises are enduring speeds of less than 15 MB, with a majority of premises in rural areas suffering Internet speeds of less than 4 MB and as low as 1 MB.

Broadband speeds in rural Ireland are way below the European Commission viable service measure of 30 MB. According to international standards, we should not even define rural speeds of 1 MB to 4 MB as broadband. By these standards, rural Internet access speeds in Ireland should be labelled as “low” band and, in many instances, “no” band. Rural citizens are suffering glorified dial-up Internet access, with far reaching and negative consequences for rural homes, business and education, as well as aspects of social and cultural life in rural areas. In my county of Tipperary it is estimated that there are 41,000 properties without broadband, 8,000 of which are businesses of varying sizes, each attempting to compete in a wider marketplace. Large towns such as Clonmel, Thurles, Nenagh, Tipperary and Templemore are well served by commercial operators. Other smaller towns and villages throughout County Tipperary require immediate intervention by the Government. No business in today's world can expand and de-

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velop without fast, reliable, high speed broadband. It is a basic ingredient needed to progress. What is the use of developing other infrastructure outside main towns and cities when a fast, effective and reliable broadband system is absent? Poor broadband is a destructive obstacle to rural business growth and, consequently, to rural job creation and employment.

The digital divide that exists between rural and urban business impacts upon the delivery and development of education in rural settings. Rural primary and secondary schools have invested in the latest tablets, laptops and interactive whiteboards. To maximise the educational potential of these IT resources, teachers and pupils need decent broadband facilities. How can rural pupils compete with their urban and international peers if they do not have the same opportunities to develop their digital literacy skills? This is a pressing and current form of disadvantage in education which must be addressed as a matter of priority. The landscape of third level education in particular has been reshaped and has evolved in response to demands for e-learning course platforms and facilities. Given the poor standard of broadband speeds, if a person wants to pursue third level education or other online educational opportunities, he or she is at a major disadvantage if he or she lives in rural Ireland.

Inadequate broadband must be recognised as another significant factor prompting rural dwellers to flee their locality in favour of greater prospects in urban areas and elsewhere. Rural dwellers can rightfully feel abandoned and unable to compete, despite their professional capabilities, as they watch urban-based establishments continue to thrive in the unfair, two-tier system that currently exists. Ireland and rural Ireland needs to be able to compete in the global economy now. A five-year timeline or greater is too long and too late. We can no longer permit ambiguity and hesitation around the national broadband plan. We need confirmation that it will be implemented with certainty. Therefore, I would ask if the State could fast-track further the necessary capital funding to expedite the promised roll-out schedule which would grant an earlier delivery date of rural broadband to the majority neglected homes and businesses. It must be remembered that broadband is a basic and essential utility.

Broadband has become, and remains, the single most essential feature of the 21st century for home life, business life and educational development. Businesses and educational institutions, whatever their size, remain the very lifeblood of every economy. If entrepreneurship, small and medium enterprises and the necessary digital skills are to be encouraged to thrive in rural Ireland, access to broadband is essential if we are to work, grow and compete fairly in a national and global economy.

I am encouraged by the Minister's particular interest and commitment and by the fact he has taken the initiative to make this issue a top priority in his Department. Consumer price can be protected through regulation in the chosen ownership model. I would ask the Minister to roll out the scheme as a matter of urgency and without further delay.

**Deputy Noel Grealish:** I congratulate the Minister, Deputy Naughten, on his appointment. I know he will do an excellent job and that he will not be found wanting in his delivery of broadband. I also congratulate Deputy Hildegard Naughton on her appointment as Chair of the Committee on Communications, Climate Change and Natural Resources. She will be busy. It is good to have in the House today the two most important people with regard to broadband provision. I am sure any pilot project that will be rolled out will be done in the west. I compliment the Minister for Arts, Heritage and the Gaeltacht, Deputy Humphreys, on the presentation she gave recently regarding the proposal to roll out broadband in Ireland.

As the Minister, Deputy Naughten, is aware, there is a massive digital divide between rural and urban areas in the State. On the one hand, broadband connection speeds of up to 1,000 Mb per second are being offered by some commercial companies in cities. However, in rural areas people are struggling in many cases to get speeds of even 1 Mb, which is not much better than the old dial-up connection when the Internet was in its relative infancy. People are suffering daily as a result. Consider the difficulties of trying to operate a business without a reliable broadband service in this day and age which requires daily connectivity to customers and suppliers. It cannot be done.

A proper Internet connection has also long since gone from being an enjoyable pastime for rural households to being vital to them. One of the biggest problems faced by many rural areas over a number of decades is a growing sense of isolation. Their sense of community, in many cases, has been gradually eroded by a combination of factors, including a loss of local jobs to bigger companies, usually located in urban areas, emigration of huge numbers of the younger generation, and closures of post offices, shops and Garda stations. That sense of isolation will continue to grow at pace in areas which do not have a high speed broadband connection or even a broadband connection of any kind.

While connection speeds continue to grow in the larger urban areas, it is not just a question of creating new employment opportunities. It is increasingly about people being forced out of their home areas because they cannot make a living without reliable and fast Internet access. Even farming is becoming an occupation that cannot function without broadband. More and more forms have to be filled in online.

My home county of Galway is a good example of the level of connectivity that exists in rural areas compared with larger urban areas. Of more than 133,000 premises, including residential and commercial, 62,000 require State intervention to bring them an Internet service. This is in a county that is home to the third largest city in the country where commercial companies will meet the majority of the demand for broadband connections. Almost all that huge number of homes and businesses expected to be covered by State intervention under the national broadband plan will be located in rural areas of the county.

Figures provided recently by the Minister, Deputy Denis Naughten, indicate that more than 56,000 premises in Galway currently have no access to high speed broadband and another 62,500 premises do not have broadband of any significant standard. If one takes out the 40,000 homes and businesses in Galway city, one has the stark reality that less than 13% of those outside the main urban area are with broadband.

I welcome the commitment of the Minister to rectify this situation and his intention to bring high speed broadband to every home in the country. I understand that rolling out such an extensive plan will take time, but I know the Minister will push for it. I know too that the committee will not be left standing either and will support him in his endeavours. I urge him, however, to proceed at the fastest possible pace before even more rural communities have the life squeezed out of them. For the rural communities to survive and thrive in today's world, broadband access is as vital to them as the massive programme of rural electrification was back in the middle of the last century.

I spoke earlier about broadband speeds in the context of a rural-urban digital divide. Ireland is the only country in Europe where average Internet connection speeds have fallen since last year, which is a matter of serious concern. The latest state of the Internet report just published

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by Akamai indicates a 14% decline, to an average of 14.4 Mb per second, in the first quarter of 2016 compared with the same period in 2015. The remaining countries on the Continent all enjoyed double digit gains over the same year according to this respected American based global Internet service provider. Norway, for example, increased its average speed by 68% over the same period, and 26 countries saw yearly gains of at least 25%. Ireland is now ranked 15th in Europe, although our average Internet connection speed is still ahead of Germany and France. At the start of 2015, Ireland ranked best in Europe and second in the whole world in terms of average connection speeds, at 17.4 Mb. This followed a huge improvement in speeds over 2014, but we are slipping back now at such a startling rate that it is a matter of serious concern. The slide down the index will have to be stopped as we strive to give all the people in the State a fighting chance to make a living and to live their lives where they want by arming them with high speed Internet connection, which is a basic necessity in this day and age.

I know the Minister and the Department will do this. I was impressed with the presentation he gave us. There will be many obstacles in his way. Some local authorities will be proactive while some will not. The Minister should work with local authorities where they are doing work in towns and villages, and he should work with Irish Water when it is laying pipes and constructing drainage schemes. It is important that these bodies work with the Department to ensure the infrastructure is installed at the same time to provide the service and they are not digging the streets twice.

I wish the Minister all the best in his position and I wish the same to the Acting Chairman.

**Minister for Communications, Energy and Natural Resources (Deputy Denis Naughten):** I thank the Rural Alliance for tabling this motion. Delivering high speed broadband to every home, business and school in Ireland is a personal promise from me and my top priority as the responsible Minister. Like all Deputies, I have been frustrated with the lack of progress in this area for the past few years, and so too have hundreds of thousands of people throughout Ireland, including our constituents, the people who elected us to deliver. Yesterday was an important day, a milestone in a project which I believe, in its scale and significance, matches rural electrification. The process is finally moving and is on time.

The motion, tabled by the Rural Alliance, is timely. I promise the Deputies that every home and business in Ireland will have high speed broadband. The roll-out will start in every county in the first year of the programme, and the last homes and businesses will be connected within three to five years. No one will be left behind.

Turning now to the amendments put forward by Fianna Fáil and Sinn Féin, let me be clear that both procurement models will deliver the same service to consumers for the next 25 years. People in rural Ireland will not see any difference in terms of the type, timeliness and cost of services they receive. The Government will exercise the same control over the network for the full 25 years under both models. The network will, as Fianna Fáil asks, ensure the future needs of homes and businesses are met. The only tangible differences are in the cost to the taxpayer and the time it will take to get contracts in place.

On cost, the full concession model, which Fianna Fáil and Sinn Féin want, would cost between 50% and 70% more than the gap funding model. The full cost of the project would be likely to go on the Government's balance sheet, and the commercial sector input would also be regarded as Government debt. The impact of this on the general Government deficit would be approximately €1 billion more than the gap funding model. This would also reduce the avail-

able capital spend by up to €600 million over the next six years.

On timing, the full concession model would take at the very least six months more to negotiate with bidders, a delay the people in need of broadband cannot afford. Ten weeks ago, a delay of six months to the procurement process was announced. Are we really saying to the people that we want them to endure another six-month delay? We want to encourage investment in rural Ireland and that means avoiding delays that are within our control.

As both models will deliver the same thing, the benefit of State ownership is a notional benefit at the end of the contract. My questions to Fianna Fáil and Sinn Féin are these. What projects are they prepared to forgo to pursue a State-owned model? From which projects will they cut €600 million? Do we close long-stay homes for older people that are not up to the Health Information and Quality Authority, HIQA, standards? Are they comfortable returning to their constituencies tomorrow to tell the families and business people of rural Ireland that they are proposing further preventable delays in delivering their vital broadband service? Can they really look them in the eye and tell them that in a world that is more connected than ever, they will continue to lose out? I certainly will not be going to the Connacht final this weekend to tell my constituents that they will have to wait at least six months longer because certain Deputies in this House want the State to own and control the network in 2043, that is, 27 years away. The Fianna Fáil spokesperson in the Seanad, Senator Terry Leyden, while expressing concerns earlier today said that he would not impede me and told me to get on with it.

People in rural Ireland are already frustrated and angry about the delay in delivering services to them. I am not prepared to put other urgent capital investment priorities in schools, local and regional roads, flood relief and primary care residential centres in jeopardy by opting for an ownership model that will give the same outcome at a significantly higher cost. The telecoms industry has invested strongly to deliver high speed broadband to approximately 1.2 million premises in towns and villages throughout Ireland, and this investment is ongoing. It is covering homes and businesses in towns such as Tipperary, Clonmel, Tralee, Cahersiveen, Killarney, Cooraclare, Barna, Inchydoney and Kilrush, to name only a few. Industry had previously promised to deliver to 1.6 million premises. The Department has been closely monitoring these developments.

Yesterday, I announced that the Department has identified up to 170,000 premises which had been expected to get services from the telecoms sector and which will not now get those services. We are working to identify these premises in order that we can include them in the State intervention programme. This will ensure no premises, no matter how isolated, will be left behind.

Effective regulation, such as a universal service obligation, can deal with many of the concerns that could arise in 2043. I am already considering what regulatory safeguards we could introduce to ensure quality services continue to be delivered over the coming years and after 2043 when the contract or contracts expire.

I was amazed this morning to hear Deputy Howlin extolling the virtues of public ownership. As a member of the previous Government he could have made a decision on ownership last December if he was so keen on the full concession model.

**Deputy Mattie McGrath:** Hear, hear.

**Deputy Denis Naughten:** He consented to the privatisation of almost 300 Coillte telecom-



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munications masts last year, which would have an impact on mobile phone coverage throughout the country. The Deputy knows well that the Government has to make tough decisions to strike to balance between what is necessary and desirable.

Fianna Fáil has also tabled an amendment on the speed of the network. The speeds we have set out in the procurement process are minimum speeds and not “up to” speeds. I will in the coming days lay a statutory instrument before the House which will transpose key aspects of the European cost of broadband directive. It will deal with infrastructure sharing by utility network operators and timelines for processing permissions to install telecoms infrastructure along public roads in line with the Fianna Fáil amendment. I intend to follow this with measures to ensure all new-build premises have ducting installed for the purposes of installing telecom lines. This will add to existing legislation in this area since 2002.

I believe there is unanimous support in this House for the speedy and efficient delivery of the national broadband plan. I would like to put firmly on the record of the House, the progress that has been made. The procurement process commenced in December and yesterday we moved to stage 3 with three qualifying bidders. The Department continues to monitor deployment by the telecoms industry and I am now moving to include another 170,000 premises in the intervention area.

The gap funding ownership model will deliver the same network and services that would be delivered under a full concession model for consumers over the next 25 years. I cannot stand over a full concession model which would have an additional impact of more than €1 billion on the general Government deficit, reducing the capital spend by more than €600 million and delay the roll-out of services for at least another six months. I thank the Rural Alliance for tabling this important motion.

**Deputy Hildegard Naughton:** It is a simple fact that rural areas need State intervention if they are to be provided with high speed broadband. The Minister will note recent figures released by the IDA indicating that it is missing its own targets on investment in areas outside Dublin and Cork. That means rural Ireland is missing out. Leaving aside companies such as Google, people trying to set up or maintain small businesses are at a distinct disadvantage. When I talk about infrastructure I include areas such as access to reliable power, clean water and high speed broadband.

*5 o'clock*

Access to high speed broadband is a problem for over 30% of the population. When one compares Ireland to other highly developed countries in Europe, we are lagging behind countries such as Latvia, Hungary and Poland. Iceland has a 95% broadband penetration rate.

In 2012 the Government task force highlighted all of these issues, as well as the importance of high speed broadband for economic growth, jobs, boosting small and medium enterprises, schools being able to access online tools and combatting rural isolation. Only a few years after Independence, the State embarked on a major challenge with regard to rural electrification, and the roll-out of broadband is equivalent to that. It was only in 2003 that the last two areas in the country were connected to electricity mains, in Inishturk and Inishturbot. There is a five year roll-out plan for broadband to every house and business in the country. It is just as important as rural electrification. I would support any move by the Government to make that happen.

**Deputy Timmy Dooley:** I move amendment No. 2:

To insert the following after “National Broadband Plan procurement process”:

“notes that State ownership of the proposed National Broadband Plan network would best ensure the future needs of the homes and businesses covered by this contract are met and the State’s investment protected to the best extent possible;

calls on the Government to:

—ensure the evolving high-speed broadband needs of the locations covered by this contract are met and remain in step with those areas covered by the commercial marketplace, taking

into consideration future technology advances;

—take action to reduce the cost of high-speed broadband by transposing immediately the European Broadband Directive (2014/61/EU); and

—ensure the service provided under the National Broadband Plan will guarantee connection speeds of at least 100 megabytes per second initially; and

resolves that the ownership of the network proposed in the State’s National Broadband Plan revert to the State at the end of the contract period.”

I want to congratulate the Minister on his fiery speech. It is a pity that he did not have a more appropriate speech at Cabinet. It seems that he is a ram in the Dáil and a lamb at Cabinet. Unfortunately, he lost the battle.

Over the past two days he has delivered a forceful presentation on what has been achieved. On a number of occasions, he has identified that his personal opinion and wish would have been to retain the network in the State ownership. He went on to give a standard finance line, that is, to ask from where the money would come and the projects we do not want to see happen.

It is a standard line. I was a backbencher on the other side of the House when the same line came from the Department of Finance. It would ask what schools, roads or sewerage schemes we did not want to build. It provides a toolbox of excuses, and it is incumbent on the Minister of the day to fight on behalf of his Department and the interests that fall within his remit. Sadly, the Minister lost the battle. He could have told the Department of Finance and the Minister concerned that the economy is growing and there will be an extra €1 billion in revenue available to the State for the budget this year. He could have rolled the €600 million to which he referred over six years, which would be 10% of the additional moneys available this year and probably a lesser percentage if the growth projections remain on target for the next five or six years.

The Minister could have told them to look at the Ireland Strategic Investment Fund and consider it as a commercial investment, in terms of the part that would be commercial. As the Minister knows, whatever contractor ultimately wins the battle will have to go to the marketplace for finance. It is very possible that the winner could eventually be funded through the Ireland Strategic Investment Fund because it has the capacity to invest in commercial entities. The back-end of this contract will be commercial because the gap in the middle is being filled by the State.

It is very possible that the State will provide money through the Ireland Strategic Investment Fund to the ultimate contractor. The Minister will fill the gap in funding and the project

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will reside in the hands of a multinational that will have the capacity before the ending of the contract to flip the assets and make significant profits for the company concerned.

I speak with some knowledge of and interest in this area. In the past, my party took a decision which at the time seemed like the correct one. All of the discussion and political consensus in the House and in Europe at the time was that it was in the best interests of the State to sell Eircom. We were told the return to the State would build more schools, water and sewerage schemes and public housing. As a result of that decision, which was taken in good faith by all concerned at the time, there were significant delays in the roll-out of broadband which has put us well behind the European average in terms of the penetration of broadband.

That happened because we did not have the capacity to control access to and investment in the network. The vulture funds that played fast and loose with the asset that is now Eir's asset in order to make a profit for themselves in the short-term jockeying of resources left Ireland, in particular the parts the Minister and I know best, those areas we seek to represent, in a difficult position.

Many speakers will catalogue the various enterprises that have failed to get appropriate speeds in order to be able to carry out their business. There are personal stories of homes where junior certificate, leaving certificate or college students are failing to get access broadband to prepare reports, interface with universities and submit dissertations on time. We all deal with these issues in our constituency offices on a daily basis. We can say or do little other than to point out that Eir is a private company and, sadly, we have no more control over it.

I have been in the House for 13 or 14 years - the time flies. Sadly, on far too many occasions decisions are taken here that focus on the electoral cycle. Decisions are made to build schools before the next election cycle so that people can get a bunch of votes. That kind of planning should be consigned to history. We should look to a much greater extent to the future and put in place the kind of foundations that will build upon future necessities.

The spine that will be delivered in the network has major potential not just to deliver broadband to homes, but to provide the backbone for future generations of mobile phone technology. There is little doubt that Ireland has the capacity to be a mobile island in terms of the roll-out of various pilot projects by many social media organisations, all of which are now delivered in a mobile environment. We should be doing everything we possibly can to attract more activity into that space.

Handing this network to an environment that will ultimately fall into the control of private operators will not encourage that kind of investment and will have significant negative long-term consequences for the State. I hope that whoever is around in 25 years time has the good grace to read the Official Report.

**Acting Chairman (Deputy Declan Breathnach):** Deputies Lawless and Moynihan are sharing time. Is that agreed? Agreed.

**Deputy James Lawless:** This is a team effort, and I wish the Minister well in his efforts and endeavours to tackle the problem. Unfortunately, the record has not been good to date. I wish to take issue with one comment the Minister made, namely, that we are on time. We are patently not on time. I appreciate that the Minister was not in government in 2011, but the previous Government committed to 90% coverage by 2015.

In 2012 a task force was established under the then Minister, Pat Rabbitte, which committed to 100% coverage by 2020. These are noble goals and lofty aspirations, but unfortunately we are nowhere near them. We currently rank 42 in the global rankings for high speed broadband and in terms of international competitiveness, attracting foreign direct investment and supporting our own people, we are well down the league table.

I could quote statistics, but can speak more powerfully from personal experience. I live in Sallins, a town in the commuter belt of North Kildare, in an estate in a very urban area about five minutes walk from the nearest train station. On a good day I get perhaps 30 Mb per second, which is not a bad speed, but according to the US authorities it is barely broadband. In fact, under 25 Mb per second is now considered to be narrow band according to US metrics. If I drive a few miles down the road towards Dublin to places like Kiltel or Eadestown on the Kildare-Dublin border, I find I cannot get broadband at all. These places are less than 18 km from Dublin city centre.

I have much sympathy for my colleagues in the west and other rural areas, but even in the greater Dublin area and hinterlands of the city there are places which have no broadband. In villages and towns like those in which I live, we might get 30 Mb on a good day. Many areas of the countryside cannot access any broadband. It is a major issue. Deputy Dooley has highlighted many reasons this issue is important, including educational, commercial and competitiveness considerations. That highlights the stark reality of the situation.

I welcome the national broadband plan, which we have been hearing about for five years at this stage. It is very well and good, but I would like to see it accelerated. There are also many things we could do as the framework is already there. I have worked with operators in Kildare and elsewhere to roll out broadband. Drawing from personal experience, I know that a number of obstacles exist, such as planning and technical anomalies that hold up progress. Even without the broadband plan, the tender and the significant investment and work programme that lie ahead, we could ensure progress is made today or tomorrow to strip away some of the impediments that exist. There are widely varying local development plans and contribution schemes. In some cases local authorities put exemption zones in place, and there are other anomalies. Any provider seeking to implement a wide programme faces multiple planning authorities with multiple approaches. The lack of a streamlined approach is a barrier to progress.

State subvention is required in areas where provision is not commercially viable, but once some of the barriers are removed the cost comes down and the commercial reality comes to the fore in many areas. I welcome the Minister's commitment to transposing the EU directive. The target was 1 July. There are many common-sense ideas in it in terms of making the plan work and taking State infrastructure that is already in place and making it available. The directive is useful in that it refers to infrastructure in State ownership and the commissioning of public buildings. Another difficulty that arises is access. One could ask whom a provider in the market talks to if he or she wants to access a council building, a Garda station or a Coillte site. There is a lack of communications, understanding or responsibility in some State agencies. I put that to the Minister as an issue that must be addressed if the broadband plan is to work. We can transpose the directive, which is welcome and needed and is full of common sense, but we must go a little further and put a plan in place to manage the process.

Deputy Grealish referred to double-digging. Very few things get people's back up more than a road being dug up again and again. There is a reference to ducting being provided in all new roads projects. However, I wish to add a caveat in that regard. The State can put ducting

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underground, but the issue that arises is how an operator would gain access to it, and, if it leases it, what the price would be. In some cases providers have told me it is cheaper for them to get a licence to dig up the road and lay their own cable, even if that is a foot away from the cable that was put in by the State. That is a bizarre situation. The State should acquire a fair market rent for the infrastructure but it should not be the case that providers have to dig up the road a second time just to make the process work for them.

Broadband is badly needed, and these are a couple of suggestions that could transform the market overnight. The national broadband plan is a lofty ideal. It is badly needed in many areas where it might be non-competitive and non-commercial, but there are quick fixes we could put in place in the morning. Such changes should be implemented immediately.

**Deputy Michael Moynihan:** I welcome the opportunity to speak in the debate. I commend those who have tabled the motion before the House, thereby allowing Dáil Éireann to discuss this very important issue.

There have been two major infrastructure projects in this country – the ESB from the 1930s to the 1950s, and the installation of a telephone system decades later. Now we are rolling out broadband. A two-tier society is developing whereby there are those with access to broadband and those without. We have catalogued many companies, individuals and families who have made decisions to move to rural areas because of access to broadband due to the potential for improved quality of life and the ability to deal with work commitments. Nearly all Members who serve rural communities are aware of the situation. Agriculture is our greatest indigenous industry and it is very much regulated. The sector provides a fantastic product and now it is very much dependent on access to online services for record keeping and other purposes. There is a major vacuum in broadband services.

Some of those involved in the telecommunications industry made a presentation to Oireachtas Members in the AV room last week. A range of issues were raised, including mobile phone coverage. Deputy Dooley and I were members of a committee in the previous Dáil and industry representatives came before it as well. The fulfilment of the terms of reference in terms of the licence they have leaves much to be desired. The areas with poor mobile phone coverage 20 years ago are the same ones that lack coverage today.

The Minister has outlined the first steps towards providing a broadband connection for each and every citizen. There are great fears, especially in rural communities, in spite of the great plans. One initiative was announced between the ESB and Vodafone to share their networks and bring broadband to provincial towns, but it only brought broadband to areas that were commercially viable. The biggest issue is that between 30% and 40% of the land mass of the State has a difficulty with broadband reception. Many of the private sector initiatives around the country, such as for wireless broadband services, are hit and miss. We cannot get broadband in rural communities and we are disadvantaged because of that.

The Minister was a member of the same committee of which I was a member in the previous Dáil. I congratulate him and wish him well in the role, because it is very challenging. The previous two Ministers were from Dublin and, while they had the full facts in front of them, perhaps they did not appreciate the seriousness of the situation. I take it that, coming from the part of the country from which the Minister comes, he knows full well the seriousness of the situation that is facing rural communities. I was contacted by people from parts of Meath in recent years who are only 15 miles from O'Connell Street in Dublin but who have difficulty not

only with broadband but also with mobile phone coverage. It is not just the people in the west or the south taking the pain; the problem is affecting areas adjacent to other regions as well.

I am aware the Minister is transposing the European directive. Where do we stand in terms of State aid? What agreement has been reached with the European Union and what stage is the process at? The Minister's predecessor constantly told us a decision would be made, for example, by the middle of 2014. In 2015 he said the same and he also said more information was required by the EU. How far advanced is the process at the moment in terms of the European Union buying into the plan? The fundamental point about infrastructure must be made strongly because we are connecting Ireland into this century. Unfortunately, we are far behind the curve, but we are connecting all parts of the country into this century. No matter where one is or how remote it is, every single parish has people who stay at home or who are working from home and providing a fantastic service. We must embrace that as well.

In order to apply a proper spatial strategy in the future, we must ensure that remote areas do not become wastelands, with the population leaving because services are not available. A broadband service is as important in Kishkeam in County Cork as it is in O'Connell Street in Dublin. I urge the Minister to clarify the situation in terms of the European Union. One could ask whether we are building castles in the sand until it ponies up an agreement. We must ensure adequate broadband speeds are introduced because we saw what happened with postcodes last year when the emergency services did not buy into the system. Emergency services, by and large, are controlled from a central location, but the necessary backup does not currently exist. We must do a lot more work in order to ensure rural communities are connected.

**Deputy Michael Fitzmaurice:** I did not get the opportunity before, but I wish the Minister luck in his position. He and I would have talked many a time about broadband because we know the speeds down our neck of the woods, but I was baffled yesterday when I heard that we are not going to own the infrastructure. I would have wished that we as a nation would own that for the betterment of all. This will be the biggest infrastructure project since the electrification of Ireland. We have to get it right. We owe it to the next generation to make sure we get it right. For the sake of the revival of rural Ireland, we have to get it right. Yesterday evening, I looked at the news and saw that someone made a comment about water and had to resign. It is a pity that there might not be as much focus put on broadband, for the simple reason that we need to make sure. Right across the divide, from the people I talk to, there is unanimous agreement that we need this infrastructure to be owned by the State. Let us put it up, because this is a licence to print money. Private companies are interested in this not to lose money, but to make money.

When the Minister and I sat at the talks earlier we went through all this, but next June is when the contract will come out. There is no reason; it is bodies on the ground after that which will make sure. I have one question. Six months ago we talked about 80 Mbps; now we are coming down to 30 Mbps. Why are we doing that? We have to make sure we do the right thing now. I am not blaming the Minister, but I ask him to go back to the Cabinet and ask it to try to put the infrastructure in the hands of the State, for the simple reason that this is for the future. In ten, 15, 20 or 30 years down the line the decisions that politicians make here will be the ones that will help future generations. In all parts of rural Ireland, broadband is crucial. We are talking about regional development. We have to make sure it is delivered as fast as possible. I know that the legislation has to comply with the directive, but I ask the Minister to go back again and make sure that the State will handle the infrastructure, and that all the private companies run it after that.

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**Acting Chairman (Deputy Declan Breathnach):** I now call on Deputy Stanley, who is sharing time with Deputies Peadar Tóibín and Gerry Adams. Deputy Stanley and Deputy Tóibín will take four minutes each and Deputy Adams two minutes. Is that agreed?

**Deputy Brian Stanley:** That is agreed. I formally move amendment No. 1 from Sinn Féin to this Private Members' motion.

**Acting Chairman (Deputy Declan Breathnach):** The Deputy cannot move it until amendment No. 2 is taken. He can discuss it but he cannot move it.

**Deputy Brian Stanley:** I think amendment No. 1 is listed first.

**Acting Chairman (Deputy Declan Breathnach):** No. Under Standing Orders, amendment No. 2 must be taken first. The Deputy can discuss his amendment but he cannot move it.

**Deputy Brian Stanley:** The Minister has correctly identified the national broadband plan as a project on the scale and importance of rural electrification in the last century, but there is one clear difference. Rural electrification was and is in public ownership. This will be a much-valued asset. It is disappointing that the Government has not recognised the importance of keeping what will be a priceless asset in public ownership.

In the 1980s, the Government invested heavily in upgrading telecoms infrastructure, resulting in a network being built that surpassed Britain's or those on the Continent. I am glad that Fianna Fáil has come to a more Sinn Féin position on this, even if it is 26 years too late. They sold it off to venture capitalists. We have seen little investment in the past 26 years, with the result that the telecommunications network is now way behind our European competitors. The key difference is that we must have control of major infrastructure. The decision to hand broadband infrastructure to private capitalists is short-sighted in the extreme. The taxpayer and the State will have invested millions of euros, but it will be snapped up for profit.

I am sure we all agree that the national broadband plan has potential and is badly needed. We recognise that and we want to see this programme rolled out. It has significant potential to reinvigorate the whole island. In my constituency of Laois, and in south Kildare, places such as Borris-in-Ossory, Rathdowney, Portarlinton, Graiguecullen and Monasterevin are all badly in need of this infrastructure. If we take MANs, when it was built, as I saw in my own town of Portlaoise, some people considered it as a white elephant. It has now developed across the country and is worth 20 times what it was when the infrastructure was put in. I have no doubt that this infrastructure, the rural broadband network, will be valuable also.

We have had a lot of talk of and a promise of new politics in this Dáil term. From what I am hearing, the Labour Party will do a U-turn as well and support Sinn Féin's position, so the majority of Members want this kept in public ownership. I want the Minister to go back to the Cabinet and have a chat. I heard the Minister trotting out the figures and the reasons, but he knows that is not the full picture. That is a debate for another day, to revisit this again and keep it in public ownership.

**Deputy Peadar Tóibín:** Last week, I attended a presentation in the AV room hosted by Deputy Bernard Durkan. It included most of the communications companies in the State. Deputy after Deputy took to the floor to castigate these telecommunications companies in the strongest possible terms over the desperately poor mobile and mobile internet coverage throughout the State. The level of anger was a sight to behold. Deputies were outdoing each other out of

anger. I found myself agreeing with the Deputies wholeheartedly. They were right. A large area across the southern State is a no-man's land for mobile phone and mobile Internet coverage. People cannot do business, make social calls or even ring emergency services when they need them. We are talking not about far-off headlands in the west, but about a couple of miles outside major towns in the Dublin region.

On a separate occasion last week, my dog was barking and my son was giving out to the dog for barking. I laughed because that is what dogs do - they bark. In the same way, private companies maximise profits. That is what they do. They cherry-pick the most attractive elements of deals, invest in infrastructure to increase revenue streams and upgrade and maintain systems only on the basis of the income they generate. Shouting at a private company for maximising profits is as stupid as shouting at a dog for barking, especially if those Deputies doing the shouting are the Deputies who privatised the system in the first place. Many of those Deputies were the same ones that stood over the licence requirements necessary for those companies in the telecoms industry. An example of that would be the requirement for ComReg to measure signals, which means that it does not measure the quality of the signal, only that there is one. They measure only on the main road itself. We know that handing over systems lock, stock and barrel to private companies is a dangerous system that comes back to haunt Deputies afterwards.

The truth of the matter is that the privatisation of Eircom was one of the most damaging decisions made by any Government in this State. The subsequent owners asset-stripped Eircom for the benefit of their shareholders and to the detriment of families, business and communities up and down the country. It has cost the State billions of euros and has devastated the economic well-being of whole regions throughout the State. The decision was made on the basis of the intellectual fashion of the time. It was believed that privatisation was good and public ownership was bad. Unfortunately, that intellectual fashion is still firmly embedded in Fine Gael and maybe in the Independent Fine Gael Deputy we have before us today. Government's investment in infrastructure is one of the best things a Government can do because it creates efficiencies and competitive advantages now and into the future. We have seen that investment collapse by about €6 billion over the past seven years. This process is part of that retrenchment from Government investment into State goods.

Regional development has been one of the biggest burning issues, yet we know that massive sections of our society are currently second-class digital citizens. However, the Government's response is to provide €200 million over seven years, which is €28 million per year. This particular Government plan is a hollow husk in response to a disconnected, forgotten and ignored community.

**Deputy Gerry Adams:** Mo bhuíochas don Rural Alliance, mar mhol siad an rún seo agus táim fíorbhuíoch go bhfuil seans agamsa labhairt ar an ábhar tábhachtach seo. Go n-éirí leis an Aire in a phost nua.

The provision of high speed broadband to rural Ireland will make a huge contribution to the much needed regeneration of rural communities. It is also clearly the entitlement and right of those communities. However, the decision to opt for a privatisation model is short-sighted, deeply flawed and will ultimately cost the State and consumers much more in the future.

There is also widespread concern at the length of time that will now be needed to provide broadband access to all parts of the State. Last December, the former communications Minister, Alex White, told me in response to a parliamentary question that there are still 15,000 premises



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in County Louth to be covered by the new arrangement. The availability of broadband to that constituency will now be dependent upon the private sector provider. Six months ago, Alex White predicted that 85% of addresses in the State would have access to high speed services by 2018 with all addresses being covered by 2020. The current Minister, Deputy Naughten's scheme would see that framework pushed back to 2022. Given the way these timeframes have been changed, how confident can we be that this new one will be met? When can households and businesses in Louth expect to be fully included in broadband?

Let me reiterate our opposition to the Government's privatisation proposal. Our firm belief is that broadband should be retained in State ownership.

**Deputy Sean Sherlock:** I welcome the motion before the House. I have some technical questions to ask and will also request a further discussion on this issue here to discuss the more technical aspects of this plan. Perhaps that could be done outside the committee structure because every Member of the House has a vested interest in the issue and, while not necessarily being members of the relevant committee, they may be spokespersons in that area. That is the new paradigm we are in.

As I understand it, the options that were placed before the Minister were whittled down to two. The first, which the Government chose, is the commercial stimulus or gap-funding model whereby the private sector finances, designs, builds, owns and operates the network. There are contractual obligations within that model.

Second, there is the full concession model whereby the private sector again finances, designs, builds and operates the network, but the asset is handed back to the State after 25 years. My understanding is that going for the full concession model, involving a reversion of the asset back to the State after 25 years, would have had implications in putting the entire cost of the project on balance sheet. There would therefore have been an impact on fiscal space.

I did not hear the Minister's opening remarks but I think he referred to Deputy Howlin's earlier intervention about certain choices that have to be made by the Department of Public Expenditure and Reform. I will not get into a political tit for tat on that. However, the logic of opting for the fully privatised or gap-funding model is that the fiscal space would not be covered by the Exchequer's capital funding envelope.

I am seeking a discussion on the KPMG report which advised the gap-funding model. What was the legal advice in real terms for opting against the full concession model? I am told - and, to be fair, the Department has been open about this - that the full concession model was deemed to be significantly more complex from a contractual perspective. In addition, it would take six months or possibly longer to negotiate a contract. One tries to be as factual as one can but if one goes to a company like KPMG, or another external adviser in the private sector, on the law of averages they are not necessarily going to say that one should come back with a model that reverts the asset back to the State after 25 years. That is why I want to have a further discussion on this matter which warrants further investigation.

The KPMG report presented arguments in favour of the commercial stimulus model. A departmental document stated that this model placed all the technology and demand risk on the private sector, while costing the Exchequer less. In addition, the asset will rely extensively on commercially-owned third-party assets which will not be within the control of Government. That is one of the considerations which warrants further discussion.

There is cross-party support for this motion and we all have myriad examples in our own constituencies. However, anything we do now could be surpassed by new technologies in the provision of broadband. We do not know what kind of technology will exist in 25 years time. I am not breaching the Minister's confidence in saying that we had a discussion on this matter previously; it was an open conversation. If new infrastructure is being created and the State is investing in it, a more conservative view would be to retain the network in State ownership because we do not know what will happen technologically downstream. That would be a more cautious approach. Is there is a mechanism to have a discussion here on how we would fund the cost of the full concession model over a longer period than the five or six years we are talking about? We can only talk in limited terms about the future fiscal space but if the capital envelope goes from approximately €275 million up to €600 million, which may be the true cost, is there room for such a discussion? This is particularly relevant given our relationship with the EU at present and given the new political realities that exist with the EU.

I know the Minister will say that this would slow down the process. I do appreciate that point and I am not trying to score political points. I noted Deputy Stanley's reference to a Labour U-turn, but in fact there is no U-turn on this. We are, however, trying to have as broad a discussion as possible so that we can future proof what we are creating now. In that way, we will not give something away which we might have been able, with foresight, to retain as a public asset. That is the logic of what I am proposing.

However, we will support the amendment. Given that the scheme has now been announced and agreed at Cabinet, I do not know if the scheme has any legal standing beyond the fact that the Parliament will make its own voice heard on this issue. The scheme will proceed as agreed by the Government in the final analysis. Nonetheless, there is an opportunity to have a more detailed discussion about the KPMG aspect, and the full concession model versus the gap-funding model. I would like us to have that discussion in a more detailed forum.

**Acting Chairman (Deputy Declan Breathnach):** The next speaking slot is being shared by Deputies Mick Barry and Bríd Smith. Is that agreed? Agreed.

**Deputy Mick Barry:** Last year, the European Commission digital score card report ranked Ireland 19th among the EU States for quality broadband access. We have some of the worst served regions of Europe in terms of broadband service and we rank 42nd in the world in terms of high speed Internet access, despite having the second highest customer costs in the European Union.

The Government attempts to portray Ireland on the international stage as a modern country that is open for business to all types of multinational companies while in reality in many respects Ireland is in the dark ages. Some 1,300 primary schools, 600 business parks and 40% of our population, mostly in rural areas, cannot access decent high speed broadband. This is a major issue, estimated to cost 10,000 jobs annually to rural communities. There are some parts of the country that have yet to get broadband while in cities and urban areas commercial operators can offer very high speed broadband because it is profitable for them to do so.

In 1999 the State sold-off and privatised Eircom, thereby taking away the ability of the State to intervene and build the necessary infrastructure to ensure we have a modern telecommunications and broadband system. Deputy Dooley's statement earlier in this debate that there was consensus in this House in 1999 on the privatisation of Eircom is not correct. There was consensus between Fine Gael and Fianna Fáil but other Members of the House spoke out against

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it. Former Socialist Party member, Joe Higgins, warned that the privatisation of Eircom would be a disaster for all concerned and it was for the almost 600,000 ordinary shareholders who were burned, the workers whose jobs, wages and conditions were slashed and the public whose services, including broadband, declined. The only people for whom it was not a disaster were vulture funds such as Valentia and the employee share ownership trust which asset stripped the company to the bone and sold off Eircell. They walked off with huge sums of money of which they reinvested hardly a cent, leaving the company with huge debts. The State then had to step in and invest in different programmes to make up for the lack of private sector investment. Our disastrous broadband system is the price we are paying for that decision. It is a bit like the man who because he is depressed takes a drink only to end up even more depressed as a result of the drink. The State has privatised the service, the situation has worsened and the Government is using that situation to excuse further privatisation.

At the time of its privatisation Eircom had assets worth €8.5 billion. It was a leader in technology, it was innovative and it was investing. Had it been maintained it would have invested in and delivered broadband throughout the country as a State-owned company not operating on a for-profit basis. That is how we electrified rural Ireland through the ESB in decades past. The State now has to intervene to provide high speed Internet connections for more than 900,000 people because the market and the private sector has failed. Privatisation and the private sector, as we have seen from the privatisation of Eircom, fail to deliver basic services to people.

The Minister has announced plans to sell off and privatise infrastructure. This will result in another handover of taxpayers' money to private profiteers. We oppose the privatisation of this infrastructure. It must be retained in public ownership. The State should invest in and build the infrastructure directly rather than tender it out to private companies to build, run for 25 years and then own.

**Deputy Bríd Smith:** I want to speak to the Minister's announcement today rather than to the motion because the motion attempts to address the need for broadband but does not provide any detail on the model that its proposers claim would be best used.

The Minister has claimed with some justification that the national broadband plan is on a par with the electrification scheme which the State undertook in its early days. It is odd then that while acknowledging the importance of the broadband infrastructure to the State, he simultaneously announced that the State proposes to hand it over in the future to private company ownership. If back in the day Deputy Naughten had been Minister and what is proposed in respect of this so-called commercial stimulus model or the privatisation plan had been done with the electrification scheme, citizens at whom this motion is directed, namely, citizens living in rural Ireland, would still be reading by candlelight and this Chamber would probably be using candlelight to illuminate our discussions.

We need to dismantle the myths that surround the Minister's announcement in regard to privatisation of this crucial State asset. The Minister has told us that the cost of the infrastructure will be cheaper and that the money saved will be used to invest in climate change, housing and other great projects, with initial investment estimated to be between €500 million to €600 million. We need to know in what areas the remainder of the money will be invested. We know from experience that this is nonsense. As in the case of past privatisations, public private partnerships have always cost the State more money in terms of the service delivered and the longer-term costs to the taxpayer and the Exchequer. There will be no saving. Instead, the State is guaranteeing the future profits of the private company that wins the bid. This deal, unlike

some of the worst done in the past, is extraordinary in that the State will never own the asset. Under some public private partnerships we aspire to own the asset, as in the case of the M50 toll plaza or the numerous development projects that went belly up, such as O'Devaney Gardens and St. Michael's Estate. We still do not fully own the National Convention Centre and we are paying massive rent on it. All public private partnership projects end up costing us more in the long term. The expertise and privatisation of the State sector is essential to the infrastructure of this project. As such, the State must contribute a large amount towards it.

There has been much talk about the need for proper broadband provision over the next 20 years. I was delighted to hear Fianna Fáil call for the nationalisation of the infrastructure. However, as stated by a previous speaker, the current problem was caused by Fianna Fáil's decision to privatise Eircom which resulted in no investment in the national broadband plan and our infrastructure lagging behind that of most countries. Instead of investment in growth by a nationally owned and controlled telecommunications company, Eircom, as famously described by Fintan O'Toole, was passed around various vulture and equity funds like a joint at a student party, loading debt after debt on the company, thus ensuring it did not invest in the manner necessary.

I support the Sinn Féin amendment. I reject the idea that the Minister came up with today, namely, that we sell-off and privatise this essential State asset.

**Acting Chairman (Deputy Declan Breathnach):** The next speaking slot is being shared by Deputies Thomas Pringle, Maureen O'Sullivan and Clare Daly. Is that agreed? Agreed.

**Deputy Thomas Pringle:** I welcome the opportunity to contribute to this debate, which is timely in light of the Government decision taken yesterday. I agree with other Members that that decision is, unfortunately, the wrong decision. In terms of the history of privatisation in this State, including the disastrous privatisation of Eircom and what it has meant for broadband provision throughout this State, this decision will go down as having been a very bad one.

The Minister's e-mail to Members yesterday outlining the Government decision refers to the stimulus model and the full concession model, both of which are financed, designed and built by the private sector. It is the State and not the private sector that finances both models. The issue that arises is whether at the end of the contract period the State has an asset or not. Based on the decision made yesterday, the State will have no asset at the end of this process. What the national broadband plan should do is provide a future-proofed infrastructure for the country and the nation, but we are going to give that away and we are going to pay the private sector to take it from us. That is what is wrong with this decision.

The Minister referred in his contribution to a notional benefit to the State owning the asset. However, in his communication to Members yesterday he stated that he recognised the potential long-term value in the State owning the network. Which is it? Is it long-term value or a notional benefit? I believe it is long-term value, and that if we rolled out a proper fibre optic broadband solution to every house and premises it would pay dividends back to the State in terms of job creation, the development of rural businesses and returns to the taxpayer far beyond the cost of the period of the concession. The Minister has taken a very short-term view that is completely wrong. Unfortunately, it is part of the privatisation agenda that has been running through this and previous Governments, and we will live to regret that decision.

**Deputy Maureen O'Sullivan:** Sa chúpla nóiméad atá agam, ba mhaith liom caint faoi ghné

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áirithe den cheist seo, is é sin na fadhbanna atá ag muintir na n-oileán maidir le leathanbhanda. I know about this from my long association with Oileán Chléire but I think it applies to all islands. We know the difficulties and challenges facing rural Ireland, but they are compounded for those living on our islands. I hope the Minister will have the opportunity to visit some of them and hear at first hand. There is no doubt about the difference that high speed broadband will make in maintaining, supporting and advancing island life, thus enabling people to stay and encouraging others to consider island life. Having quality broadband will help create a more level playing field between island life and mainland life. It would mean additional activities and resources for children in primary schools and a bit of equality when it comes to extracurricular activities, because we know that for islands to continue, primary schools must last. Bad weather can prevent the ferry from running. We think about students on those islands who do not have a second level school there. They are prevented from getting to school, particularly leaving certificate students. Opportunities for online learning and adult education are other factors. There is so much that we can do during the evenings that we take for granted, but people living on the islands cannot do these things.

The same is true of work. I have met islanders who have moved in and who have businesses but who depend on broadband for translation, language consultancy, database applications and e-books, so having that broadband will enable them to stay on the islands. There are benefits for other businesses, such as the shops, the comharchumann and the ferry. The islands quite bizarrely lost out on the Wild Atlantic Way, so one can think about the scope offered by webcam live screening on the beauty of island life and the archeological sites. There is also the opportunity for a digital repository of island life, not to mention the advantages of what islanders in the Gaeltacht areas can do.

In the area of health care, there is the opportunity for the tele-health option, web-based health-related activities and medics, and islanders making those decisions without either of them having to make a 45-minute boat journey. The same is true with veterinary tele-health.

Can the Minister tell me if there is a specific strategy to service offshore islands? We know that cities and urban centres have excellent Internet speeds and distribution, but that is masking the problems for rural Ireland. Rural broadband is not a luxury - it is a necessity - and fair play to the Rural Alliance for giving us an opportunity to speak on this issue.

**Deputy Clare Daly:** It says a lot when I can speak as a Dublin Deputy and sympathise with the problems relating to rural broadband. I am from north county Dublin, which is less than 30 km from this place. Parts of my constituency are not connected to broadband. They include Ballyboughal and Oldtown. It is an absolute indictment of years of mismanagement and delay and is quite frankly shocking. It is the reason we are joint last in Europe for fibre connectivity, yet the best-case scenario that has been put in front of us is to have a full roll-out by 2022. The idea that we will achieve the best value for the taxpayer, customers, businesses and communities with a privatisation model is lunacy. I do not know if the Government was thinking it could delay things for so long and have things so bad that people would say they will take anything. That is not going to happen. People know about the example of Eircom and will be very concerned about what the Government has announced in this regard.

The planned minimum download speed of 30 Mbps is pathetic. Everybody knows that it will be antiquated before it is even delivered. The Minister's own points yesterday left big gaps. We only need to look at what happened with the privatised bin service to see where this type of disaster can lead us when we hand over the State's obligations to private companies.

It is very short-sighted, leaves big gaps in provision and will inevitably lead to price gouging. Yesterday, the Minister told us that he does not even have a universal service obligation worked out but that he would raise the question at EU level. Again, this is not good enough. I compliment the Deputies in the Rural Alliance on tabling the motion. It is a key issue for people all over this country. I firmly support the amendment from Sinn Féin in this regard because, while the Rural Alliance acknowledges a greater role for the State, I do not think it goes far enough. I am glad we are discussing it, but the Government must really go back to the drawing board.

**Deputy Stephen S. Donnelly:** The motion before the House is welcome. High quality, affordable broadband is critical for households, schools and businesses across rural and urban Ireland. Let us not forget that there are many parts of urban Ireland that have terrible connectivity as well. The national broadband plan is flawed in a number of very important ways, but it is nonetheless an ambitious plan and will put Ireland on the map in terms of digital connectivity.

The Minister is right to compare this to the electrification of rural Ireland in terms of the transformational effect it can have. It is a significant public investment and will cover about 900,000 homes and drive the availability of broadband in Ireland for the next 25 years and more. With this in mind, we must ensure that the fundamentals are right, and I suggest that several of the fundamentals suggested by the Minister are far from right. First of all, the minimum speeds are far too low. A speed of 30 Mbps now barely qualifies as broadband. Broadband is defined now as connectivity above 25 Mbps, yet we are putting in a national system that will have 30 Mbps. It needs to be at least 100 Mbps, and arguably far more than that. We need to see much more emphasis on consistency of speeds. Many businesses cannot afford the frequent disconnection that occurs. I am aware of a company in Wicklow whose connection is so unstable that it couriers its data to Dublin on disc rather than using the network.

There needs to be far more transparency in the system. There is no accessible asset register. Nobody knows where the backhaul is right now. There is no transparency in terms of business-to-business pricing. Nobody knows how much it costs and how much the owners of the backhaul network are charging. There is no accurate mapping of broadband speeds. We have nonsense figures from the providers. I set up a project in Wicklow under which we measured speeds, and there was no comparison between what the service providers were telling people they were paying for and what was actually being received. There is very little consumer representation at ComReg; in fact, people I have spoken to have suggested that there has been very serious regulatory capture.

Most importantly, I will repeat what Deputy after Deputy has said here. Privatising the broadband network is an extraordinary and massive mistake. It is not one of these little mistakes that people make all the time. The Minister compared it to the electrification of rural Ireland. We would never sell the power distribution network to Northern Ireland. Critically, we must look at who will be owning it. Two of the three short-listed bidders are companies owned by US investment funds. Think about that. Imagine a US investment owning Ireland's power distribution network. That is what is being suggested. What is going to happen? The network will be managed in the interests of the shareholders of those investment funds. This is critical social and economic infrastructure for the next several decades and it may be owned by investment managers from the US. That is bonkers. It is exactly the kind of thing that happened with Eircom. There was under-investment. We are now in this situation. I implore the Minister to go back to the Cabinet and say: "If it costs the State an extra billion quid over 25 years, thank you, we'll take it. We'll happily pay it." If the only other reason is that we would have to wait an extra six to 12 months over a 25-year programme, that is fine. Let us take it and own the

thing at the end of that time.

**Deputy Eamon Ryan:** This is a complex area of policy. It is not easy. I wish the Minister the best of luck because we need a good outcome. We need good broadband everywhere to lift our economy. I think this should go back to committee. We should sit down and go through the real detail and look at what the different options are, because the complexity is extensive.

*6 o'clock*

There is a slight difference between broadband and water, electricity or other networks because there are three or four ways of getting broadband to a house. It can go through the TV cable, wireless and mobile but it is likely to be fibre broadband. If we looked in real detail perhaps we would come to the conclusion that we want fibre everywhere. Maybe it would cost us more but if we are investing for 25 years that is what we should be doing. One of the questions I would like to ask in committee is what standards we are setting and go into the real detail of different options so we can advise on it. I hope there is still a process included in the timeline to consider this issue.

The real issue is whether we are creating a monopoly by investing in 700,000 or 800,000 houses and providing a subsidised solution. Are we effectively saying it is the technology that will serve those houses in the coming years or do we expect there will still be market competition between other technologies at the same time?

If, as everyone is saying here, 30 Mbps is not enough, are we too late to consider faster, higher standards and go for a solution that will last 25 years, one which fibre broadband would provide? It might make sense to keep this in State ownership. If it is not in State ownership, we have to make sure that whatever rule is in place there is open access for other operators and that there is real flexibility in how it is used. It is those details we should be debating next week in committee. It would have been better if it had been done prior to the Cabinet decision yesterday and for the Cabinet decision to have been shared more widely. We would not have this heated debate here after the fact.

Is it too late to revise the funding or the ownership model? That is a question I would like the Minister to address in his response. If not, will he give time in the committee for us to consider the complex and technical options and see if it is possible to accept the amendments that have been proposed and put them into practice? Is it already decided and a matter now of how we have to manage? I would be very interested to hear in committee the full detail of what the Minister is actually doing.

**Deputy Michael Collins:** I am delighted to address the issue of broadband here today. The importance of the digital economy cannot be underestimated. Broadband is a huge resource for businesses and there are significant growth opportunities for businesses that trade online. It opens up a global market for rural tourism and for small artisan producers. It is also a huge resource for schools, private homes and organisations. Without broadband, expensive electronic equipment such as white boards bought by primary schools is undermined and efforts by Age Action to promote computer literacy among the elderly are thwarted. Irish Rural Network estimates that up to 10,000 jobs are lost in rural areas every year because there is a poor broadband service or none at all. Our cities have world class Internet speeds and distribution but rural areas rank among the worst served regions of Europe. Rural broadband is no longer a luxury but an economic necessity. There is no more important issue in terms of economic infrastructure

and the future prospects of rural Ireland. Broadband will make rural Ireland sustainable into the future. Since 2004 there have been four Government initiatives to improve broadband, all of which have worked to a point, but major problems remain. Broadband has become faster and more places than ever are served, but 40% of the population still lacks commercial coverage. Ireland has some of the most pronounced two tier coverage in Europe. High speeds in urban areas have obscured poor coverage elsewhere.

Only 35% of Irish premises have broadband speeds of 10 Mbps or higher. More significantly, only 69% of Irish homes have broadband faster than a modest 4 Mbps. Ireland ranks No. 42 in the world in the distribution of fast broadband services. Commercial companies advertise broadband speeds of 240 Mbps in cities and towns, while those in rural areas subsist on speeds of 1 Mbps to 2 Mbps or have no broadband at all. The digital divide has become a chasm. Some areas of west Cork have never had a broadband service. In areas such as Ballylicken and Skibbereen, subsequent to the merger of 3 and O2, many who had a broadband service have been left without one. To have a bad broadband service is one thing, but to be left with no service is absolutely unacceptable in this day and age. For some, having been customers of 3 for five years, their Internet service was taken without warning and they were told they would no longer have a service within the scope required to pick up 3G broadband. This has had huge consequences for those affected. Businesses are suffering, individuals are unable to work from home and people have been left isolated. The lack of Internet makes life extremely difficult. I call on the Minister to ensure a comprehensive investigation by ComReg to examine the reasons behind this and to ensure those who have lost their broadband service will have it reinstated as soon as possible.

I have very serious concerns for private broadband operators all over the country. Companies like Digitalforge in west Cork, which are serving communities, may find it non-viable to continue if the national broadband scheme is rolled out. In a statement to the Dáil recently, the Minister said that 60% of the country could be covered in two years. We all know where this 60% will be. It will be in areas that are well covered already. This could mean taking customers in built-up areas in that 60% from private operators and forcing them to shut down their business, leaving the major parts of rural Ireland and west Cork, which are part of the 40% that cannot be covered, without any broadband. This is a very serious challenge. I urge the Minister to sit down with these operators before this goes ahead and iron out the difficulties. While we all want a state-of-the-art broadband service, we cannot forget the private operators that have served rural communities well over the years.

I am encouraged and confident the Minister will iron out all the difficulties. We have had many discussions and meetings since my election. Today we are hearing worries about ownership in 27 years but the problems we have in rural broadband now is that there is little or no broadband.

Any discussions on broadband should include mobile phone coverage as similar problems exist and similar solutions can be found for the good of the country.

**Deputy Danny Healy-Rae:** The most frequent request at the doors, when canvassing in general elections and council elections and at clinics and many other places, has been for proper broadband coverage. It comes from every sector - schools, farmers, business people, manufacturing companies, private residences, people working from home and students who want to study at home because they need to download information to progress. There are also those who wish to complete their entire courses from home and need to access information from



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lecturers which is often sent out at weekends when the students are at home in Kerry. The Department of Agriculture, Food and the Marine wants farmers to fill out forms and make many applications online but the only line many of these farmers have is the clothes line in the back yard. Principal contractors who want or need to pay subcontractors or suppliers have to notify the details of the subcontractor or supplier to the Revenue Commissioners before they can legally pay them. Bed and breakfasts and guest houses need to advertise their rooms and facilities online and accept bookings online. In many parts of Kerry and rural Kerry that is impossible because they do not have the coverage. People in places like Sneem, which does not even have a bank, could pay their bills online but that is not possible. In much of this expansive area there is no broadband connection so they have to travel to Kenmare, Killarney, Waterville or Caherciveen, which are miles away.

**Deputy Denis Naughten:** I visited them all on Saturday.

**Deputy Danny Healy-Rae:** They are seriously deprived in this regard.

**Deputy Mattie McGrath:** The Minister went through too fast.

**Acting Chairman (Deputy Bernard J. Durkan):** One voice.

**Deputy Danny Healy-Rae:** Mobile phone coverage is very poor. It is patchy. The coverage is diminishing at an alarming rate in places that had coverage previously. It is not a good sign when some industrialist arrives in Farranfore Airport and goes a mile out any of the three roads from the airport only to find he or she has no mobile coverage. That is not acceptable. It is denying us the prospect of bringing business into the county.

I welcome the interest and commitment of the Minister, Deputy Denis Naughten. He has promised that all areas and homes will be connected in the next three to five years. I am depending on the Minister to ensure, whoever the providers will be, that there will be no cherry-picking and that all rural areas, including places such as the Black Valley between Kenmare and Beaufort, and Glenmore in Lauragh, or any other secluded or remote area, will get the same service as the populated areas. I ask the Minister to ensure that he, or whoever will be Minister in the future, will be in full control and will keep these providers under their thumb.

Broadband is a necessity to attract business and investment into rural and western seaboard counties. Kerry is one of these. As we are starved for jobs at present, this lack of such infrastructure is depriving the county of many industries.

Every person should be entitled to this infrastructure as of right. It is not a luxury. Fianna Fáil and Sinn Féin put down amendments to the Minister's proposals, and I am worried about this as it could cause further delay. The people do not mind who the provider is, whether private or in State control, as long as they get a service. They are entitled to that.

Deputy Dooley remarked that it seems the Minister is a ram in the Dáil and a lamb at Cabinet. In my parish of Kilgarvan, there was a lady who used to feed a few sheep, rams and lambs for her elderly father, and she used come in and say, "Father, I am away more in dread of the lamb than I am of the ram". Deputy Dooley should be wary of the lamb and the ram.

**Acting Chairman (Deputy Bernard J. Durkan):** We must call the proposer to reply in less than eight minutes. That means the remaining speakers' time will be shortened. I now call on the Minister of State, Deputy Helen McEntee, Deputies Peter Burke and Peter Fitzpatrick,

and the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys. With a bit of luck, they have eight minutes. I ask them to be as fast as possible.

**Minister of State at the Department of Health (Deputy Helen McEntee):** We will take two minutes each. I thank the Acting Chairman for the opportunity to speak on an important and timely debate, and I thank the Rural Independent group for proposing the motion.

Good quality high speed broadband is the lifeblood of modern living, whether it is business, education or leisure. Certainly, in the past five to ten years, the way in which we conduct our business, access public services, use mobile phones or even go about our daily lives has been totally transformed by the Internet. Understandably, the patience of many consumers, business owners and, indeed, politicians, has been wearing thin. We have had many plans, budgets and targets, but many people also have been left behind. There is a need for change. I am confident that the partnership Government is committed to that change.

As a Deputy for Meath East over the past three years, I have worked a great deal on this issue. I have worked with affected communities as well as the Oireachtas Joint Committee on Transport and Communications. In particular, I would mention Kentstown outside Navan in Meath, where Eir activated its exchange for higher speed broadband last year, with other companies coming behind it in providing the service. I thank the companies publicly for that because I have seen how a united approach among a community, public representatives and providers can yield positive results. Obviously, not every case has been that easy, and where commercial forces cannot or will not go, the State must go.

We have a duty to citizens, where there is a pattern of rural living, to intervene. This is why I welcome the renewed commitment by the Fine Gael and Independent partnership to the national broadband plan. As announced by the Minister, Deputy Denis Naughten, yesterday, the plan has a dedicated funding model, the commercial stimulus model, which is no longer in direct competition with other priorities such as health and education. That is what a 21st-century infrastructure model of investment demands - a dedicated and consistent funding stream. I note that some of the members of the Rural Alliance have already acknowledged that it is a good model.

Some speakers have raised issues with the minimum download and upload speeds. I believe that our first priority must be to lay down the national infrastructure; when we have the footprint and the mechanics of the national infrastructure laid down, it will be much easier to update and upgrade it. With no infrastructure in place, obviously, we need to start somewhere.

If customers have consistent issues with their broadband speeds, especially compared to those of their neighbours or what companies say they provide or are charging for, then we need clear protocols for them to raise their complaints and have them addressed. I would welcome the Minister's views on this. Perhaps ComReg needs to expand its role in that regard.

**Deputy Peter Burke:** First, I wish the Ministers, Deputies Denis Naughten and Heather Humphreys, the best in dealing with this critical issue. The issue of broadband provision is a national emergency for Ireland. There are a significant number of rural areas throughout the country that do not have adequate coverage.

I understand the scale of the projects in terms of balancing state aid rules with the private sector and State provision, which can be difficult. However, I welcome that the mapping process has been completed throughout the country and that we are going to tender, because it is

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important that this provision is not delayed any further.

This is a critical issue for sustaining rural areas. For example, in a small village in north Westmeath there is a large manufacturing plant called Mr. Crumb, which serves the whole community by providing significant employment. It has won numerous business awards throughout the country and, indeed, exports to many European countries. However, it cannot get high speed broadband. That is a considerable challenge the company faces every day of its existence. Broadband is obviously critical to the sustainability of rural areas.

Another issue I have been faced with is that a number of the pupils in local schools have been unable to submit homework and projects as they live in rural areas. Essentially, they cannot get their projects in on time because their parents must bring them to rural centres which are covered by broadband. That is not good enough in this day and age. It is critical that a solution to this problem is not delayed any further and that we get the top-quality communications and broadband that the citizens deserve.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to speak on this important topic. Rural broadband is an issue that affects many people in my constituency. I have raised the issue in this House on many occasions. In Louth, areas such as Carlingford, Lordship, Faughart, Hackballscross, Kilkerry and Knockbridge, and many areas in the mid-Louth region, badly need a fast and reliable broadband service. It is vital that these areas are not overlooked and are provided with the same broadband services as their counterparts in urban areas.

Over the past number of weeks and months I attended many briefings by the various service providers, which informed us of various statistics available on broadband coverage. It is simply unacceptable that time after time these providers will tell us that they have over 90% of the population covered. Even with 90% of the population covered, it still leaves 10% of the population not covered, and in almost every case this 10% of the population are located in rural areas. With this in mind, I welcome the national broadband plan. I welcome the fact that the awarding of the contract is expected in June 2017 and that within three years it is expected that 85% coverage will be achieved, with 100% coverage within five years. However, I wish to put on record my concern that the gap-funding ownership model has been chosen. My concern is that we will not have ownership of this network after the initial 25 years. I understand the reasons for choosing the gap-funding model over the full concession model, but I want to put on record my concerns on this issue.

I welcome the fact that we now have a national broadband plan and a timeframe to cover all premises that currently do not have access to high speed broadband. I look forward to the day when all premises in County Louth, particularly those in the rural areas of mid-Louth, Hackballscross, Knockbridge, Lordship, Faughart and Carlingford, will have access to high speed broadband that is on a par with their counterparts in the larger urban areas.

**Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys):** I thank Deputies Burke and Fitzpatrick, and the Minister of State, Deputy McEntee, for their comments supporting the motion.

The importance of rolling out high speed broadband to premises, schools and businesses right across the country cannot be underestimated. The Government's national broadband plan aims conclusively to address Ireland's connectivity challenges by ensuring that every premises in the country has access to high speed broadband services. As Minister with responsibility

for the revitalisation of rural Ireland, I recognise the national broadband plan is essential to the future economic prosperity and social development of rural Ireland. The plan will be delivered through measures to incentivise and accelerate industry investment and an ambitious investment programme by the State in areas where there is no economic rationale for industry to invest.

It is important the House recognises the sheer scale of what is being envisaged. The impact of the roll-out of high speed broadband on rural Ireland will be profound and lasting. The programme for a partnership Government commits to measures to assist in the roll-out of the network both before and after contracts are awarded. In line with this commitment, I recently commenced a series of meetings with local authorities and their chief executives to reinforce the importance of the roll-out of broadband and explain exactly what will be required of them. I told them I wanted to work closely with them to deliver for rural Ireland. I will be asking them to establish dedicated working groups to overcome any possible barriers and ensure there will be no unnecessary delays in rolling out this important infrastructure for rural communities.

I will also establish a number of regional broadband task forces, working with local authorities, local enterprise offices, Leader groups and other relevant agencies. By working closely with local authorities over the next 12 months, I want to ensure rural towns and villages are broadband ready once the State contract is signed in summer 2017. The regional task forces will help accelerate the broadband network build in rural Ireland by ensuring there are no local barriers to deployment and identifying priority areas for roll-out. I want local authorities to work with my Department in developing county broadband plans in preparation for the national roll-out. All the measures are designed to help ensure a timely roll-out of the network to counties.

**Acting Chairman (Deputy Bernard J. Durkan):** I thank the Minister.

**Deputy Heather Humphreys:** Would Deputy Mattie McGrath mind if I took another minute?

**Acting Chairman (Deputy Bernard J. Durkan):** That is up to Deputy McGrath. By order of the House I must call him now.

**Deputy Mattie McGrath:** Nóiméad beag.

**Deputy Heather Humphreys:** High speed broadband will be a lifeline for rural Ireland. Awarding the contract is a matter for the Minister, Deputy Naughten, and we work very closely together, so it is of great interest to me. The reality is the gap funding model approved by the Government will deliver rural broadband more efficiently and cost-effectively. To go for the public ownership model, as espoused by Opposition Deputies, would potentially delay the delivery of broadband to towns and villages throughout the country. Rural Deputies are very conscious of this and we know what it is like to be without broadband. I do not want to see any more delays. We can think about what it was like 25 years ago when we did not have mobile phones. Look at what we have now. Technology is changing.

**Deputy Michael Healy-Rae:** I thank Deputy Mattie McGrath for bringing the motion before the House. I also acknowledge those who work with Deputy Mattie McGrath, particularly his daughter, Ms Maureen McGrath, and their efforts on this Private Members' motion. I thank the Minister and his officials, who helped us as a group on the motion.

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I am not alone in saying that we are in an ever-changing world and society. We, like many others from my generation, find ourselves adapting to the new technologies that were not present when we were growing up, from computers, laptops and iPhones to e-mails, Facebook and Twitter. It is far from the day when we would have to go to the neighbours' house as they were the only ones in the village who had a television or a phone at the time if we needed to get a message to someone in our neighbouring town or village. Not only do we as a society have to adapt to this, but we as Members of the Oireachtas, along with the Minister and the Government, must ensure adequate basic needs are provided to the citizens of this country. When I say "basic" I mean it because in the world we live today, Internet access is just as vital now as the water supply or sewerage facilities in a home. It is as basic as that. In today's world, when one is seeking a site to build on or a place to rent, one of the main questions asked is whether there will be proper Internet access at the location.

Access to high speed broadband is fundamental to the economic, social, cultural and the educational needs of our citizens but especially in rural Ireland, which has been extremely neglected when it comes to broadband connectivity. The national broadband plan, first published in August 2012, has been repeatedly delayed. The plan was to be completed in 2020 and now that will not happen. The Minister will get it done. The Government does not realise the real effect this is having on people's lives. My office gets calls daily with the general complaint being that fibre optic broadband is being installed less than 1 km away but it is bypassing the constituent.

**Acting Chairman (Deputy Bernard J. Durkan):** I thank the Deputy.

**Deputy Michael Healy-Rae:** Is my time gone?

**Acting Chairman (Deputy Bernard J. Durkan):** Yes, unfortunately, as you are sharing with your colleague.

**Deputy Michael Healy-Rae:** To conclude, I agree with the Minister's proposals. If we do not do it, we will be kicking the can down the road. It would be to agree with something that means nothing and worry about what will happen in 27 years. As my brother said to me a while ago, we do not know where we will be in 27 years.

**Deputy Michael Harty:** I have been robbed of my time from both sides of the House, including by my colleagues.

**Acting Chairman (Deputy Bernard J. Durkan):** Yes, vital moments.

**Deputy Michael Harty:** I am thankful for the opportunity to address this motion. It is important because it is the first Private Members' motion introduced by the rural Independent group to the Thirty-second Dáil. It is a very important issue. Broadband was one of the major issues in my election campaign, as I am sure it was in the campaign of the Minister, Deputy Naughten, and other individuals. It is still a source of great frustration.

Broadband is the digital highway to the outside world, connecting us socially, culturally, educationally and, most importantly, economically. Areas across Ireland with poor broadband are at a serious disadvantage. It is not only rural Ireland that is suffering. In Clare, we have towns like Ennis, Shannon, Kilkee, Kilrush and Sixmilebridge that have very poor broadband, which is inhibiting the economic development in these areas. Schools are struggling to download educational material and pupils are struggling to complete research projects. Socially and

culturally, low speed broadband means our young people find it very difficult to stay in rural communities. Elderly people are socially isolated because of the poor broadband in their areas.

Most important, economic growth and development is constrained by poor broadband. One cannot set up or run a business or sell online without adequate broadband. Broadband is as important to a business as electricity, and one expects to have electricity when one turns on a switch. At the same time, we expect high speed broadband when we turn on a computer or click on a mobile phone.

We are still in a precarious financial position. Brexit has unknown consequences and more than ever we need high speed broadband to be competitive. If the model chosen by the Minister, Deputy Naughten, is to save us €1 billion, it is the option to go for as it allows us to invest in hospitals, education, infrastructure and capital programmes. Additionally, it will speed up the roll-out of broadband. If we saw a delay of six or nine months on top of the current delay of six to nine months, people could become very frustrated. No constituent has brought to my attention concerns about ownership of the network. I am not concerned by who owns the wires bringing electricity to my home or my phone or fax connections to the house or my medical practice.

Who would have believed 25 years ago that we could connect to the outside world, enrol in education, work from home, grow business, exchange information and speak and see someone in real time anywhere in the world through the Internet? Most people are paying for very poor broadband now. They are not concerned by who owns the network or the cost and they are only concerned about when they will get high speed broadband. People are hungry for broadband. Who knows what communication will be like in 25 years? It is certain that it will be completely different from what it is today. Looking back 25 years, one could not believe the changes that have occurred. Nobody is worried about who is going to own the network in 2043 or 2044. It is futile to worry about that. The broadband speed in my home is 0.25 Mbps. One can practically see the little bytes dropping into the computer. It is appalling. We cannot operate a medical practice efficiently and we cannot download files.

I commend this Bill to this House. We are finally about to start on a planned, coherent roll-out of broadband to every part of Ireland. There is no perfect plan, so let us get on with this plan and allow Ireland to enter the modern world as part of Europe and as part of the digital family.

**Deputy Mattie McGrath:** Hear, hear.

**Acting Chairman (Deputy Bernard J. Durkan):** Is amendment No. 2, in the name of Deputy Timmy Dooley, being pressed?

**Deputy Mattie McGrath:** The ewe is missing and the lambs are lost. They have no mother.

**Acting Chairman (Deputy Bernard J. Durkan):** The amendment falls. The amendment is not being pressed.

Amendment, by leave, withdrawn.

**Acting Chairman (Deputy Bernard J. Durkan):** Is amendment No. 1 being moved? No.

Amendment No. 1 not moved.

Motion agreed to.

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**Deputy Mattie McGrath:** Deputy Durkan should be the Ceann Comhairle, not the Leas-Ceann Comhairle.

### **Criminal Justice Act 1994: Motion**

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I move:

That Dáil Éireann approves the following Regulations in draft:

Criminal Justice Act 1994 (Section 44) Regulations 2016,

a copy of which was laid in draft before Dáil Éireann on 7 June 2016.”

All of us in this House have been shocked by the upsurge in gang-related violence in Dublin in recent months. I am determined that the outrageous and ruthless brutality we have seen on our streets will not go unanswered. Concern has been raised in particular about the activities of some gang members who are operating locally but working for bosses who live overseas. My officials and I met with the Garda Commissioner and other senior gardaí to examine what more could be done to tackle these gangsters. At the end of May, I secured the agreement of the Government to a package of measures to enhance our efforts to fight organised crime. That package includes the establishment of a special crime task force by An Garda Síochána, which is currently under way, in co-operation with the Revenue Commissioners and the Department of Social Protection. We are working to ensure that staff are being seconded from those Departments and that there is co-operation in that respect. The task force will focus relentlessly on persons involved in gangland activities. The package of measures I spoke about also includes the Proceeds of Crime (Amendment) Bill, which passed Second Stage in the Seanad last night - it got all-party support and I thank everybody for that support - and which will shortly be brought before this House. I am also bringing forward proposals to enhance and update the legislative framework for the lawful interception of communications and for covert electronic surveillance, in common with what other countries have, to combat the threats from serious and organised crime and terrorism. I have been clear that we would fund whatever measures were needed for An Garda Síochána to best tackle the critical and unprecedented challenges it currently faces. Unfortunately, we have seen examples of it in recent days as well. Government recently approved substantial additional funding, of which Deputies will be very aware, of some €55 million for An Garda Síochána, so that it can continue with Operation Thor and its other operations to deal with the security issues facing the country. An important element in that package of measures, and one which is particularly aimed at these gangsters, is the one we are debating here this evening. The motion seeks approval for the draft regulations under section 44 of the Criminal Justice Act 1994, which I have laid before the House. Regulations under section 44 set the prescribed sum for the purposes of section 38 of the Criminal Justice Act 1994. Section 38 allows for the search for, seizure and detention of cash gained from, or for use in, criminal conduct. Cash is defined to include notes and coins in any currency; postal orders; cheques of any kind, including travellers' cheques; bank drafts; bearer bonds; and bearer shares. Powers under this section may be exercised by members of An Garda Síochána or an officer of the Revenue Commissioners where he or she has reasonable grounds - a well-used concept - for suspecting that the cash, directly or indirectly, represents the proceeds of crime or is intended by any person for use in any criminal conduct. The power of search under subsec-

tion (1) is only available where there are reasonable grounds for suspecting that the person is importing or exporting, or intends or is about to import or export the cash. This aspect of section 38 is more likely, therefore, to be availed of by customs officers at ports and airports. The power of seizure under subsection (1A) allows gardaí and Revenue officers to seize and detain cash, including cash found during a search under subsection (1), if it is not less than the prescribed sum, and the officer has reasonable grounds for suspecting that it directly or indirectly represents the proceeds of crime or is intended by any person for use in any criminal conduct. When cash is seized by a member of An Garda Síochána or an officer of the Revenue Commissioners under section 38, it may be detained for 48 hours. Detention beyond 48 hours may be authorised by a judge of the District Court if he or she is satisfied that there are reasonable grounds for the suspicion which led to the initial search and seizure. Section 39 of the Act allows for a judge of the Circuit Court to order the ultimate forfeiture of the cash if satisfied on the balance of probabilities that the cash directly or indirectly represents the proceeds of crime or is intended by any person for use in connection with any criminal conduct. The section currently sets the prescribed sum at €6,349. The draft regulations I have laid before the House will reduce this limit to €1,000. Provisional figures from the Revenue Commissioners, which I want to put before the House, indicate that over €8 million has been seized by them under section 38 and almost €7 million forfeited under section 39 since 2010. The annual report of the Director of Public Prosecutions for 2014 notes that almost 40 files were opened in relation to section 39 applications from both Revenue and An Garda Síochána. In terms of forfeiture orders made in 2014, there were eight on the Garda side, amounting to almost €390,000, and 24 on the Revenue side, amounting to almost €500,000. Reducing the prescribed sum to €1,000 will ensure that gardaí or Revenue officials will be able to seize amounts above that level from gang members. If we are to tackle organised crime, we must go after those at the top, but also the foot soldiers who make it possible for gangs to carry out their criminal operations. I commend the motion to the House.

**Deputy Jim O’Callaghan:** I support the motion put before the House by the Tánaiste and the Fianna Fáil Party supports the change in the draft section 44 regulation that proposes to reduce the prescribed sum from the old sum of £5,000, or €6,349 as it is now, down to €1,000. It is very important that as criminality gets more sophisticated and diverse our legislation also shadows that and keeps in line with the changes in criminality that are taking place in our society. If our legislation and our regulations do not keep in line with what is happening on the ground, then we will lose the battle in respect of our contest against criminality.

It is important to look at how these provisions have developed since they were first introduced back in 1994, with the introduction of section 38 of the Criminal Justice Act 1994. That shows us how we can have effective legislation that can be used by the State in order to ensure that we can seize and capture assets that we believe are the proceeds of criminality. When section 38 was first introduced, back in 1994, it gave a power to a member of An Garda Síochána, or, indeed, a customs officer, to seize and detain cash they thought was being imported or exported from the State. At the time the regulation was introduced, it was set at a sum of IR£5,000, as it was then. It is also to be noted that at the time the measure was introduced, back in 1994, cash could only be seized if it was there was a reasonable suspicion that it was being used for drug trafficking.

Our law developed in 2005 when we amended section 38 with the passage of the Proceeds of Crime (Amendment) Act 2005, which extended the powers available to the Garda Síochána and customs officers. Instead of gardaí and customs officers just being permitted to seize and



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retain cash which they thought was being imported or exported for the use of drug trafficking, gardaí and customs officers were allowed to search any individual whom they suspected was importing or exporting cash to be used not just in connection with drug trafficking but with any criminal conduct. It was important to extend our criminal law provisions at that time to ensure they went beyond drug trafficking and applied in respect of any criminal conduct. The amendment in 2005 was not limited to the import and export of cash into or out of the country and was extended to cash used throughout the country if it was believed that the cash constituted the proceeds of crime or was intended for use by a person in any criminal conduct.

It is very serious for a member of An Garda Síochána, a customs official or a Revenue officer to have the power to seize money from an individual, so it is extremely important we have mechanisms in place to ensure this power is not abused. Essential in this is honest policing, but it is also essential to have proper supervision of the powers exercised by gardaí, the Revenue or customs officers. There is a requirement that money seized can only be held for a period of 48 hours, beyond which it is necessary to get an extension from a District Court judge.

Ultimately, the public is entitled to know what happens to the money which is seized. Under section 39, gardaí, Revenue or customs officers must go before the District Court in an application made by the Director of Public Prosecutions and must establish that the money that was seized was being used for the purpose of criminal conduct or drug trafficking. It is important that the Judiciary inspect this power in this way. It will be useful in the fight against criminality on the ground in certain parts of the city. The way to defeat ganglords is to ensure they do not get the support on the ground from footsoldiers. For this reason it will be useful for gardaí to seize cash of €1,000 or more if they have a reasonable suspicion it is the proceeds of criminal conduct or drug trafficking.

**Deputy Jonathan O'Brien:** We will also support the motion. A couple of weeks ago the Minister announced a wide package of measures to bring before the Oireachtas. The Proceeds of Crime (Amendment) Bill has passed Second Stage in the Seanad and is now going to Committee Stage. Our party will be putting forward a number of amendments to it, not to change the substance of the Bill but in respect of what happens to the proceeds confiscated. In the region of €8 million has been seized so far and €7 million forfeited. This is a large amount of money and we believe it should be diverted back into communities which have been directly affected by these criminals, instead of going to the Exchequer as is currently the case.

We support the move to reduce the monetary limit to €1,000. There is a requirement to go before the District Court to hold money for longer than 48 hours and we also support that. We have always said we would support any measures brought forward by the Minister to give additional powers to gardaí to combat organised crime more effectively.

**Deputy Paul Murphy:** In recent weeks and months we have seen the brutality and barbarity of the trade in drugs and its consequences. I was around the corner last week when the murder allegedly took place on Bridgefoot Street as part of this type of conflict. So-called gangs are happy to murder openly people with whom they are in dispute, and may take the lives of their targets or others who are simply in the wrong place at the wrong time. This poses significant dangers and threats to ordinary working class communities and we have to find any way possible to stop that. The drugs trade is, in reality, a multimillion euro international business and so-called gang leaders are more akin to leaders of multinational enterprises, but dealing in crime and murder. We support measures that will make it more difficult for them to operate. This particular measure seeks the approval of the House to lower the threshold for the money

that can be seized coming into and going out of the State when it is believed to be linked to drug trafficking.

In general, measures that will make a real difference in cutting across drug trafficking should be agreed to. We have a general hesitation when it comes to strengthening the power of the State because of how that can be used, and not just against people involved in criminality but against others, some examples of which we have seen. A wider solution to the drugs crisis needs to be addressed. Giving increased powers to the State will not provide employment and will not provide education or opportunities for young people and deprived communities. Increasing the powers of gardaí and Revenue will not resolve the problems that users of drugs have nor will it assist those who wish to end their use of drugs.

This is part of a wider debate but is in response to the murders that have taken place, as are the series of measures the Government is talking of introducing. I understand the Cabinet yesterday discussed powers of gardaí to undertake surveillance of those engaged in serious crimes and crimes which affect the security of the State. I understand we will be faced with a series of amendments to existing legislation which will extend surveillance to more modern forms of communication, such as social media, e-mail, WhatsApp, etc. Without having seen the details of such proposals I am very concerned about them and I do not think I am alone. Dr. T. J. McIntyre, the chair of Digital Rights Ireland, has said the measures may be premature and the existing scheme is flawed. He suggested we need to start remedying the problems we have before expanding our provisions further. The question is whether the increased power could be exploited, abused or used against not just criminals but protestors or others who do not threaten the interests of ordinary people in the State but are, nevertheless, perceived as a threat by a section within the State.

At the moment there is not sufficient ongoing independent oversight of garda surveillance. Surveillance can be authorised by the Minister on application by the Garda Commissioner or the Chief of Staff of the Defence Forces and there is an annual report from a High Court judge to the Taoiseach. We should have a discussion about it but the Government should take on board the views of Digital Rights Ireland. If we do not have measures to prevent abuse of an extension of the surveillance powers of the State and if we do not have ongoing judicial oversight, as opposed to retrospective oversight, we will be extremely concerned about it as it might present a threat to people's right to privacy as well as to their civil liberties.

**Deputy Clare Daly:** On the face of it, the amendment to section 44 of the Criminal Justice Act 1994 seems fairly innocuous. I know that many people in the communities blighted by crime and drugs and frustrated by the activities that blight them get sickened at people flaunting their wealth in the local area, be it the youngster showing off to the other children and demonstrating in a negative way that crime can pay or whatever. I understand that, in some ways, this proposal is being put forward to try to deal with that and I know that the basis of support in many working class communities for a mini-CAB comes from that desire to make crime unattractive to our young people. However, I would have concerns about it. I have concerns about the approach being taken by Government, particularly when we see it in conjunction with the Misuse of Drugs (Amendment) Bill. It is difficult to escape the conclusion that what the Government is up to here will not help families or communities that are ravaged by drug addiction but will probably end up nabbing people at the bottom of the food chain, as it were, the easy pickings. It might make it look as if the problems are being dealt with without delivering the blow necessary to deal with these issues.

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The idea of reducing the minimum amount of cash that gardaí and customs personnel can seize coming into or leaving the country from €6,500 to €1,000 will not stop drug dealing. It will not help the families in the communities involved because the big boys and those at the top will do what they always do. It will not affect them at all.

We know that major criminals launder their cash through legitimate businesses or decamp to other jurisdictions where they can hide their cash and assets from CAB. The middle income criminals are fairly adept at laundering and hiding their cash as well. Will lowering the threshold deal with those issues? No, it will not. Life will carry on much the same for those individuals.

If we really wanted a challenge in terms of going after those individuals, beefing up CAB, increasing the number of forensic accountants and the resources to tackle white collar crime, money laundering and that overlap between white collar crime and hard-nosed criminal activity would be far more effective than some of the measures being put forward in the motion. The communities on which these powers are being imposed are the communities that need to have investment in drug treatment facilities and in terms of opportunity to make crime unattractive. I am tired saying it but it comes back to the so-called war on drugs and, like all wars, the powerful become bigger while the weak are decimated.

As far as I am concerned, as long as drugs are illegal we will end up lurching from one policy disaster to another. We will make it more difficult for the people on the hard line as long as the real targets are untouched. In that sense, a criminal justice led approach will not work. We have to look at policies such as decriminalisation along with major investment in treatment and harm reduction, which has helped reduce drug use in other jurisdictions. We know from the work done in Portugal, for example, that the figures have been lowered among those aged 15 to 24 years. Problematic drug use was reduced, as was addiction. The numbers of people being sent to prison for drug-related charges was reduced. There was an increase in the number of people accessing drug treatment centres by more than 60%, and it massively cut the amount of debts from drug use. That seems to be a successful approach to combating these issues.

While I understand and appreciate the anger and frustration of people who are watching violent thugs swagger around their communities showing off the spoils of crime, I do not believe this motion will address the root causes of it. I believe it sets a worrying precedent in focusing on the low hanging fruit rather than those who are seriously profiting from this situation.

**Deputy Catherine Murphy:** We will be supporting this legislation. One of the provisions is to reduce the threshold to €5,000.

**Deputy Frances Fitzgerald:** One thousand euro.

**Deputy Catherine Murphy:** That is one of the initiatives that is intended to tackle organised crime. We would all agree that the Criminal Assets Bureau, in the work it did, was a significant deterrent. Passing this law is an important development but it needs to have sufficient resources to ensure that it is effective.

I note that any garda or customs official will be empowered to seize and detain any cash intended to be used in drug trafficking where there is reasonable grounds to do so, but I also note from the explanatory memorandum that the Bill will not result in any additional direct costs to the Exchequer. However, if additional resources are required, costs may arise and those costs may be recouped in time by the successful application of the law. I would like to hear from the

Minister how that is to be addressed if there are no costs involved because if the same resources are being stretched in terms of gardaí and customs personnel, one would have to ask whether the Minister is giving them the power intended.

We often see legislation giving enhanced powers but what is promised fails to meet the expectations because the institutional side has not got it right in terms of lack of resources, people with the right skills or basic equipment. In addition to this measure, it is essential that the causes of crime be tackled. There have been cutbacks in community initiatives, diversion programmes, youth and early education programmes and crisis intervention programmes, which are essential, as is the basic issue of inequality.

While the Social Democrats can understand that this measure represents an urgent response, and we are supportive of that by way of this measure, I would like to see the same attention paid to those who asset strip, tax evade and place their assets in countries like Panama. I often wonder about the systems that are available to transfer from an account what are often very large amounts of money when one considers the checks and balances that apply for the ordinary person. If a large amount of money was regularly moving out of an ordinary person's account, authorities would be notified.

I raise that in the context of this motion because this is the kind of money needed to make sure that the programmes in communities I spoke about remain in place. I do not see it as a separate issue, although it is not associated directly with this measure, but it is the means of preventing what we are seeing happening currently because the Minister has the resources to do that. I would like to see the same attention paid to the prevention of crime, the resources to deal with that, the causes of crime but also white collar crime and where that is impacting by virtue of the fact that there is not an income to which this country has an entitlement to allow us provide services for all our citizens.

**Acting Chairman (Deputy Bernard J. Durkan):** I call the Tánaiste who has five minutes.

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** As I indicated in my opening remarks, substantial sums of cash have been seized and forfeited under this measure. I put the figures before the House for people to consider, and the point was made by a number of Deputies that they are substantial. Very large amounts have been seized already and that has contributed, in no small way, to tackling the ongoing fight against organised crime and targeting large amounts of cash which, as a number of Deputies said, is the lifeblood of any criminal organisation.

By its nature any threshold, whatever its level, will always mean that some cases will fall far below it.

*7 o'clock*

However, the existing relatively high threshold of over €6,000 means that there have been cases where the Garda or Revenue officials have come across very substantial amounts of money in cash, sometimes several thousand euro, and they have reasonable grounds for suspecting that it is the proceeds of crime or is intended for use in criminal conduct, but they cannot use this power of seizure. I thank Deputies for their support in lowering the threshold to €1,000. It strikes the right balance between limiting the power of seizure to substantial amounts of cash while at the same time enabling the Garda and Revenue officials to take more effective action against organised crime.

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I have spoken already of the safeguards that are in place and it is important that they are there. It is for a short period before one goes to a court. It is part of a package of measures. Almost every Deputy has made the point that the issue of dealing with organised crime, and especially the drugs issue, needs a broader based response. This is one element which is a security and criminal justice response. However, we clearly need to be tackling the drugs crisis and the issues around it on many different levels including a preventative level. There is much work to be done and it involves Departments other than my own. The approach requires a multifaceted response and we certainly need to prioritise it, given the consequences we have seen from drug dealing and drug addiction. We need to put more resources into our treatment facilities so that when people want to get treatment, it is available to them. It is very important.

With regard to the surveillance legislation and the concerns raised by Deputy Paul Murphy, it is important that safeguards are in place. The Cabinet agreed yesterday to proceed with the heads of a Bill in relation to that issue. That would bring Ireland into line with other European countries. We are currently in a position where there are requests for such warrants coming from other countries and Ireland is not in a position to fulfil the warrants as we do not have that very basic legislation. I acknowledge the points made by Deputies about adequate safeguards being built in which will need to be debated when we are considering the legislation, including what are the kinds of safeguards people think we need to have in place. It is part of the debate around privacy and fundamental human rights versus the security issues about which, in today's world, we must be concerned in Ireland as well as internationally.

With regard to resources, the allocation for the Criminal Assets Bureau in 2016 was just over €7 million. There are a number of vacancies which will be filled presently. There is also the possibility - it is happening now - of people being seconded from the Department of Social Protection and from the Revenue Commissioners to work with the bureau. There has also been extra funding for Garda recruitment. Some €55 million was allocated to the Garda just a couple of weeks ago. All of this forms part of the resources that are needed to make sure this measure is implemented correctly and that there are gardaí in place to do that.

Deputy Catherine Murphy referred to certain kinds of cash transactions and obviously that should be dealt with under money laundering legislation. There is an obligation on people to report those transfers of assets.

I thank everyone who has supported the legislation. It is one part of a package of measures we are introducing and the proceeds of crime legislation will be before the House next week.

Question put and agreed to.

### **Misuse of Drugs (Amendment) Bill 2016: Second Stage**

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I move: "That the Bill be now read a Second Time."

I am pleased to introduce the Misuse of Drugs (Amendment) Bill 2016 to the House. Everyone is aware of the devastation that drugs cause to individuals and communities across the State. Recently we have become all too aware of the on-street dealing in prescription medica-

tion, some of which is controlled under the misuse of drugs legislation and some of which is not. This Bill is intended to deal with this issue and forms part of an overall package of initial measures being introduced by the Government as a matter of priority to further strengthen the hands of our law enforcement authorities in tackling those involved in gangland crime, the devastating effects of which we have seen in the recent violence in our capital city.

Drug dealers on the street often carry relatively small quantities of drugs on their person which makes it difficult for the authorities to proceed with charges of sale or supply. Drug dealers include drug users and addicts. The primary purpose of this Bill is to aid the law enforcement functions of An Garda Síochána in tackling crime associated with the illegal sale of certain substances. This Bill is not about targeting addicts. It is about disrupting gangs who profit from the on-street sale of dangerous substances and giving An Garda Síochána the power it needs to do so. While the illicit trade in these substances is not confined to any area, it is clear that this trade has been noticeably prominent in the Dublin north inner city area. This is a particular problem which has been highlighted by community groups and representatives from the local area and by political colleagues as one of the priority issues to be addressed as part of the Government's overall targeted response to issues affecting the north inner city area.

Following the appalling violence witnessed over the past few months, the Government examined measures which could help to tackle organised crime in the north inner city and elsewhere. One such measure, proposed by my colleague, the Minister for Health, Deputy Harris, is to expedite the Misuse of Drugs (Amendment) Bill which had originally been scheduled to be introduced in the autumn of 2016. The Minister decided to bring forward a shortened version of the Bill to aid law enforcement in tackling this serious issue.

This Bill aims to protect public health by bringing under the scope of the misuse of drugs legislation certain substances which are open to misuse and known to be traded on the illicit market. The Bill provides that certain prescription medicines currently being sold illegally on our streets and which are not already controlled drugs, will come under the scope of the Misuse of Drugs Act. These include so-called Z-drugs, such as zopiclone and zaleplon. Controlling the substances in the Bill is part one of a two-step process. Ministerial regulations are required subsequently to determine the level of control which is to apply to each substance and who may legally possess the substances. This would include practitioners and patients. Work is under way on drafting the regulations in my Department. The control of substances under the Bill will only be commenced when the associated regulations are ready. This should happen relatively quickly.

As Deputies are aware, this Bill completed its passage through the Seanad last week. I thank all the Senators who contributed to the debate and who made important contributions on many issues relating to drugs, drugs use, drug addiction, drug services and treatment. There were also contributions on the subject of decriminalising the possession of small quantities of drugs for personal use. I want to reiterate the point I made in the Seanad last week. I do not want to criminalise anybody who takes drugs because of addiction. Some of these addicts fund their addiction through the sale of drugs to others. It is wrong for a person to unlawfully supply a dangerous substance to someone else - it is simply wrong - even if that person's motivation is to fund their own addiction. That person is interfering with somebody's life by supplying them with a dangerous or harmful substance, possibly leading to death.

In the Seanad, there was general agreement that consideration should be given to alternatives to criminal sanctions for drug addicts. There was also general agreement that drug deal-

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ing should be prevented. Drug dealers on the street often carry relatively small quantities of drugs on their person, which makes it difficult to proceed with sale or supply charges under the medicines regulations. The gardaí have told us that enabling the offence of possession under the Misuse of Drugs Act will assist them in tackling this dangerous and illegal trade.

How do we help those addicted to drugs? In the programme for a partnership Government we have committed to supporting a health-led rather than criminal justice approach to drug use, including legislating for supervised injecting facilities. The Government intends to bring forward a second Bill later this year, which will legislate for supervised injecting facilities for chronic drug users. Drafting of this Bill is at an advanced stage and, subject to approval by Government, it will be published in the coming months. The programme for a partnership Government also includes a commitment to completing work and commencing implementation of a new national drugs strategy.

A high level review of the current drugs policy has been undertaken by a panel of international experts, which will highlight the key issues that need to be addressed under the new strategy. The strategy's steering committee will consider the approach to drug policy in other countries and a review of international evidence on interventions to tackle the drug problem. Focus groups have been established to advise the steering committee on the relevance of the strategy in tackling the current nature and extent of problem drug use in Ireland, including emerging trends and cross-cutting issues. This aspect of the process will identify any actions that need to be undertaken under the new strategy to meet challenges ahead.

As Minister of State with responsibility for the national drugs strategy, I will shortly announce details of a consultation process on the new strategy, which I intend to be as broad, comprehensive and inclusive as possible. I urge the Deputies and others to take the opportunity to contribute to this discussion. Part of that discussion includes alternative approaches to dealing with simple possession offences. Of course, one such alternative approach is decriminalisation of possession of small quantities of drugs for personal use. Decriminalisation is a complex social, legal and practical issue which has to be worked out properly before we can say that people should not be criminalised for carrying drugs on their person. The implementation of such a change in policy would need extremely careful consideration. Such consideration is being given through the national drugs strategy but it must also include the views of people providing and receiving services on the ground, experts and public representatives. It would of course need to be examined in great depth in conjunction with the Department of Justice and Equality. The matter is being looked at and I would not like Deputies to think otherwise. In the meantime, however, I ask for the co-operation of Deputies in enacting this legislation as just a piece of the jigsaw the Government is putting in place to assist An Garda Síochána in protecting local communities.

Most of the substances listed in the schedule to this Bill are already controlled under the Misuse of Drugs Act 1977. Some Deputies will recall all substances controlled by Government orders made under section 2(2) of the Misuse of Drugs Act 1977 had to be recontrolled by emergency legislation last year on foot of the decision of the Court of Appeal striking down that section as unconstitutional. Therefore, the Schedule to this Bill includes substances already controlled, to which have been added several new substances. These include certain medicines, as well as substances which have no therapeutic value. These products have been identified as harmful and have already been the subject of much public and political concern. A good example of this is the synthetic drug called "clockwork orange". Concerns about the availability and use of clockwork orange", particularly its use in the Cavan-Monaghan region, have been

highlighted recently. Calls for the controlling of this substance under our Misuse of Drugs Acts have been made in widespread media reports concerning this product. This product was also the subject of much attention and concerns expressed at a special joint sitting of the Oireachtas Joint Committees on Health and on Justice and Equality held last July where the harms associated with the use of this substance and similar products were highlighted.

Before I explain in detail the provisions of the Bill, it is helpful to give a brief explanation of the Misuse of Drugs Act 1977 which is to be amended by this Bill. This legislation has two primary purposes. First, it aims to protect the public by controlling access to substances which have a medical and therapeutic value but which are harmful if misused, such as benzodiazepines and heroin. The legislation facilitates the safe use of these controlled drugs by means of ministerial regulations and orders but provides that it is an offence to possess or sell these unless authorised to do so under the regulations. Second, the legislation aims to protect the public by establishing a system of tight control over dangerous and harmful substances with no therapeutic or other legitimate use. Well-known examples of these would be ecstasy or headshop drugs. These drugs are often manufactured by persons who try to stay ahead of the law by making relatively minor changes to the structure and chemical formula of a known drug. Accordingly, it is important we regularly update our drugs legislation and, where appropriate, include generic definitions which potentially cover a large number of substances, some of which have not yet appeared on the streets.

This Bill provides for a series of amendments to the Misuse of Drugs Act 1977. These include an amendment to section 1, the definition section, which provides that references in this Bill to the “Principal Act” mean the Misuse of Drugs Act 1977. This is a standard provision.

Section 2 of this Bill involves an amendment of section 1 of the principal Act, which is the interpretation section of the principal Act. It was amended by the Irish Medicines (Miscellaneous) Provisions Act 2006 with the insertion of a definition for “registered nurse” which was based on the Nurses Act 1985, and an amended definition of “practitioner”, consequent on the insertion of the definition of “registered nurse”. This was to provide that the Minister could make regulations allowing nurses to prescribe controlled drugs. In 2011, the Nurses Act 1985 was repealed by the Nurses and Midwives Act. The 2011 Act established a new definition of “registered nurse” and “registered midwife”. This Bill proposes to amend the definition applied to nurses and midwives so that it is updated to reflect the 2011 Act, and the definition of “practitioner” consequent on that.

Section 3 of this Bill amends section 5 of the principal Act which allows the Minister to make regulations to prevent the misuse of controlled drugs. Under this section, the Minister makes regulations setting out who may prescribe and administer controlled drugs. This section was amended by the Irish Medicines (Miscellaneous) Provisions Act 2006 with the insertion of provisions allowing the Minister to regulate the issue of prescriptions, and supply of controlled drugs on prescription, but providing that the Minister will not do so unless satisfied that it is reasonably safe to allow such prescribing and supply.

This Bill proposes to amend the provisions which were inserted into the 1977 Act by the Irish Medicines (Miscellaneous) Provisions Act 2006 by updated references to “registered nurse” and “registered midwife” consequent on the Nurses and Midwives Act 2011. Section 4 is an amendment of section 13 of the principal Act. The purpose of this amendment is to facilitate the commencement of a provision of the Irish Medicines (Miscellaneous) Provisions Act 2006 transferring responsibility for the issue of licences under the Act from the Minister



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for Health to the Irish Medicines Board, now the Health Products Regulatory Authority, HPRA. The HPRA already carries out all of the administrative functions relating to licensing, such as assessing and inspecting applicants but has to submit the completed licences to the Department for signing. This is an unnecessary administrative burden.

Section 5 is an amendment of section 21 of the principal Act. The purpose of this amendment is to facilitate the commencement of a provision of the Irish Medicines (Miscellaneous) Provisions Act 2006 transferring responsibility for the issue of licences under the Act from the Minister for Health to the Irish Medicines Board now the Health Products Regulatory Authority, HPRA.

The Schedule to the principal Act lists the substances which are to be controlled under the legislation. The 1977 Act had a Schedule which was amended by the addition of paragraphs 1A and 1B under emergency legislation in 2015. These paragraphs listed the substances which had been declared controlled under the Act by means of Government order made under section 2(2) of the principal Act. The Court of Appeal found this section unconstitutional and Government orders made under it automatically became invalid. The Court of Appeal decision was struck down by the Supreme Court on 22 June. The Supreme Court judgment is most welcome, as it means that the future control of substances under this Act can once again be made by means of Government order. A number of ministerial regulations were confirmed under the 2015 emergency legislation. This gives them the status of an Act of the Oireachtas and means that they can only be amended or repealed by primary legislation. Section 7 provides for the revocation of these statutory instruments, coupled with the next section of the Bill which provides that the Act will come into operation on foot of commencement orders rather than on enactment. The Minister will be able to revoke and introduce new regulations simultaneously and at a time of his or her choosing. There will, therefore, be no time gap between the repeal of the regulation and the making of its replacement. Section 8 of the Bill sets out the Short Title, collective construction and commencement of the Act. It provides for the making of orders by the Minister with regard to setting the day or days on which different provisions of the Act will come into operation. This will allow the Minister to commence the amendment to the Schedule to the Act on the same day as he or she repeals regulations and makes new regulations. This is a standard provision.

As I said in the Seanad, I wish to reiterate my commitment as a citizen, public representative and Minister of State with responsibility for the national drugs strategy and that of the Government to addressing in a balanced and effective way the challenges posed by drug misuse to individuals and their families, neighbours, friends and, above all, communities. I hope that all in this House will fully back this Bill and help to ensure its smooth and speedy passage through the Oireachtas before the summer break.

**Deputy Jack Chambers:** I am pleased to be able to speak on this Bill on behalf of Fianna Fáil, with Deputy James Browne, spokesperson on mental health, and in my role as party spokesperson on drugs, and on tackling the country's crippling drug problem. It is an area in need of major reform in terms of our approach. Every day we hear stories of individuals, families and communities around the country that have been devastated by drugs. I welcome the renewed focus on this area, and also the development of the new national drug strategy which will shape our policies in trying to tackle this issue in the coming years.

I am pleased to be able to support the Bill, which addresses a problem that is currently causing major difficulties across the country. It is an issue the Fianna Fáil Party has raised for some

time. In May, the Fianna Fáil Party leader, Deputy Micheál Martin, highlighted how the main issue on the streets concerned tablets, specifically so-called Z-drugs. I also welcome the decision of the Government to appoint a dedicated Minister of State with responsibility for drugs, as proposed by Fianna Fáil, and I look forward to working with the Minister of State, Deputy Byrne. I wish her well in her new role.

Today's discussion highlights very clearly how we as legislators need to stay on top of a constantly evolving environment where clever and ruthless drug dealers use every loophole, grey area and opportunity they can to intimidate and prey on vulnerable people and make profits from the victims of drugs. It is regrettable that it has taken the recent spate of gang-related deaths to focus minds on this issue.

I am glad the Bill is being fast-tracked. As legislators, we must be proactive and aggressive in tackling major international criminal empires. People in all communities countrywide know of the devastation caused by heroin and narcotics on a daily basis. Addiction to the specific substances in the Bill is second only to alcohol abuse in Ireland. This shows the scale and prevalence of these drugs.

The drugs being discussed today, which are, of course, legally available through prescription, are causing just as much harm in the hands of drug dealers. Some drugs have been given colourful monikers such as clockwork orange, zimmos, blues and yellows, but people should not be fooled. There is nothing harmless about the damage these drugs are causing, their devastating health effects, the cost to our health services, the relationships that have been destroyed and the lives that have been ruined. We are banning these drugs because they are harmful and because the bodies trying to tackle the problem, such as community groups working in the inner city and the Garda, have sought this action to enable us to properly tackle criminal gangs.

We should also be mindful of the doctors and nurses in our emergency departments who are on the front line dealing with the very real impact of what happens when drugs like these are taken. For example, clockwork orange has been linked with several deaths. Former users of the drug have also been to the fore in highlighting the dangers of these types of drugs. One former user said: "When you take it you don't want to move, you don't want to talk. It is hard enough keeping your eyes concentrating on what's going on around you. Then when you don't have it, it is just a total different person. The whole paranoia sets in. Anxiety. It makes you feel very sick."

This move is not an attack on problem drug takers and those with addiction problems. There should be no confusion or obfuscation by Deputies in the House on this point. This is about empowering agencies to be able to target the gangs that are controlling the supply and sale of these drugs at every level. Like much of our drug problem, this is happening at every level. We might like to trick ourselves into believing that this is a problem in certain areas, and the media often label only socially and economically deprived in regard to drug issues. The problem is profound in those areas.

Indeed, just this week a report from the Clondalkin drugs task force, led by Dr. Aileen O'Gorman, found that drug-related harm consistently clusters in communities marked by poverty and social inequality. The research found that the situation was allowed to develop by the policies of successive Governments and year-on-year funding cuts. These communities simply cannot survive if this continues.

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It is far too simple a narrative to think drug problems are simply confined to these communities. Such thinking will only lead to an escalation of the drug problem if it is allowed to fester. Drug dealers and gangs that are supplying heroin and feeding off addiction in the city centre are the very same drug dealers who are dealing to recreational, intermittent users who work on a daily basis but decide to consume their drugs of choice on a Friday or Saturday night. The substances may be different but the result is the same.

The victims in our city centres and in more deprived areas may be a more obvious symbol to point to the drugs scourge, but the task for all of us should be to make all people realise that every joint that is rolled, line of cocaine that is snorted and pill swallowed in a nightclub puts money directly into the pockets of criminals, the very same criminals who are now committing murders on a near-weekly basis. Whether one is rolling a joint or a €20 note, one is contributing to the carnage and terror being meted out. Trying to get this point across and make this connection is important and has to be highlighted. Equally important, however, is the need to develop proper treatment, rehabilitation, therapeutic and aftercare services. No progress can be made in this area until these services are in place.

As work gets under way on the new national drug strategy, more emphasis needs to be placed on prevention. This should start with our younger people. Greater emphasis needs to be placed on the teaching of SPHE in schools and informing children about the dangers of drugs. Former users, as well as health care professionals and law enforcement agencies, have a lot to offer in this regard and can play an important role in educating and preventing young people from going down the road of drugs. Many resources should be committed to local drugs task forces which are dealing with issues on the front line every day. A widespread national public awareness campaign should be a key component of the next drugs strategy.

The provision of needle exchanges and methadone clinics serve a purpose but we must look at ways to improve such approaches to the drug-taking problem. One option is to legislate for the use of Suboxone, a methadone alternative which helps to reduce the symptoms of opioid dependency. Suboxone is less addictive and harder to abuse, making it safer for those with drug problems. Although it is expensive, a pilot programme of 80 users has delivered promising results and it has been recommended by the HSE steering group. It has been proven to be particularly successful in treating people who become addicted to over-the-counter drugs who, due to the stigma associated with methadone clinics, often go untreated. All the while their addiction grows and consumes them, their work, relationships, their family and their whole life.

A study by the *British Medical Journal* found buphenorphine, the main component in Suboxone, is six times safer than methadone with regard to overdose. I would welcome clarity and an update from the Minister of State on whether she intends to legislate for Suboxone and its introduction in primary care centres to improve the lives of many people who face drug addiction. The Department of Health has also given its approval for Suboxone and I believe the House should work collectively to ensure the drug is dispensed. Equally, we should push for more GPs to embrace such replacement mechanisms, moving away from methadone clinics and delivering treatments at community level.

The next drugs strategy should also ensure greater levels of research are undertaken to ensure we compile a database of information and statistics to get a full, encompassing picture of the current situation. It is only with such information that can we properly and broadly tackle the problem. Ultimately, we should implement a national substance misuse strategy to respond to the shifts in patterns of drug use and to include the growing crisis with alcohol abuse. That

would ensure equity of service provision in both urban and rural communities, assessment of need at community level, implementation of evidence-based interventions and measurement of outcomes.

It is important also to consider the work and report undertaken in the previous Dáil term by the Oireachtas Joint Committee on Justice, Defence and Equality which was under the Chairmanship of the newly appointed Minister of State, Deputy David Stanton. Considerable research and work went into producing a report which examined the Portuguese model of tackling drugs. I look forward to examining the report further and other issues related to tackling the drugs problems during the term of this Dáil on the new Committee on Justice and Equality and in my role as the party's spokesperson on drugs. It is clear the collective will exists to do something. We now need to show a blend of compassion and understanding, determination and ruthlessness to tackle the significant drugs problem in this country effectively.

**Deputy James Browne:** I welcome the Bill, the aim of which is to make illegal the illicit trade in certain drugs that have become part of the illegal drug trade in recent years, which is fuelling much of the gangland violence and is leading to social breakdown in communities. Drug abuse continues to be a scourge of individuals, families and communities, but the underlying issues have been ongoing for decades. When the television focuses on the violence, which tends to come in waves, attention is focused on it, but when the violence leaves television screens, very often the communities that are affected are forgotten about once again.

The role of the Minister of State and the Department of Health should not stop with the enactment of the legislation. The Bill is important in terms of fighting gangland crime, but that is not a function of the Department of Health which has an important role to play in communities above and beyond drug legislation. Children, young adults and teenagers are the most vulnerable in terms of drug use and advantage is being taken of them. Vulnerable families are most at risk. We have heard of children as young as 13 years of age earning up to €300 to act as couriers, which is a fortune to any 13 year old, but to one who feels he or she and his or her family have been abandoned by society, who consider the system as having failed them and who see deprivation all around them, €300 is like winning the lotto. When drugs enter a community, they do so as hope leaves. Drugs splinter communities. The Department of Health has a critical role to play in addressing the cultural, social and environmental issues surrounding drug use and, in particular, in addressing deprivation in communities.

I accept the Department does not run the prisons, the justice system or the Garda, but it has a significant and critical role in terms of intervention in order that young people do not end up in those systems. Prisons are full of people with mental health problems, those who cannot read or write and those from towns and inner city communities who have been forgotten. If one took out those categories of people from prison, there would not be too many left. That is not to excuse criminal behaviour, but all too often it is the drug addict earning €200 for a drug run, carrying €20,000 or €30,000 worth of drugs, who ends up before the courts rather than the drug lords. Too often the drug barons remain free.

The Department has the opportunity to provide public health information on drug use, to provide mental health and public health intervention teams and to provide family supports. Very often in communities affected by drugs the resources are limited and people do not have the knowledge or wherewithal even to begin to look for what they need. It is of the utmost importance to provide a public knowledge information system in order that people will be made aware of the resources that are available to help them and for the resources to be targeted in that

regard.

We know from the facts and figures available that, during the period of austerity, it was the poor and the young who suffered disproportionately in terms of cuts and emigration. It is also those demographics that are the most vulnerable to mental health issues – depression, suicide and self harm. The undeniable result is that communities feel abandoned, and that suits drug gangs who need a hopeless and vulnerable community to take advantage of to fuel their business. Inner city communities should not be defined by a subset of drug dealers. Communities are crying out for help and the Department of Health has a critical role to play in providing the help. Often, they are strong communities but they feel disempowered. The Department can play an important role in re-empowering communities by providing them with the supports they need in terms of early intervention, mental health supports and public health supports in order that they no longer feel abandoned and have the wherewithal to stand up to the gangs.

However, the communities cannot do it on their own. They need support and not just for today or tomorrow. They need multi-annual support. When communities were given support, they could take on the gangs, rebuild themselves and rekindle connectivity, given that the gangs thrive on breaking down such connectivity. I urge the Minister of State, in conjunction with her fellow Ministers, to intervene further and to introduce the necessary task force and provide the help and support to tackle the problem, not just now or when the violence is gone from our television screens. We need clear commitments and stepping stones for the next five to ten years. Immediate interventions are required but so too are intermediate and long-term interventions to support communities.

**Deputy John Lahart:** I welcome the opportunity to speak on this topic. Fianna Fáil will be supporting this Bill which has been expected for some time. As the Minister of State is aware, problem drug use continues to be one of the most significant challenges facing the city of Dublin and the entire country. We know how drugs and substances undermine the human potential of the drug user, devastating the lives of families and causing huge problems for local communities. Equally, we know that many habits and addictions do not emerge from nowhere. They do not exist in isolation, nor are they usually aberrations, disconnected from the context of the life of any one human being. Rather, they tend to be symptomatic of a person's environment and, to borrow a phrase of which the Taoiseach seems to be so fond, a function and symptom of a person's lived experience.

In supporting this legislation, I recognise the need to address the illegality of the sale and misuse of the listed drugs. It follows the line of my party's manifesto position which seeks to develop and implement an effective national substance misuse strategy inclusive of all drugs, including alcohol and cannabis. It is the view in Fianna Fáil - my colleagues Deputy James Browne and the party's spokesperson, Deputy Jack Chambers, have articulated it - that further delay on this legislation is only adding to a growing crisis in the country and especially, though not exclusively, in inner city areas. From talking to communities under pressure, with which I am in touch, as are my colleagues, a very strong signal was being sent by them to their public representatives that they were under siege from these so-called Z-drugs. Used by heroin addicts, the medication is highly addictive, deeply damaging and, in some cases, has fatal consequences.

I am aware of the warnings issued in my constituency of Dublin South-West by the Tallaght drugs and alcohol task force concerning the need for users to stay clear of some "homemade drugs" which had left people hospitalised. This was as far back as 2014. However, in the in-

tervening years the culture of drug use has changed. There is a huge amount of experimentation with new drugs among young people, many of whom class their drug use as recreational. Polydrug use is also a major concern, with people using a diverse range of substances, including alcohol. We often forget alcohol when it comes to discussing the misuse of drugs. For some people, alcohol and drinking have become a chaotic feature of their lives.

We have been calling for this legislation to be updated for some time, and a change of regulations is required. The signing of regulations is required to criminalise that activity and to give the Garda the power it requires to arrest those who are distributing tablets across the city. Those powers are not there and, incredibly, the Garda is not in a position to move effectively on this phenomenon, which is a huge source of revenue to the drug lords and is damaging young people in these communities.

I note the Minister referred in his speech to the legislation as an important element of the Government's arsenal in the fight against drug-dealing and trafficking, and consequent gangland crime. I want to be consistent in my response to this. I welcome the intention of the Bill but I have to object to the term "gangland". I wish the Government and some in the media would resist the temptation to continually use this term. Deliberately or not, it is geographically defining and does a huge injustice to the amazing communities striving to live full lives in many parts of this city and country.

I welcome that the Minister is presenting the Bill early and that the Government decided to expedite the drafting and publication of parts of the Misuse of Drugs Bill, originally scheduled for the autumn. I support the aid it should provide for the law-enforcement functions of An Garda Síochána in tackling crime associated with the illegal sale of certain substances.

There is a problem, as I referred to earlier, with the sale on the street of prescription medicines. As the Minister pointed out, this is especially true of some medicines not controlled under the misuse of drugs legislation. It is clear that the legislation in this area needs to be urgently strengthened, in particular to tackle the street trading in some of these prescription medicines. The Minister has noted that, "the most prevalent products being sold on the street, for example, the zopiclone products used to treat insomnia, remain solely under the medicinal products regulations rather than the Misuse of Drugs Acts. It is possible for persons selling prescription medicines to be charged under the medicines legislation". As the Minister pointed out, "This legislation is framed as a regulatory measure to govern the legitimate trade in these types of product, rather than as a criminal code". The Minister also suggested that, "It is clear there are those who are exploiting this for their own criminal gains". In view of this I welcome the move by the Government to address this shortcoming in the law in this regard.

The Minister is right to highlight the misuse of psychoactive drugs. Of those who use and misuse drugs, psychoactive drugs are becoming more and more the drugs of choice of teenagers and young adults in Ireland and across Europe. Their use is endemic across Ireland, not in so-called gangland areas. In fact, the notion that this will somehow limit the crime in Dublin's north inner city is to completely miss the point relating to the scale of drug use in Ireland. All this view does is reinforce the stereotype that drug use takes place in poor, disadvantaged areas of poverty and deprivation. The use of psychoactive drugs is widespread. While I support the measures in the Bill, I am disappointed at the linking in the Bill with the locations the Minister highlighted earlier.

The Minister for Health, Deputy Harris, has visited the north inner city of Dublin. I saw him

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there one of the days I was there myself, so he knows that, geographically, it is not a huge area, containing as it does a small number of tightly knit communities. If the Minister thinks that the drug barons, whose names scream across our media on a daily basis, make their money from selling drugs in just these locations, he is sadly mistaken.

To those who promote the decriminalising of drugs, or the legalising of drugs --- this point has been made in the other Chamber — we have to recognise that even if that measure were taken at some stage in the future, people would still be taking drugs and there is a consequence in that, even if the middle-person has been removed from the equation in terms of sales. I am particularly happy that the focus of the Minister's speech was not limited to the inner city of Dublin, because it would be a mistake to identify this as a Dublin City-related problem, as he is well aware. However, there is very little mention of other cities, or indeed other parts of Dublin. In some ways, the only difference between the inner city and other parts of the country is that the main players in the ongoing murder campaign are, for the most part, based there, but we do know that not all of those players come from there. At least one of those major players hails from the very middle class of north Dublin. The problems are equal nationally. The answer is not necessarily more laws exclusively, but more opportunities for work, for further and continuing education, for meaningful apprenticeship programmes in their own communities, for the means of creative expression and celebration of a culture that, in the case of Dublin's north inner city, has been swamped, smothered and colonised by financial services, tech giants and property developers, with no community gain for people who have lived there for many generations. This does not exclusively refer to Dublin City.

The drugs task forces were established initially to address the chronic heroin problem that existed in a different era, but their role is as valuable today as ever. They now embrace the problem of alcohol misuse, but with the polydrug misuse problem they need serious resources. Those effective drugs task forces need to be strongly supported, and no community resource is as close to the drug problem, besides the local Garda, as the task forces are. On the measures being proposed today by the Government through the Bill, the Minister in his capacity as Minister for Health and Deputy Byrne in her capacity as Minister of State might look at bolstering the role of those demonstrably effective drugs and alcohol task forces, which are like the proverbial child with their fingers in the dyke within their own communities. The courts, too, need to be more proactive and more speedy in processing cases. I want to take the opportunity to ask where the Government's mini-CAB proposals are at this stage.

The Government's new strategy on drugs will not be ready until at least the end of the year. There does not seem to be a sense of urgency about implementing measures that are badly needed, notwithstanding the measure before us today. The Minister will be aware that drugs are at the root of a huge amount of petty criminal activity in Ireland: people rob things to feed their habit. Political leadership is badly needed in this area and in this Government it is so far sadly lacking.

For the last year figures were published, which was in 2013, we were aware that over 650 people died in Ireland from drugs or alcohol poisoning. We know this from inquests and coroners' reports. They are startling figures. They are likely to be higher as more annualised figures become available to us. Behind each statistic lies the cliché of devastation and loss at some level. While this measure is to be welcomed, it can be truly welcomed as only one of a number of measures required. Education regarding the misuse of drugs has to begin as early as primary school level. For example, schools are addressing the mental health challenges that confront us through the introduction of wellness programmes at primary school level. In view of this the

dangers of drugs misuse have to be highlighted much earlier and in a programmatic way. Most of all, huge energy has to be invested into helping those communities most affected by the drug problem.

I hope the Minister and the Minister of State pay close attention to the valuable contributions that have been made and will continue to be made by Opposition Deputies. I welcome the fact that this is one in a number of steps to which the Minister claims to be committed. They all add up - one by one - to the patchwork quilt that must be adopted in order to ensure that this problem, which is not going to be eradicated, will be addressed much more constructively.

**Acting Chairman (Deputy Eugene Murphy):** I thank Deputy Lahart and his two colleagues for their co-operation with the Chair. The next speaking slot is for Sinn Féin. Are Deputies Jonathan O'Brien and Louise O'Reilly sharing time equally?

**Deputy Jonathan O'Brien:** I will take 25 minutes and Deputy O'Reilly will take five.

I welcome the opportunity to speak on the Misuse of Drugs (Amendment) Bill 2016. I have followed its progression through the Seanad and have read all the contributions by Senators during its passage through that Chamber.

My party colleague in the Seanad, Senator Máire Devine, outlined our support for the Bill. She also put on the record of the Seanad our misgivings about the proposed legislation. I wish to place on the record of this House my own critique of the legislation. When enacted, this legislation will essentially have the effect of criminalising any person in possession of the listed prescription drugs when they do not have a legally-held prescription. This legislation will criminalise vulnerable drug addicts. It is as simple as that and there is no getting away from it. From the 1970s to today, Ireland has viewed drug addiction as a criminal issue rather than a public health crisis, despite Government announcements to the contrary. Introducing a criminal penalty for drug use is about as far away from this Administration's stated intention in its programme for Government of moving towards a harm reduction health care model of drugs treatment than one can possibly get.

In basic terms, what this legislation is proposing is the ability of the State to arrest, charge and convict vulnerable addicts for the possession of prescription drugs for personal use. I would be one of the first to sympathise with communities who are living with the scourge of drug use. Indeed, I have seen at first hand what it can do to families. We should be doing everything within our power to reduce drug abuse, but this legislation will certainly not achieve that goal.

During a briefing with officials from the Department of Health, it was suggested the legislation is being brought forward because the Garda had requested it in its fight against organised crime. It was also stated that there was no consultation with drug service providers in the State, nor was there any consultation with medical practitioners who are very often responsible for giving out large doses of benzos to individuals with drug addiction problems. God forbid that we might ask the drug users themselves what their needs are concerning their addictions.

This is not the first item of legislation that is being brought forward simply because the Garda wants it. Legislation that gives the Garda sweeping powers to view electronic communications is planned. Legislation that will increase penalties for women engaged in sex work is already on the schedule, all because - from what we are told - the Garda Síochána has stated that it is required. That is no way to formulate or develop justice policy, and it is certainly not



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the way health policy should be developed. While we must listen to Garda with regard to what powers it might like or need, we, as legislators, certainly should not be creating legal frameworks based solely on its views.

It is not good enough that Ministers talk about evidence-based models and then introduce a Bill of this nature. The Bill will not address drug use or gangland crime in the way the Minister for Justice and Equality has attempted to outline. The only people who will be affected by this Bill are drug addicts who are the problem users of unlawfully held prescription drugs and those addicts who sell on their lawfully-held prescriptions of benzos to fund their heroin addiction.

Gardaí can seize benzos held by addicts if they want, but this will not magically wipe out any debt an addict may owe to drug dealers for buying heroin. What will simply happen is that the addict will increase the amount he or she takes to sell on next time in order to pay off the debts he or she owes to local drug dealers. Criminal penalties will not have any impact on his or her addiction and will not eradicate the anti-social behaviour of dealing that sometimes goes with it.

If criminalising the possession of drugs - prescription or otherwise - had any impact on addiction rates, we would not have the highest ever rate of drug use in the history of the State. Furthermore, if it had any impact, we would not have young people walking into Mountjoy or Cork prisons and then being released with full-blown addictions that they did not have on entry. If the Government and the State as a whole were serious about addressing problematic drug use, they would be looking at investing in communities that are most affected by it. Sinn Féin will table amendments to the Proceeds of Crime (Amendment) Bill 2016, which has just passed Second Stage in the Seanad. These amendments will state that all moneys seized by the Criminal Assets Bureau should be ring-fenced and put back into the communities worst affected by drugs. Earlier today, our Seanad spokesperson who put forward those amendments was contacted by a senior civil servant asking him to withdraw them on false grounds. The civil servant said it was impossible to implement the amendments and asked the Senator to withdraw them.

Problem drug use flourishes in areas of embedded poverty, with generations of unemployment, poor education standards and a lack of facilities. Policy responses from the State often give a passing acknowledgment to the environmental and social background of the drug problems affecting these communities. However, they seldom address the need to do something about the wider social and economic issues that feed drug addiction. Instead, the State pays lip service to the provision of detox facilities or rehabilitation but has no regard for the astonishing levels of social deprivation. If evidence of this was needed, the Minister should note that there are only four beds for adolescents to detox in this State. We have methadone maintenance programmes, limited needle exchanges and some excellent locally-based services that do great work in spite, rather than because, of the HSE funding structures. Far more needs to be done and there needs to be an explicit commitment to harm-reduction, health-led approaches that are matched by the policy and resources to go with them - not the reactionary nonsense contained in the Bill.

We need to move towards a model of decriminalisation of drugs for personal use along the lines of the Portuguese, Swedish or Australian models - that is, an evidence-based model based on international best practise. On Committee Stage of the Bill in the Seanad, the Minister said the policy goal was to have an evidence-based approach based on international best practice. It is ironic that in this instance we are ignoring all the evidence and international best practise by further criminalising drug addiction.

The legislation, as currently drafted, is pure rhetoric. It is about being able to say that the Government is doing something about organised crime regardless of whether what it is doing actually works. If Members think for one second that this measure will have a lasting impact on organised crime, they are sorely mistaken.

*8 o'clock*

This will not result in any increase in tolerance or respect for drug users as, like those in our prisons, many consider them not worthy. They are seen as a social problem to be dealt with by the State rather than as individuals who may need medical treatment for the affliction of addiction. There will be little difference in the rates of drug use in years to come unless we tackle the core issues, such as poverty and deprivation. Without addressing those issues, we are going nowhere. This does not mean we simply provide more resources to the Garda Síochána to combat drug dealers and traffickers and the addicts criminalised by this legislation. While it is important to do that, we must also address the housing and education issues that are the basis of social exclusion.

The approach to drug policy in this State has always been marked by words that are undermined by actions. The Government established the local drugs task forces in 1997 to address the dual concentrations of problematic drug use and poverty and social exclusion. I was a member of the task force in my local area. Many of them have done great work to reduce the drug-related harm to individuals, families and communities by working in partnership with the community, the voluntary sector and the health services. However, the impact of austerity policies on whole communities and the reduction of funding to these services will impact on generations to come. Levels of poverty have increased massively since 2008. Already deprived social groups are experiencing much higher rates of poverty than others. More than half of those who live in social housing are unemployed. More than half one-parent families experience deprivation, with more than one third of them designated as being at risk of poverty, living on less than €200 per week or less than 60% of the average income. It is not surprising that some people self-medicate the trauma of growing up in poverty with drugs when they are surrounded by communities in decay because Governments choose to line the pockets of the haves rather than the have-nots.

Over the past two decades drug production, supply and consumption has changed. The types of drugs people take is dependent on what is easily accessible and how much it costs. According to HSE data, the number of people accessing methadone treatment has increased every year for the past five years. Some may see this as a good thing but we do not know if there is a definitive correspondent reduction in the number of people taking heroin. In many cases, people are taking methadone and heroin. For more than a decade we have had people described as benzo-users. It appears the State is only now waking up to that reality. Young people commonly take cannabis, cocaine and pills along with alcohol. New psychoactive substances continue to come on the market. For every drug the Government has managed to put on the controlled substance list, new ones have appeared. Gone are the days when an addict stuck to taking one drug. Polydrug use is a major issue, with persons now taking cannabis, benzos and alcohol.

This legislation will not address polydrug use. According to active drug users and those working on the ground in drug task forces are concerned, there is no shortage of drugs despite the recession. Drug use massively increased during the years the Government inflicted austerity policies on communities. If the people who design these ill-thought out laws were to engage

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with people who are in the throes of addiction they would find that the years of austerity have had a major impact on them. Welfare programmes have been restructured and are now harder to access. Despite the Labour Party continuously banging on about no changes to core payments, there has been a reduction in social welfare payments. There is a lack of respite and detoxification places for those wishing to exit addiction. Despite an acknowledgement in this legislation that benzodiazepine use is a major social problem there is a severe lack of treatment options for those wishing to exit the use of benzos. The HSE drug treatment services have in many cases been rightly criticised for their lack of engagement and consultation with the community and voluntary services that support them.

As there was no work in certain areas over many years unemployment rates soared and social deprivation took grip. There was a corresponding expansion of the drug economy that destabilised these communities even further. That is no coincidence. While no one would defend the so-called drug traffickers and organised crime figures - they need to face the full rigor of the law in respect of their activities because they are the people who are destroying communities and those with addictions - it is hard not to have sympathy for a young lad who ends up in the drug economy, having grown up in a community where drugs have been prevalent for many years and there was little economic opportunity for him outside of that community. I am not making excuses for such individuals: I am simply pointing out that these are factors in young men and women ending up in the drug economy. Many start out as addicts and move on to selling drugs to fund their addiction.

The outcomes of Government policies have been negative. We are consistently moving towards the idea that if we address an individual's addiction the context in which the addiction manifested itself will be miraculously resolved. We are in the context of this Bill now in a space where there is no cognisance being taken of the outcomes of Government policy and no mind paid to the fact that individuals are not always singularly responsible for their problematic drug use. If that were the case then simply telling children in schools to say "No" would be a perfectly valid response to drug problems. We all know that this is not the case.

The approach in this jurisdiction to drug use is one based on a public system that measures outputs, effectiveness and value for money. There is no assessment of the needs of people and communities. It is based on consultants telling Departments how to run services on a skeleton crew and less money while doing more. It does not matter if "more" might not work. I recently spoke to an official from the Department about the supervised injection centres, which is a welcome, progressive initiative. However, I am concerned that these centres will operate on a pilot basis and that we are not looking beyond that to the consumption room models. However, that is a debate for another day.

In preparation for the debate on this legislation I tabled a number of parliamentary questions to the HSE on the levels of drug use. According to the HSE records, in 2014, 725 persons under 18 sought treatment for problematic drug use yet, as I said earlier, there are only four detox bed spaces available. Those 725 people are either seeking, waiting for or in the middle of a drug treatment programme. There are only two service providers in the State reported to be providing needle exchange services for individuals under 18.

We have no idea how many individuals under 18 are not in treatment or have not sought treatment. There are 10,165 registered methadone users and this figure is increasing at a rate of about 100 each year. The number of people who have entered drug treatment for specific drug problems, as opposed to alcohol use, has risen from 7,363 in 2012 to 9,046 in 2014. Clearly,

policies that criminalise addicts are not working. The figures bear that out. All of the statistics indicate an increase in the problem.

One of the analyses put forward by this proposers of this Bill, such as the Minister of State and the Garda, is that the gardaí do not want legislation to go after vulnerable addicts or people with an addiction who may have prescription drugs on their person for personal use. I need only look at the crime figures from recent years to know that this will not be the case. Between 2004 and 2014, approximately 187,000 people were charged with drug offences in this State. Around 90% of them were prosecuted for possession of small amounts of drugs for personal use, resulting in a criminal conviction. Clearly, this policy of criminalisation will continue with this Bill. Leaving aside for a moment the consequences for an individual of having a minor drug conviction for possession, how can anyone suggest that this is a necessary or valid use of public money? A total of 168,000 people were convicted of having drugs for personal use.

I will return to the personal consequences of such criminal convictions. Many local authorities have a policy of Garda checks on prospective tenants and, while I do not object to this in principle, there is growing evidence that individuals with minor drug convictions are being discriminated against in housing allocation. A minor conviction for drug possession for personal use has lifelong implications for the person concerned, and I simply do not believe we should punish addicts indefinitely, even if they are no longer involved with drugs. Simply excluding former addicts with a criminal conviction from the housing process and introducing further legislation that will criminalise individuals will not address these people's poverty or addiction or the issue of antisocial behaviour that goes with drug use. People with addictions are victims of neoliberal austerity policies implemented by this Government and previous ones. I cannot see the practical benefits of supporting such a legal framework that not only will not address the issue of organised crime, as alleged, but that also target addicts actively, making the lives of some worse.

In her Seanad contribution, the Minister of State said it was the innocent victims who were most affected, and I agree completely. She went on to talk about the people with the fancy cars and houses who do not live in the country and how they are the people this legislation is concerned with. I find this a very bizarre statement when one takes it in the context of the Government's allegation that this will address organised crime while simultaneously backing up its public health approach to drugs. The Minister of State cannot have it both ways. Further punitive legislation as a policy response does not work and has never been proven to work, and this Bill simply creates scapegoats rather than solutions.

**Deputy Louise O'Reilly:** I would like to use my speaking time to discuss addiction as a public health issue and the services for addicts that are so badly needed. There are really no services to speak of to support people who are struggling. There is one adolescent bed in St. James's Hospital in the Minister of State's constituency. That would be fine if there was one adolescent in Dublin South Central struggling with drug addiction, but the Minister of State and I know that the problem that exists there far outweighs the availability of any access to services that might serve as a solution. Yet here we are rushing to put through legislation while we systematically neglect the public health aspect, which was mentioned very explicitly in the programme for Government.

Those addicted to substances might now be cut off from their supply as a result of this legislation, without any structured programme for either coming off these substances over time or decreasing their level of use. We do not want to simply criminalise the user by making posses-

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sion of these drugs illegal without addressing the problems at the heart of it. The Minister of State knows what the problems at the heart of this are and the impact this legislation will have. She knows it will not solve to any great extent the systemic issues that exist.

There needs to be a very sensible approach to the situation of benzodiazepine dependence and its presence on our streets. Legislation should not just be at the forefront of that. Legislation in haste without scrutiny and without the consultation referred to by Deputy Jonathan O'Brien should most certainly not be front and centre of our considerations. In the absence of public health considerations, this legislation could be deemed to be somewhat premature. There are a lot of people dependent on the drugs we are discussing here today. We need to look at this. We need proper treatment facilities and to give people the option of trying to get off this medication. We need further counselling and addiction services and greater community supports. We need to focus on recovery and not simply management of addiction.

Problem drug use is first and foremost a public health issue. That is the Sinn Féin position and it is one that we will continue to advocate for. The provision of services aimed at reducing the harm caused by drug use and safeguarding the health of drug users must be central to any drugs strategy. This is what we should be looking at this evening. Funding for the health services is vitally needed to help addicts, but this funding has been severely cut. The services are now seriously underfunded. For many chronically addicted people, controlling or eliminating the supply of a certain drug does not necessarily result in their getting off drugs; it restricts the use of a drug. While legislation may make some changes to the landscape, it will never be a complete solution. Will this measure address the fundamental causes of problematic behaviour related to drug use or drug dealing? Has the Minister of State considered how this legislation may change trends in drug use and how services that are already without adequate resources will keep up? Has she considered how this may affect people with a benzodiazepine addiction? Has she considered the public health effects of how an addict will cope without access to a treatment bed or services?

If we are to put in place meaningful solutions to the issue of drug use, drug abuse and crime, we need more than this legislation. The Minister mentioned that this Bill is just one part of a suite of measures to respond to the situation in the north inner city, but it is not part of a suite of measures to help addicts, the socioeconomic effects of addiction or, more importantly, the drug problem at large. We need to be able to provide support at every opportunity so that people facing drugs problems personally or in their communities have access to it.

This legislation will not undo 20 or 30 years of under-investment in drug and addiction services or indeed the lack of investment in the communities affected. This approach and legislation may shift the visibility of drug related anti-social behaviour or increase the presence and competence of the gardaí, but it will not address the root causes. The Minister of State knows that.

We need to target and deal with so-called gangland crime and those who profit from crime and drugs but this measure, standing alone and without any public health measures to accompany it or any funding for addiction services, counselling or otherwise, will not achieve the targeted aims. I have had meetings with groups and representative bodies and many of them have raised issues. Their opinion is that the process of prescriptions right from when a script is written until a person collects their drugs should be looked at. There is a view that we should be looking at a partnership model with GPs, consultants and pharmacists on accountability of how medicines are prescribed. This would allow a situation where it would be possible to follow a

chain of why prescriptions were written, for whom and when. Can we or are we doing this? If we are not doing it, why are we not doing it? Are there guidelines for prescribing and dispensing these drugs? If not, why not? If there are, why are they not being implemented? There is a significant public health issue which the Minister of State is trying to avoid with this legislation.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy is way over her time.

**Deputy Louise O'Reilly:** If I could continue. We believe and will continue to advocate for a proper, organised solution to this endemic problem and not simply a sticking plaster.

**Acting Chairman (Deputy Eugene Murphy):** I am sorry to interrupt Deputy O'Reilly but she was going over her time. My apologies. The next slot is for the Labour Party but there is nobody present.

**Deputy Mick Barry:** Clearly the drugs mentioned in the Bill can be dangerous. The question here is whether criminalising possession or use of those drugs will really do anything to help the situation that confronts us. There have been many examples in many other countries of similar attempts to criminalise drugs of this kind and general character. Recently in the United States there has been a major crackdown on prescription opiates. OxyContin is an example of one of the drugs targeted in this crackdown. The result has not been a decline in drug use: it has fuelled the fires of a major heroin epidemic because it is now cheaper to access heroin and easier to get one's hands on it than some of the prescription opiates that have been cracked down on. Heroin deaths in the US have increased threefold since 2010. What started that off was a crackdown on prescription opiates in Florida. At one stage, 90% of prescription opiates were sold from a Florida base. *The Guardian* said of this situation: "Doctors also reported an increase in the number of babies born addicted to heroin, and Florida leads the US in new HIV-Aids infections" and "The National Institute on Drug Abuse declared a heroin epidemic in south Florida two years ago." That has been the experience in the United States.

The drugs it is being proposed to ban here are so-called Z drugs or downer drugs. Heroin is a downer drug. Action on the proposals in this Bill would create a serious possibility of a big increase in the heroin trade flowing from such a crackdown. Flowing from that we would see more deaths in the middle of what is already fast becoming a HIV outbreak in this country. The prohibition of designer drugs is resulting in the development of new designer drugs - different cocktails and combinations to circumvent the law and controls that are there at the moment. It gets good headlines in the newspapers and looks good for Government and politicians. Action is being taken in the war on drugs but it has very little or no effect on the ground in terms of solving the problems faced by communities and people in their lives and in some cases makes the situation worse.

The so-called war on drugs has failed in Ireland and internationally. It is incontrovertible at this stage - all the evidence points towards that. The real choice is one between what we have in this State - uncontrolled availability of drugs, controlled by gangsters - and the alternative - a controlled availability of drugs in the hands of the State linked to properly funded harm reduction programmes. They are the alternatives and choice that society has. Let us look at the alternative in a practical sense. Deputy Jonathan O'Brien mentioned the example of Portugal. In Portugal the use and possession of illicit drugs for personal use is no longer a criminal offence resulting in a prison sentence provided one is found in possession of no more than a ten day supply. It is now an administrative offence in the same way as a parking fine or something of that nature. There has been talk in the debate of an evidence based approach. What is the evi-

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dence from Portugal about the use of that model? I will give a statistic and information which should be central to this debate. There are now three overdose deaths per 1 million citizens in Portugal. That compares with the EU average of 17.3 overdose deaths per million citizens. Portugal has the second lowest rate in the European Union. How does that compare with the Republic of Ireland? The latest figures I have, which are from 2012, show 70 overdose deaths per million citizens compared to three in Portugal and 17.3 in the EU. Those are damning statistics. They are not just statistics; they are people's lives we are talking about here. What is the best approach to tackling this issue? There have been some welcome signs of the potential for a change in policy in this State in recent times. The example has been given of the all-party Oireachtas committee which, towards the end of the lifetime of the last Dáil, recommended that drug possession be dealt with by means of a civil response rather than through the criminal justice system. There is a second misuse of drugs Bill due to come before us in the autumn which will put on the agenda the idea of injection rooms for heroin addicts and which will deal with heroin addiction as a health issue rather than a criminal or justice one. Recently, the new Minister, Deputy Harris, stated, "the Government intends to deliver on the commitment in the programme for Government to having a health-led rather than a criminal justice approach to drugs use". He further stated:

There is significant debate, both nationally and internationally, on the issue of decriminalisation and-or alternative approaches to the current criminal justice approach to the simple possession of small quantities of illegal drugs for personal use. The issue is also live here as part of the ongoing discussions on the drafting of a new national drugs strategy.

Those examples, the recommendations of the Oireachtas committee, the Bill due to come before us in the autumn and the quote from the Minister are all encouraging signs but they are in complete contradiction to the approach being signalled by the Government in this Act. The Government is facing both ways. There is the United States-style war on drugs approach on the one hand or the Portuguese approach on the other. We cannot face in two directions at the one time. We cannot have both. We must choose. With this Bill the Government is taking the wrong choice. It has been clearly proven by example, in this country and elsewhere, that it is the wrong choice.

I recently came across a phrase which commanded my attention: "austerity drugs". I came across it in the following context. Members will think I am a reader of *The Guardian* although I do not read that newspaper as often as one might think. In any case, this is another quote from *The Guardian* newspaper from recent times. It states:

Greece's infamous new drug, sisa, is basically meth and filler ingredients like battery acid, engine oil, shampoo, and cooking salt. The majority of its users are poor, often homeless, city dwellers reeling from the psychological and physical impacts of a country in the grip of economic collapse.

Some of these drugs cost €2 or less a hit. According to *The Guardian* newspaper:

For Charalampos Pouloupoulos, the head of Kethea, Greece's pre-eminent anti-drug centre, sisa symbolises the depredations of a crisis that has spawned record levels of destitution and unemployment. It is, he said, an "austerity drug" – the best response yet of dealers who have become ever more adept at producing synthetic drugs designed for those who can no longer afford more expensive highs from such drugs as heroin and cocaine.

The point that is being made in that report is that interrupting the supply of drugs will have a certain effect in the short term but it will not have a medium-term or long-term effect, get to the root of the issue or be effective. Therefore, the answer rests not on the supply side but on the demand side.

We need to reduce the demand. There are many ways of doing that, but a key central way of doing so is by tackling the poverty, unemployment and austerity which make so many people, especially but not exclusively the young, want to escape the reality of their daily lives through the medium of drugs. To do that, to tackle poverty, unemployment and austerity seriously, we must tackle the root cause, which is the system of capital that causes it and which puts profit before ordinary people, and replace it with a genuinely human society which places solidarity among people ahead of the rat race of a profit system - a genuinely democratic and socialist society.

**An Ceann Comhairle:** I understand Deputy Maureen O’Sullivan is sharing time. Is that correct?

**Deputy Maureen O’Sullivan:** Deputy Wallace will begin, followed by me and then Deputies Connolly and Broughan.

**Deputy Mick Wallace:** I thank Deputy Maureen O’Sullivan for letting me go first. She thinks I should be getting home to watch the match.

**An Ceann Comhairle:** We are surprised Deputy Wallace is here, given the competition.

**Deputy Mick Wallace:** Only for the vote on the fatal foetal abnormalities legislation tomorrow, I would not be here. I would be at the two semi-finals.

There is no police force or government in the world which can claim or demonstrate that prohibition of drugs is the solution to the problems surrounding drugs, or the problem of the drugs themselves, but thankfully there are many examples from all over the world of how relaxing drug laws brings positive outcomes for everyone involved. Such examples show how lending a helping hand to those who find themselves trapped in a cycle of drug use, instead of criminalising them for needing a substance to lean on, can help them lead stable lives and save communities and families much pain and sorrow. European countries such as Portugal and Switzerland have been showing us how progressive drug policy works for decades.

The most effective way to disrupt the gangs in Ireland is to take what is estimated to be a €1 billion industry away from them. The heroin trade is booming, and a recent UN report estimates that the Irish authorities intercept less than 3% of the heroin on the market. If we really wanted to disrupt that trade, care for those addicted to the drug and do away with the stigma that surrounds it, we would follow the example of the Swiss and legally prescribe heroin in supervised injection rooms to those who need it.

British doctors used to prescribe to addicts as a matter of course heroin that was manufactured by the British state, and it did not have a heroin problem. For decades, the number of heroin addicts in Britain never exceeded 1,000 and the addicts were mainly middle aged, from all kinds of social background and, according to doctors at the time, perfectly stable and healthy.

Addiction depletes one’s day-to-day existence in many respects and is a source of human suffering, but under the safe supervision of doctors, some of what are thought to be the most



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dangerous drugs in the world can be regularly consumed by an addict who can live a relatively stable existence. Heroin, safely prescribed by doctors, is benign, and there is no proof anywhere to the contrary. As with most drugs, it is when its production and distribution are handed over to criminals, as we have done here in Ireland, that it becomes dangerous. When heroin is pushed onto the black market, it gets cut with paracetamol, drain cleaner, sand, sugar, starch, powdered milk, talcum powder, coffee, brick dust, cement dust, gravy powder, face powder, curry powder, crushed bleach crystals - pretty much anything. When a person takes contaminated heroin, it clogs up veins and destroys them.

When heroin is illegal, street heroin addicts need to raise large sums of money. They can rob or prostitute themselves or, more easily, buy their drugs, take what they need, cut the rest with some talcum powder and sell it to others. They need to convince others to take it to expand their customer base to support their habit.

It is the laws around heroin that make it harmful, not the heroin itself, and because we insist on ensuring the criminals stay in control of this substance, those who take it will continue to suffer and die, the criminals will continue to make vast sums of money and we will continue to waste vast sums of public money intercepting a minuscule fraction of what is for sale.

In Switzerland, they saw the stupidity of this situation back in the early 1990s and have been prescribing heroin to citizens for more than 20 years. The right-wing parties there have twice tried to overturn the programme by national referendum, and twice the Swiss have overwhelmingly supported the continued prescription of heroin to heroin addicts. They saw that when heroin is illegal, the addict is trapped in a tragic vicious circle of getting money, buying heroin and having to inject, all day, every day. It becomes a job, not just an addiction. Johann Hari, in his powerful new book, *Chasing the Scream*, talks to those involved in administering the heroin and those receiving it. The doctors stress how the heroin programme is built around helping the patients to rebuild their lives slowly by getting therapy, a home and a job. Hari spoke to a number of heroin addicts who received treatment at one of the clinics in the city centre of Geneva. One owns a gas station and another works at a bank.

A psychiatrist, Dr. Daniel Martin, who works with the heroin programme, clearly explains the work they are doing as follows:

Most addicts here come with an empty glass inside them; when they take heroin, the glass becomes full but only for a few hours and then it drains down to nothing again. The purpose of this program is to gradually build a life for the addict so they can put something else into that glass; a social network, a job, some daily pleasures. If you can do that, it will mean that when the heroin drains, you are not left totally empty. Over time, as your life has more to it, the glass will contain more and more, so it will take less and less heroin to fill it up. And in the end, there may be enough within you that you feel full without any heroin at all.

It goes without saying that the Swiss programme is and has been a huge success that has saved countless lives, while it has undermined and effectively destroyed the power of the drug dealers, who along with the conservatives and the United States Drug Enforcement Agency, are the most vitriolic opponents of the programme. The United States has chaos at the heart of its drug war and has behind bars a higher proportion of its population than any other country in the world.

In Switzerland, the gangs have no power over the addicted because the state is caring for them. The average patient uses the programme for three years, after which 85% of participants have stopped using every day. Crimes committed by those on heroin have plummeted, with 55% fewer car thefts and 80% fewer muggings and burglaries. This drop happened almost immediately after the programme started. HIV infections from heroin use have almost entirely disappeared. Why do we continue to pursue a drug policy that wastes money, kills people, destroys lives, empowers criminals and ruins neighbourhoods?

This Bill is designed to criminalise the sale and possession of certain prevalent prescription medicines. It could be pointed out that we have a problem with prescription medicines at a time when I am advocating prescribing heroin. However, a finer point needs to be appreciated. These prescription drugs are cheaper than heroin, easier to get and are just as dangerous as heroin, which is regulated by criminals. They provide a similar amount of oblivion and pain relief from a society that excels at social exclusion and inequality. Criminalising those with addiction is placing further punishment on those who are already victims of the regressive laws surrounding prohibition. They are often the victims of governments that for years now have pursued a neo-liberal agenda that promotes inequality.

As Senator Lynn Ruane has pointed out, this type of legislation will simply move people on to new drugs and when they are outlawed they will move on to other new drugs and so on. That is exactly what happened in Canada. We know that heroin is safe when prescribed and supervised by a doctor and we know that prescribing it to those who are addicted will lead to a betterment of the addicts lives, take away finance and power from the dealers, make communities safer, save the State money, and free Garda resources to pursue real crimes. They might even have the resources to properly investigate what is going on in NAMA. Why are we not even considering this as a real possibility instead of passing a Bill that will waste Garda time, make criminals rich and ruin more lives?

**Deputy Maureen O’Sullivan:** I stand here this evening very conscious of what has brought about this legislation and the earlier motion from the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald. The frightening reality is it took several murders, which took place recently in daylight in a public street, a pub and a person’s home, for this to happen. It took the murders and the responses of the communities, the residents and those working in the projects and services, to bring about a sense of urgency that has us debating these two issues. The communities and residents have been looking for that and pointing out the need for action to address the growing addiction problems. We know they are in Dublin Central but they are by no means confined to Dublin. There is not a village or town in Ireland that does not have an issue with drugs or alcohol.

The communities and projects were calling for action on the “mini-Criminal Assets Bureau” idea and dealing with the Z-drugs for a long time. I had a look back over some of the questions I have asked about this already in the few years I have been here, as well as within Private Members’ business relating to addiction. In September 2014, I put a question to the Minister about dealing with the Z-drugs and I was told the problem was acknowledged and gardaí were working with relevant agencies. I raised a Topical Issue matter on this in October 2015 in which I stated that communities were flooded with what was known as Z-drugs. They are used with other drugs and alcohol and caused havoc and distress, pushing people further into addiction and causing much pain for families and the wider community. They also contributed to anti-social behaviour and criminality. The communities I represent were looking at young men who were selling these tablets, as it is mainly young men, some of them only in their late teens. In

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the Topical Issue debate I offered to bring the Minister of State to a couple of places within the constituency where he could buy packets of Z-tablets without any problem. I could also bring him to the people living beside this activity, where they could tell him about the nightmare of living with that open drug dealing.

I was told, in response to the questions and the Topical Issue matter, that this was a matter for the Garda. We knew its hands were tied because of a lack of appropriate legislation. Gardaí were being pressurised by communities at numerous community forum meetings and at other committee meetings and asked why they were not doing anything about this drug dealing. We know their hands were tied with that. We were told emergency legislation was needed and if it was introduced, places could be cleared of Z-drugs dealing very quickly. It was not a priority and it is very regrettable that it took those murders to bring us to this point.

We know the two relevant Acts were inadequate to deal with these tablets. A garda could have a reasonable suspicion of dealing and search a person but if tablets were found, gardaí had to give back a third of them so the person could do individual testing. The communities were looking at the open dealing and it was irrelevant to them as to whether the drug was heroin, cocaine, ecstasy or tablets; it was interfering with their lives. On a number of occasions I was on a quiet street and saw two or three young men emerge. Within seconds, there could be anything from 30 to 50 people arriving in taxis, cars or on foot. They heard through social media that the deal was on and the tablets were available. They were not just coming from Dublin as they came from far and wide. One can imagine an older person in particular living in that community, looking out the window and suddenly seeing masses of people around. The fear is palpable and gardaí were under pressure to act. They kept saying their hands were tied.

In 2012 I had a Private Members' business slot dealing with addiction. I mentioned poly-drug use at the time, specifically the increase in use of dangerous substances that are illegal and unregulated. I also mentioned the increased use of technology in accessing those substances and harm through overdoses, fatalities, long-term ill health, suicide, mental health issues and homelessness. I called on the Government to prioritise addiction as a health issue and not primarily as a criminal issue. I called on it to ensure the necessary resources were provided. I also asked that legislation be introduced to deal with the Internet sourcing and accessing of drugs and that it would apply the harmonised EU definition of a medicinal product to a new psychoactive substance so the national medicine agencies could prohibit unauthorised importation, marketing and distribution. The motion was defeated four years ago and we are speaking about the same issues now.

I read what I called for in 2012 and the irony struck me because it is coming out again in discussions with the Taoiseach, communities and projects. We were talking about supports for those high-risk, lower socio-economic populations that experience social disadvantage, which leads to addiction problems. I called for improved supports in the areas of health care, education, housing and employment opportunities, and to refrain from further cuts to the services provided by the community and voluntary sectors for those in addiction, with continuing support for special community employment schemes for those in drug rehabilitation. As we know, those projects saw cuts of between 30% and 40%. It is ironic that in 2012 there was also a murder and a retaliatory murder carried out in front of young children. The more things change, the more they stay the same.

When the Minister, Deputy Harris, discussed this in the Seanad he stated that it is an important element of the Government's arsenal in the fight against drug dealing, trafficking and

consequent gangland crime. The Bill deals with a very particular aspect but we all know addiction covers a wide field. I support what the Minister and the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, are doing but we must examine other issues. One of these relates to the unintended consequences of the legislation. The projects that work with those addicted to Z-drugs and benzos are under major pressure. Their supply is going to be interfered with when the legislation comes into force. As a result, the projects are going to need support with the additional work that they are going to be doing. There are problems in respect of detoxing from these drugs. The projects have been seeing the difficulties for those addicted to benzos in trying to bring down their use so they can reach the point where they can get into a residential programme. We know we do not have enough rehab places and the coming into force of this legislation could be the wake-up call for some in addiction to tackle their problems, particularly if they can access rehab and other services at that point. We do not want them left in the precarious position of looking for alternative drugs. We know there are plenty of those around, from crystal meth to heroin to crack cocaine. The more addicts that get into recovery, the better it will be for them, their families and communities and also for our economy. We know the cost of this, through the health system and through the justice system.

Another aspect is the care planning and case management for individuals in addiction treatment, rehab and recovery. We must also look at the methadone protocol. I acknowledge the stabilising effect of methadone. I know young people and older individuals who were able to improve their lives because they were on methadone, but it is only a part of a treatment process. Methadone is not a stand-alone treatment, so there is a need for frequent monitoring and reduction of dosages. Those on methadone need access to other services and treatment through primary health care. Methadone, except in very extreme circumstances, should not be a long-term strategy. Diagnoses of HIV are increasing among those injecting the drug snow blow. I recently attended an event hosted by HIV Ireland at which this matter was highlighted and at which literature on harm reduction, which shows people what to do, was available.

The SAOL Project works with women in addiction and it developed a really valuable programme called Reduce the Use. Again, this was very practical, helping people to respond to their key drug issues and also for the professionals who work with them. It made practical suggestions about the skills and tools needed, about cravings and relapse prevention and about negative thinking. It was giving people in addiction the chance to work on their addiction at their own pace and in their own space.

I will move on to decriminalising possession of small amounts for personal use. It is not right that people are carrying this charge with them for the rest of their lives, but we also need to look at how some who are in recovery for quite a number of years are prevented from progressing in education and in study because they have a criminal record. The bigger picture relates to the question of the legalisation. We need a debate on this and I hope we can have it. The decriminalisation of the possession of small amounts is the easy part. Fr. Peter McVerry does not like the word “legalisation”. He would prefer to talk about controlling the supply of drugs. He sees it as the State taking control of the supply of drugs. We know one immediate effect would be getting at the criminal gangs and cutting off their sources of wealth.

I also want to mention the Recovery Academy, which came about as a result of a symposium of over 100 people, the majority of whom were in recovery. They were acknowledging the role of harm-reduction measures and getting people into treatment, but the challenge then was to encourage individuals to move from treatment into recovery. Again, the Recovery Academy came up with solutions that were practical, achievable and cost-effective. It was about reorient-

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ing services to a recovery paradigm. I hope the Ministers of State mention at the consultation process in which they are hoping to engage that those groups I have mentioned – the Recovery Academy, the SAOL Project and Soilse – will have a space there. They have been there before. They have been involved in other consultation processes. We are all talked out on this. People know what needs to be done and what can be done. At a recent Recovery Academy meeting I met a group from England that was presenting. With £1 million, they had been able to open Recovery Central. This is a café - with a space for business incubation units and with social enterprises - for those in recovery. It was on a high street, so it was visible and was, therefore, also making a contribution to tackling the stigma attached to being in addiction.

We know all the pillars of the national drug strategy – control of supply, treatment and rehabilitation – but prevention and education are the Cinderellas of the process, of that there is no doubt. I was involved with prevention and education in the North Inner City Drugs and Alcohol Task Force and we ran a number of conventions for young people. There were four in all, with about 400 young people attending. They came from fifth year and transition year classes in the north-east and north-west inner city. The conventions were facilitated by the youth leaders, but it was a listening exercise with young people and they were very willing to engage, because they appreciated that they were being listened to. There was no telling them because they were aware of all of those dangers. Some of them were prepared to take those risks.

We also looked at intervention and prevention. The levels of intervention and prevention varied greatly. I know I am a former teacher, but I really feel that we need to look at prevention and education in a different way. We should not just land it on schools because there are so many difficulties attached to schools in the context of this issue. The young people to whom I refer very much appreciated the fact that we were willing to listen to their views and we produced a report on foot of what was said. They were certainly willing to look at ways that would get those of them who were into drug and alcohol abuse to think. There was a significant number of individuals who were not into those things, but it was about getting those who were abusing drugs and alcohol to stop and think about what they were doing, why they were doing it, what the dangers are if they go this route, what else they could do or how they could help themselves in a better way.

I hope there will also be a space for young people in the consultation process, especially young teenagers from the areas that are most affected, to come in and give their views. Equally, I hope there will be a space for the users forum, UISCE, which is represented on the North Inner City Drugs and Alcohol Task Force. It has a really strong contribution to make in this area. What the Ministers of State are doing is welcome, and it will certainly be welcomed by the communities in the north inner city. However, it constitutes some very small steps on a much longer road.

**Deputy Catherine Connolly:** As has been pointed out, this Bill comes before the Dáil consequent on the recent series of murders in Dublin's north inner city. The Minister for Health confirmed in the Seanad on 15 June that the Bill had been expedited in response to those murders and because the Government and the Garda Síochána were both of the view that controlling these products under the misuse of drugs legislation would lead to more effective enforcement. In fact, it appears this was the one tool the Garda had specifically requested. While I fully appreciate the seriousness of the situation in Dublin's north inner city and acknowledge the actions taken by the Government, I have serious concerns about the idea that this Bill is the most effective way to deal with the situation. My doubts are further heightened by the failure to include the promised provisions for supervised injecting facilities. These provisions would

have enabled the Minister for Health to issue licences permitting the establishment of supervised injection facilities to provide enhanced clinical support and to mitigate the problem of public injecting by chronic drug users. These provisions have now been kicked down the road.

Most importantly, there is no urgency to the recognition by the Government that continuing down the road of criminalising the use of drugs is not working and that other countries have recognised this and taken a different approach or are in the process of doing so. Put simply, the war on drugs has not worked and it certainly has not worked for those who are criminalised for their use of drugs. The European Drug Report 2016 states that the majority of reported drug law offences relate to the possession of drugs for personal use, rather than for sale. In Europe overall, it is estimated that more than 1 million of these offences were reported in 2014. That is an increase of 24% on the figure that obtained in 2006. Of the reported drug offences, more than three quarters involved cannabis, so we have a significant amount of Garda resources going into charging people with the use of drugs and a very low success rate in the conviction of drug dealers.

If we return to alternative ways of dealing with this, Portugal - a small country like Ireland - recognised in the 1990s that the drug problem had become one of the main concerns of the public, as had the significant increase in the number of people infected with HIV-AIDS and other associated illnesses. My knowledge of Portugal comes from a report of the Joint Oireachtas Committee on Justice, Defence and Equality, whose members visited Lisbon and studied the situation there.

*9 o'clock*

That report acknowledges that drug abuse was not confined to any particular social class but was a universal problem. It also noted that not all addicts were using illicit drugs but were in some cases addicted to prescription drugs. To criminalise, rather than treat, this group of people was viewed as wrong. The first step in Portugal was to remove responsibility for this matter from the justice department and reassign it to the health department. It was also noted that, while it was still an offence to take or possess drugs, the offence is now treated in a similar way to a traffic offence. This provision applies only to possession of a quantity equivalent to up to ten days' supply for personal use. Any person found in possession of drugs must report within 72 hours to a commission for addiction dissuasion for a treatment programme tailored to the individual's needs to ensure the best possible result. The report is worth reading because a number of things are highlighted by the joint Oireachtas committee about the system in Portugal. One advantage is that a person ends up with no criminal record. This is an important component of the approach. The purpose of this provision is to allow the person a second chance to turn his or her life around.

The importance of education was also mentioned. They mentioned the importance of breaking the cycle and highlighted the fact that drug addicts have the opportunity to move away from a life of drugs through positive discrimination when it comes to gaining employment. The system offers employers tax breaks to employ recovering addicts and the state will pay the employee's salary. The employer is required to release the employee for treatment and counselling until his or her programme has concluded. The delegation was told that, in many cases, these employees gained full-time employment and did not go back to using drugs. Deputy Wallace has given other examples, but this is one the Oireachtas looked at. The delegation may not have agreed with the approach, but it certainly thought it was well worth looking at.

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The outcome in Portugal has not been an increase in drug taking, nor has it resulted in Portugal becoming a destination for drug tourists. The report sets out the fears that were expressed when the relevant legislation was passed and the outcome 15 years later. It states that drug consumers are no longer looked upon or treated as criminals, either by the authorities or by society. They become less dependent on traffickers and police discretion, and the system has saved money by avoiding thousands of criminal cases dealing with drug consumption, which is very important for police resources, as such cases cost time and money with absolutely no gain.

Closer to home, we have the report from the Royal Society for Public Health in the UK, called Taking a New Line on Drugs. It states, "We need a new, people-centred approach to drug policy, rooted in public health and the best available evidence." The time for reframing the global approach to illicit drugs is long overdue and the imbalance between the criminal justice and health approaches to illicit drugs is counterproductive. This is a high-level report published in the past couple of months. It assessed the situation in the UK as regards the rising harm to health from illegal drugs, with reference to their context within the wider drug-scape, including legal drugs such as alcohol and tobacco, which is particularly important given that we were all at a briefing on the Alcohol Bill today. It sets out a new vision for a holistic, public-health-led approach to drugs policy at a UK-wide level. Indeed, the executive summary states:

At both individual and population level alcohol and tobacco cause far greater harm to health and well being than many of their illegal counterparts. Tobacco kills the most people and alcohol is not far behind with death rates from alcohol misuse on the rise. Alcohol and tobacco use alone costs society more than all class A drugs combined.

It also discusses decriminalising the personal use and possession of all illegal drugs and diverting those whose use is problematic into appropriate treatment centres.

I will finish by asking the Minister to look at these reports and at international evidence and best practice and to let them determine the next strategy and the next piece of legislation that comes before this Dáil so that we can all work together and tackle a problem that will not be tackled by criminalising drug users.

**Deputy Róisín Shortall:** I am pleased to speak on this Bill but it is regrettable that the attendance is so poor, which reflects the general attitude of the political establishment towards issues associated with drug misuse. I welcome the new Minister in her new role. I had the opportunity to meet and greet her in Ballymun in my own constituency last week and we appreciated her visit to the area. I know she has a very keen interest in substance misuse and other issues associated with disadvantaged areas and I am sure she will be a big success in the job.

As a previous occupant of the position, though I shared it with a number of other responsibilities, I very much welcome the fact that we now have a Minister of State who is dedicated and has sole responsibility for substance misuse. I encourage the Minister to be as vocal as possible within Government on the issues associated with drug misuse which ravage so many of our constituencies and our communities across the country. I also strongly encourage her to meet on a regular basis with those involved in the local drugs task forces and in regional drugs task forces. They are a sounding board for what is actually happening on the ground and if she builds up a good relationship with them she will be very well informed about not only the scale of the problem and what is and is not working but emerging trends too. That is important because the drug problem changes all the time and the substances involved change on a regular basis.

Some of the Minister of State's previous party colleagues did not place any great value on the role of the drugs task forces or their valuable role in combatting the drug problem in Ireland. There have been various attempts in recent years to contain local community groups, including drugs task forces, but despite the attempts of Ministers the task forces remained outside their control and I am very glad about that. Many other community organisations were closed down, however, and communities are paying a big price for that. There have been huge cutbacks in community funding compared to what was available in previous years. This may have been seen as an economising measure but will not turn out to be so in the medium and long term. The funding withdrawn from disadvantaged communities was the glue that kept many of them together, and we will pay a price for the cutbacks.

I very much welcome the publication of this Bill. It has been a very long time coming. In August 2002 the local drugs task force in Ballymun and YAP, the organisation the Minister of State met last week, produced a report called *Mother's Little Helpers*, and this was already identified as an emerging problem. There was a tendency to over-prescribe benzodiazepines and Z drugs, a practice that was replicated across many disadvantaged communities, with women, often young mothers, going to GPs and public health nurses showing all the signs of stress associated with social disadvantage and having to cope with rearing families in very poor conditions. It was often the case that the general practitioner took out the pad and wrote a prescription. Certainly, there was a significant problem with over-prescribing of benzodiazepines going back that far.

In the past seven or eight years the local drugs task forces became aware of this as a very significant problem and the profile of the problem had changed somewhat. It was still associated with over-prescribing but it was also associated with the widespread availability of prescription drugs. Some of those were finding their way onto the streets through leakage from over-prescribing but other amounts were being brought in at the ports and airports. Increasingly in recent years we have seen where large quantities were brought in by ordering them on the Internet.

Over the past four years or so there seemed to be very little political leadership on this issue in the Department. That is regrettable. For whatever reason it seems to have slipped down the political agenda. It certainly did under the previous Government, along with the need to prioritise the whole area of drug abuse, drug treatment and rehabilitation. It is very much welcome that it is finally back on the agenda. It is unfortunate that it took very serious incidents and a high escalation in gangland crime, particularly in the north inner city, to get it back on the agenda because some of us in this House have been raising it over a number of years. It was not taken to be a serious issue, mainly because it predominantly affected working class areas, and there had not been much interest on the part of the previous Government in issues affecting such areas. It took the explosion in gangland crime in the north inner city and public opinion demanding that something be done. When this blew up, a number of Ministers suddenly discovered that there was a very serious problem and it does not just affect the north and south inner city. It has now taken a hold throughout the country. Second only to the problem of alcohol misuse is the problem of prescription drug misuse. A problem that was confined to disadvantaged areas a number of years ago has become a scourge throughout the entire country. Prescription drugs, benzodiazepines and Z drugs seem to be the drugs of choice for vast numbers of people and they are freely available in every city and town. As a result of largely neglect at an official level, we now have a major problem that has to be tackled and it is very regrettable that it has got to this point before any serious action has been taken.



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Front-line workers across several different disciplines have been calling for this measure for years. My local drugs task force in Ballymun, of which I am a member as are other public representatives in the area - I was also a member of the Finglas drugs task force - called for it but it is coming back from all of the drugs task forces, and has been for several years, that this is the second biggest problem in regard to substance abuse, second only to alcohol misuse.

What was identified a number of years ago during my short time in the Department of Health was the need to introduce regulations to tackle this area. We thought we were in a situation where primary legislation was required and, as a result of a Supreme Court ruling last week, we do not need that primary legislation but I am glad that we are at least having an opportunity to discuss this issue here.

It is very difficult to discuss the issue in the absence of regulations. We have heard various Members in this House and in the other House talking critically about these proposals and, on the face of it, it does appear that this is an attempt to criminalise people who have addiction problems with prescription drugs. I do not believe that is the intention of it. If the kind of regulations that will come forward shortly are like those that were produced in draft form four or five years ago, I would be very confident that that is definitely not the intention of this legislation. The intention of this legislation is clearly to tackle the problem of the street dealing of prescription drugs, which is widespread. Various people, including the Garda and the customs service, have been calling for urgent action in this area for several years.

It is unfortunate that we do not have the regulations to consider now. It would be helpful from the point of view of the public debate, the debate in this House and in the Seanad if we had the regulations because they would explain what is behind this move to legislate in this area. It would also be helpful if there was input from Members of this House to those regulations. I hope they are sound and robust and that they take into consideration all aspects of the problem, but it would be helpful if we could see them. Bearing in mind that they are secondary legislation the Minister of State is not obliged to debate them. She just lays them before the House, but I ask her to consider allowing some Government time for a discussion on the regulations, ideally prior to them being signed. That is not an excuse for delaying them by any means. If we had sight of the regulations now it would allow for far better scrutiny of the Bill, and it is unfortunate they were not published in advance. I hope there is no further delay.

The substance of the Bill is sound. The primary purpose is to control certain drugs and to try to tackle the street dealing of prescription drugs, especially benzodiazepines and Z drugs.

It is important that people who have spoken against the Bill and those who have raised concerns are clear about its primary purpose. Obviously, it will do very little on its own, and no one is claiming that it will. The country does not just need new laws; we know it needs new drug services. We need to concentrate particularly on rehabilitation. There is a need to update the national drugs strategy and I recognise that is under way. It is critical that the new strategy includes all aspects of alcohol misuse because until recently there was concern that alcohol might be an afterthought or not included at all.

There is a need for many more dual diagnosis places for people with combined mental health and addiction issues. Many people who contributed to this debate in both Houses talked about the reasons people get involved in substance misuse. We have a major problem with it in this country, whether it is alcohol, prescription drugs, heroin or what are called recreational drugs. For some reason there is a basic problem in the Irish psyche. Large numbers of Irish

people want to get out of their heads on a very regular basis. Many people spoke about the fact that very significant numbers of people are in serious pain for one reason or another. It is pain caused by abuse, neglect, isolation or alienation. That is very much at the heart of the Irish psyche and we need more study of that area. We talk about responses to substance misuse but we spend very little time researching the root causes of it and the reasons people feel they have to take steps to numb their minds and get out of it. That is not just an issue affecting disadvantaged communities but it is something I believe warrants further research.

I first became aware of this problem in 2002 in Ballymun but also in the past seven, eight, nine or ten years where it was a consistent issue arising at the local drugs task force meetings in Ballymun. The problem was with misuse and over-prescribing. There was a very significant problem of polydrug use and other Members referred to that. There was very high usage of prescribed drugs in comparison to other countries. That also warranted further investigation.

During my short time in the Department of Health we undertook a study to look at prescribing patterns. We only had access to data as it related to public patients. We looked at prescribing patterns of GPs across the State. There was a wide variation among GPs in the quantities and durations of prescriptions. There were some very serious cases. In one example a person was arrested and in other situations there had to be serious interventions by the HSE with direct approaches to GPs to ensure they changed their prescribing practices. GPs themselves welcomed the information. Many of them are operating on their own in their practice and they welcomed the data showing how they compared to their peers. That basic information is the starting point to changing practice. I do not know if that project is ongoing but it is important that it would continue. We need to investigate and invigilate what is happening in patterns of prescribing. Academic studies and Department of Health studies have over the years shown that Ireland is out of line with other European countries in the high level of prescribing of sedatives and benzos.

It is a long time since the problem of street trading in prescription drugs became apparent, especially in the Dublin area. I recall when I was in the Department of Health four or five years ago, one could actually look out from the Department and see dealing going on directly underneath the windows, all around the Screen cinema and on the Liffey boardwalk. It was public and open and everybody wondered how on earth this was going on under the eye of the Garda, the Department of Health and everybody else. When there was consultation and engagement on this problem by the law enforcement agencies and other players the Garda made it clear that its hands were tied regarding the policing of this problem. The gardaí would stop people who appeared to be dealing on the street and who may have had a few packets of benzos or Z drugs in their pockets. However, because it was not an offence to be in possession of any quantity of benzos, gardaí had to prove not only possession but also intent to supply. That was the difficulty and why it was so hard to police the issue.

With regard to the Customs and Excise, whose job it also was to police the problem, there were people coming in to the State with holdalls full of prescription drugs bought or accessed in Spain, Portugal or elsewhere. The difficulty again, at airports and ports, was proving intent to supply. The law enforcement agencies have been looking for the law to be tightened in this area for many years. It was seen by the establishment as a niche issue and was neglected for far too long.

It is very easy to order supplies of these drugs, in large quantities, over the internet. The regulations a few years ago said that if a person was found in possession of prescription drugs

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they had to prove they had permission for them in one of two ways: either a prescription from the GP which would entitle a person to have benzos or Z drugs, or a licence to import. I assume that the regulations would be the same in that regard. There are associated problems when the substances being misused are legal and can be prescribed such as steroids. Very large numbers of people are now addicted to steroids which are available on the street, on the black market and are part of the whole poly-drugs scene.

Another issue which has recently come to light is the widespread availability of tanning pills. Apparently, tanning pills, which can be bought on the street and can be accessed through friends or over the Internet, have the effect of making a person very hyper, they cannot sleep and they become agitated. In order to counteract the impact of tanning pills people are also taking large quantities of benzos, sleeping tablets or Z drugs. This is an emerging phenomenon which has become obvious over the last year or so. This is what happens when a black market exists for prescription drugs which are very dangerous when taken in the wrong way or in large quantities. I hope that tanning pills, or the substances in the tanning pills, will be added to the list and will be covered by the regulations.

There are many statistics that show the scale of the problem in this country regarding the abuse of some prescription drugs. Two fifths of poisonings in 2013 involved benzodiazepines. We know that 57% of deaths where alcohol was implicated involved other prescription drugs, mainly benzos. We know that 94% of deaths where methadone was implicated involved other drugs, mainly benzos. We also know that 72% of deaths where heroin was implicated involved other drugs, mainly benzos.

I pay tribute to the excellent work done in the Department five years ago on this issue. The senior people involved there were Marita Kinsella and Siobhan Kenna who did extraordinary work. It is unfortunate that the work came to a standstill and was left to gather dust for the last number of years. When I left the Department in September 2012 I had signed off on draft regulations. I accept that there was a need for primary legislation but in the meantime there has been a huge amount of slippage and very little attention paid by people who have been in the Department in recent times.

As well as restrictions on possession and the intent to supply there are proposed restrictions on prescribing. We know that benzos should only be prescribed for a limited period of time, should be reviewed on a regular basis and there should be no practice of repeat prescriptions. That has been addressed with a number of patient groups and while there were concerns regarding people with epilepsy I believe that special arrangements were made in their case.

There was widespread consultation five years ago with all of the different players, the law enforcement agencies, the drugs task forces, the patient groups, etc. An important development in recent years was the creation of the community national counselling service. We cannot underestimate the demand there is for a national counselling service. It is very welcome that it has been rolled out so far but it is still quite patchy and there are major parts of the country that are not covered.

To those Members in the House and in the Seanad who had concerns about this I would say that the overwhelming feedback from front-line workers is that these provisions are long overdue. That has certainly been the feedback from the gardaí. Their difficulties could be addressed by these measures and they could be much more proactive in tackling this problem. Drug dealers have been flouting the law by carrying relatively small amounts knowing that they

could get away with it.

Feedback from front-line medics is that misuse of these substances continues to be a very significant problem and that such use is very disruptive of care plans. It is very demoralising for staff working in drug treatment centres who prepare their care plans, get their clients onto a programme and then their clients are bombarded on the street by offers of benzos and Z drugs. This is what is happening. People are being bombarded and it is very difficult for those who have addiction problems to avoid this. They are given the drugs for free initially in order to get them into taking them. Very quickly they get caught up in that tangled web. Feedback from client community workers is that the misuse contributes to serious anti-social behaviour and that this law is desperately needed. To those Members who have concerns about this, who balk at the idea of it, it is important to point out this is not a case of criminalising those with addiction problems but those who deal in death, in these substances that are so dangerous. We need to strengthen the law to ensure we can tackle this problem and take control of it.

I have serious concerns about the oversight of drug treatment services. We spend €100 million per annum on drug treatment yet there is little or no accountability, research or examination to see whether we are getting value for money. It is a huge budget to dole out on methadone. That seems to be the problem and there is no review of the value of this treatment. As statistics are not always automatically collected I encourage the Minister of State - if she has not been provided with them to date - to get answers to a number of questions. For example, what do we know about methadone treatment, are we getting value for money, is it making a difference to people's lives and how long are people in methadone treatment? Many people have been getting this treatment for ten years and more but there has been no intervention to get them to start on a road to recovery. Recovery must be restored to the lexicon of drug treatment. In recent years we have tended to forget about recovery and to concentrate on maintenance. Rehabilitation and recovery must be the by-words in the approach to drug and substance misuse generally.

While we need to tackle these problems and to be much more innovative in ensuring there are proper care plans for all people with addiction problems we must vastly expand the range of drug treatment services available, particularly to the many people who are addicted to prescription drugs. The level of service for such people is very limited. There was an element of turning a blind eye and regarding the problem as minor. We do not have significant drug treatment services for people addicted to prescription drugs.

When the law is changed and the approach to the widespread availability of prescription drugs changes there will be many people desperately looking for treatment. We have to ensure the system is geared for that. The Minister of State should talk to the people working in community addiction services and the drugs task forces because they have a handle on the scale of demand there will be for services. It is important to be geared up for that and that the system can cope with the demand.

While there are very significant problems with substance misuse across the population, we cannot get away from the fact that the problem is most pronounced in areas of severe disadvantage. Providing drug treatment services and awareness is important. Tackling the supply of drugs is critically important and that is where this legislation will play a role. Unless we change the conditions that lead people to self-medicate in an effort to block out the issues that make their lives very difficult we will not get to the root of this.

**Deputy Fergus O'Dowd:** Ba mhaith liom comhghairdeas a dhéanamh leis an Leas-Cheann

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Comhairle nua. Níl sé fógartha go fóill so nílím chun a ainm a rá.

This is a very important debate and I welcome the legislation the Minister of State has proposed. It is timely and has been brought forward because of appalling deaths and criminality in parts of inner city Dublin. It is urgent and necessary because the substances named in this legislation, and I presume others which should be allowed to be added, will help fight the criminality involved. We must never forget that the communities that misuse drugs most are the ones that are most disadvantaged. They are the communities where people have the least education, the poorest health, the highest unemployment rate and the highest number of people in prison. We need a more holistic approach as a society to fight this. This is not an attack on the Government. We must have a new vision for change. It is obvious what we must do. We must go into the communities that suffer the greatest poverty and deprivation. We know this is what we should do, particularly in terms of education. Pre-school education must be an absolute priority. It makes a huge difference to children from disadvantaged homes to get an extra year or two of pre-school education. When they start normal school they can compete with their peers from any other part of the community. We need to accelerate the engagement and involvement in education and health care in these communities.

I used to be a teacher agus a Cheann Comhairle, bhí tusa i do mhúinteoir freisin tráth, and I know from my experience of 27 years in a classroom exactly how difficult people find it to come to school if they have not had a breakfast or if they do not have a parent at home. I know how difficult it is for a school to address the issues of young children with behavioural problems when there is nobody at home to look after them or when the culture in the home does not give high priority to education. I am not preaching but I am saying we need to intervene earlier. The significant increase in the ability of people to reach the very best in their lives in the most disadvantaged communities is measured by the earlier and the broader the education they get. That is the first area to tackle.

Affirming the importance of these communities and putting the resources into them is very important. I welcome the homework clubs, the garda liaison officers and all the community workers involved in many if not all of these communities. That is leading to change. The Minister of State is well aware of these problems in her constituency. Health care is also important, as is educating mothers and fathers in parenting. People have suffered in recent years, particularly in the communities where drugs are most prevalent because of the recession and increased unemployment and they have poor self-esteem. The poorer communities have suffered most in the recession. As the economy improves we must give more back to these communities, identify and prioritise their needs. Fighting drugs and fighting crime is very important but we must do much more. Many people grow up in communities that do not have proper sports facilities, sports centres or decent youth clubs. We need to support all of the existing organisations that are involved in these communities, we need to increase investment in those communities and the number of professionals who can intervene, support, acknowledge and work with people who are poor and outside our society.

It can be very sad when people get into trouble for taking drugs. I had a 14 year old student who once in his life took gas from a cylinder in a derelict house. Unfortunately, he died that day. It was very sad because he never had a home or an opportunity to get what he should have got, namely, the care and support that he needed. That is an extreme case, but it did happen. All of us who worked with that child remember him well.

It is a tragedy for our society when we read about the inquests into those who have died as a

result of taking drugs at parties or whatever. It is very sad to look at the faces in newspapers of the fine young people who had all of their lives to live but are in their graves because of drugs they should not have taken or because they took an overdose. As we all know, taking an overdose or drugs is often a cry for help. We can and must do more.

I am aware of a number of gardaí who have a vision for change. I am aware of a number of primary school teachers and gardaí who are alert to all of these issues. Like Deputy Shortall, I am aware of community workers involved in this area. The more involvement, investment and affirmation of individuals the better their lives and the better our society will be.

In the recent recession the question of homelessness, families being brought up in hotels and people living in abject poverty who did not know when they would be put out of their accommodation arose. The Government has taken action on that, which I welcome. Nevertheless, the voices that I hear articulating their needs, concerns and worries say they are still in danger. We still need to do more. I welcome and very much support the Government initiative on housing. The Chairman of the Committee on Housing and Homelessness, who came from the other side of the House, was exceptionally incisive and decisive in producing an excellent report. We need to deal with housing issues.

This is about giving people back their lives and giving communities a chance to shine. Nobody can argue against the idea that the better the educators in schools, the better children will perform. Some involved in education will disagree with me, but it is not about class size. Rather, it is about teaching and the capacity of teachers to educate and deliver. Teachers are not born. They are made, trained and get involved in their communities. We need and must have that. We need to put even more resources into training primary school teachers, in particular. We also need to put more resources into preschools and support all communities.

I again affirm the importance of what the Government is doing in this recession. I acknowledge the disaster the recession was for all of us, in particular for poor families. We must never forget their needs and the lives they have to face. We must never forget the children who go to school without breakfast in their stomachs and who go home to houses where nobody gives them a welcome smile at the door. These are the areas in which we have to intervene. Unfortunately, these are the communities that become involved in the abuse of alcohol and drugs. The issue is broader than that, but we need to focus in particular on those communities.

I refer to the policy of Tusla in regard to child care and the role and importance of regulating the care of children in care, in particular in the private sector.

**An Ceann Comhairle:** Tá brón orm cur isteach orth ach an bhfuil tú chun an t-am ar fad a úsáid tú féin-----

**Deputy Fergus O'Dowd:** Sea. Úsáidfidh mé é.

**An Ceann Comhairle:** -----nó an bhfuil tú chun cuid de a roinnt le do chomhghleacaithe?

**Deputy Fergus O'Dowd:** Does Deputy Fitzpatrick want some time?

**Deputy Peter Fitzpatrick:** No, I need five minutes.

**Deputy Fergus O'Dowd:** Okay, I will finish shortly. Tá sé thar a bheith in am dúinn ár ndícheall a dhéanamh chun saol na ndaoine a bhfuil ag tógáil drugaí a athrú. Ar an gcéad uair eile, beidh mé ag caint faoi Tusla-----

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**An Ceann Comhairle:** Tá an t-am agat. Tá níos mó ná cúig nóiméad fágtha.

**Deputy Fergus O'Dowd:** Bhí mé chun a rá faoi Tusla ná go bhfuil jab aige ó thaobh daoine óga de ach go h-áirithe a bhfuil i ndainséar ó thaobh a n-aithreacha nó a máithreacha nó an áit ina bhfuil siad ina gcónaí, agus díriú ar an sórt saol a bhfuil acu i dtreo agus go mbeadh saol níos fearr acu. Bhí tuairiscí le déanaí faoi contaetha Lú agus na Mí, the Louth-Meath report from Tusla in 2015, which was appalling and dealt with child care and child welfare in those counties. It identified very significant problems with child welfare and child care. Subsequent to that, and due to the intervention of Tusla and the greater involvement of the HSE and other child care providers in County Louth, there has been a significant change and things are improving. I continue to be concerned about the value for money we are getting from some private service providers which provide child care facilities in remote rural areas to children who have been placed in care, often by the courts. Some have no footpaths or places for recreation. The children may not be from the community and are being watched 24 hours a day. These issues lead to some of the problems of which Deputy Fitzpatrick and I are aware.

We need to re-examine the type of interventions available for children in care or who are in trouble with the courts. Not all interventions are successful or welcome. Private service providers offer their facilities to Tusla. In doing so, they decide where the places are and many other things. They are extremely well paid. The State pays, on average, about €250,000 a year for each child that is in care. It is a major resource and I welcome the money that is spent, but I am not satisfied that it is properly spent in every case. I have given my colleague an extra two minutes.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to speak on this Bill. The amendment to the Misuse of Drugs Act 1977 is very important and one with which I fully agree. The amendment has a number of primary aims, including preventing the misuse of certain dangerous or harmful drugs and helping law enforcement authorities deal more effectively with trade in certain substances. The misuse of drugs, in particular prescription drugs, is a major issue in society today. In large urban centres such as Dundalk and Drogheda, the problem is becoming more evident. I am of the opinion that the misuse of drugs legislation is an important element in the Government's fight against drug dealing and trafficking and the gangland crimes that occur.

Some of the issues raised in regard to tackling drug crimes include the fact that drug dealers carry small quantities of drugs when on the streets, which can make it more difficult for gardaí to charge a person with the sale or supply of drugs. This Bill will enable the possession of controlled medicines to be made an offence for those in possession of drugs illegally but will not affect either those who have a prescription for drugs or health care professionals.

In addition to controlling a number of prescription drugs, the Bill will also control a number of substances which the European Union has identified as being harmful and open to abuse. I am glad that the Bill includes the drug N-bomb which, as we know, was responsible for a tragic incident in Cork last year where one person died and five others required hospital attention.

Drug related deaths are also a cause of concern for me. In 2012, there were 189 reported deaths related to drugs, and this figure rose to 219 in 2014. I am deeply concerned about the rise in drug related deaths and we need to do more in this regard. Proper education at a young age on the effects of drugs is vital if we are to combat this problem. We need to be more proactive in educating the younger generation on the effects of taking illegal drugs. Drug-taking not only affects the user but also his or her family and friends.

It is the families and friends of drug users who have to pick up the pieces and get the person back on the straight and narrow. A major cause of concern for parents of teenagers in Dundalk was the fact that drug dealers were targeting students outside local secondary schools. I received many calls from concerned parents about the practice. They told me there were young men outside schools, who had no attachment to the schools, who were attempting to sell drugs to the students as they left the school. That is a particularly nasty practice which targeted vulnerable young teenagers. Great credit must go to Sergeant Eugene Collins from the Dundalk community policing unit who targeted the activity. With the increased resources given in the last year to the Garda in Dundalk, gardaí were able actively to patrol the areas around the schools at certain times of the day. Initially, they targeted two schools in the town which resulted in an immediate decrease in the activity of the drug dealers. I thank Eugene Collins and his team in Dundalk for taking the initiative in that way to take on the drug dealers proactively. It was a great relief to parents and the schools to see the initiative being undertaken.

I firmly believe that we must educate the younger generation on the effects of drug taking. I suggest the process must start in primary school. We must make children aware that drugs are simply not cool. They must be educated on the dangers of drugs. They must realise the serious harm and long-lasting effects of drug taking. We must help those who are responsible for educating young children by providing increased resources to warn about the dangers of drug taking.

I welcome the fact the Minister recently announced a new action-based national drugs strategy which will be published later this year. I urge him to include an education programme as part of the strategy, aimed at primary schoolchildren and students in secondary schools, to outline the danger of drug taking.

I welcome the Bill. Its primary aims will prevent the misuse of certain dangerous or harmful drugs and also assist the Garda to deal more effectively with drug dealers. In conjunction with that, I urge the Minister to work closely with his ministerial colleagues in other Departments, especially the Department of Education and Skills, to develop a programme to outline the grave dangers of the use of drugs. I passionately believe that if we can convince the younger generation of the real dangers of drugs in society then we will go a long way towards reducing the number of people, particularly young people, who misuse drugs. Go raibh maith agat.

**Deputy Michael Moynihan:** I wish to share time with Deputy Eugene Murphy.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy Michael Moynihan:** I welcome the opportunity to speak on the Misuse of Drugs (Amendment) Bill. Drug misuse is a societal issue. I passionately believe there are communities around the country that are affected by drugs, not just in the larger urban centres. We, as a society, have been ignoring their plight, collectively and individually for a long time. Some politicians more than others play on people's fears rather than focus on providing solutions to the problem. They constantly do people down, play the big bad wolf or encourage the State to act as Big Brother looking down on people without engaging with them.

In the past 60 years or so major housing developments were provided in Limerick and parts of Dublin where crime has continued to flourish. The in-depth media reports on such areas go into the background and analyse generational poverty and drug use. They show how such people are outside of societal norms. They drop out of school early and fall prey to a raft of is-



sues. The major housing developments of that time were built without the proper infrastructure to make sure a normal society could develop. The State has paid an enormous price for the policies of developing major urban centres such as Moyross in Limerick and in some parts of Dublin, and we continue to pay the price. Hardly a month goes by without a shooting incident in parts of this country, which are all drug related. Significant amounts of money can be got from drugs and major issues arise in terms of how the drug problem is being addressed.

We have called for the Bill that is before us to come to the House for some time because of the devastation caused to families and communities. Significant amounts of money from various State agencies are put into resource centres and trying to deal with the issues. More resources are required, especially given the cutbacks that ensued during the years of austerity in recent times, but we must examine where the money is going. I believe between 15% and 20% of society is not engaged. I include the very youngest to the oldest people in that cohort. They are not engaged in remaining in school. They are not engaged in second level education or any aspect of the State or society. That is having a disastrous consequence on young people.

Reference has been made to the abject poverty that exists in other countries, but we have abject poverty in our communities. Young children are being brought up in a climate of fear. We hear various stories in that regard. We must consider how people are being treated by society and what policies are needed. Such communities formed 3% to 4% of society 25 years ago but they have now grown to 15% and their number is increasing. Major social policy initiatives were taken by various Governments of all hues since Independence. I refer to housing and free education, among others. We must examine the development of policies to deal with the misuse of drugs but we must also focus on those areas where drug usage is highest and where people's health is a lot poorer than the average. Thank you, a Cheann Comhairle, for your indulgence. I will give the remaining few minutes to my colleague, Deputy Eugene Murphy.

**Deputy Eugene Murphy:** I will be brief. I was present in the House for some time this evening and I was struck by the overall agreement in the House about the significant difficulty we have. We must try to solve the issue together. The Minister of State, Deputy Catherine Byrne, is aware for a long time of the serious problems that exist in Dublin but they also exist in other parts of the country. It is extremely important that we all act together in that regard.

I am conscious of the front-line staff who must deal with desperate drug situations. That is something on which we probably do not reflect enough. In addition, there are all the sad family situations that have developed around the country due to drug abuse, and all the heart-breaking scenarios that occur. Deputy Fergus O'Dowd mentioned children whose parents have got hooked on drugs or where there are difficulties and they go through a very challenging period. They must be looked after as they need to be helped.

Fianna Fáil is supporting the Bill. It is extremely important that it is at the top of the political agenda. Many good points were made in this evening's debate on all sides of the House. It has been said that there is a real focus on the issue now and that it will not be subject to political point scoring from any side. That is as it should be.

The main objective of the Misuse of Drugs (Amendment) Bill is to amend the Schedule to the Misuse of Drugs Act 1977 by adding to it a number of substances to help law enforcement authorities to deal more effectively with the illicit trade in those substances, which is a major problem around the country, not alone in the big urban areas but in many other parts of the country. The political system must come to terms with the issue and find a better way of deal-

ing with it.

Reference has been made over and again to the Z drugs, which is a relatively new problem we must deal with as well.

Debate adjourned.

### **Message from Select Committee**

**An Ceann Comhairle:** The Select Committee on Justice and Equality has completed its consideration of the Paternity Leave and Benefit Bill 2016 and has made amendments thereto.

The Dáil adjourned at 10 p.m. until 12 noon on Thursday, 7 July 2016.