



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 2 Samhain 2016*

*Wednesday, 2 November 2016*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Micheál Martin:** The country is facing an unprecedented withdrawal of labour on the part of rank and file gardaí and higher-level sergeants and inspectors the day after tomorrow. This very dangerous situation is quite unprecedented. Since the foundation of the State, An Garda Síochána has been the glue that has held our society together through many dark moments. Indeed, many gardaí have given their lives in the course of their duties to protect their fellow citizens. Breaking the law is not intrinsic to them. It is the last thing they would want to do. In my view, it is dangerous and should not be an option. This strike should not go ahead because An Garda Síochána is truly the rock upon which our democracy is built. Having said that, this dispute has been allowed to drag on for far too long. The Garda Representative Association, GRA, was told it is not a trade union and was promised this, that and the other. However, it has been left at the back of a long queue for far too long. Rank and file gardaí feel isolated, demoralised and ignored. Their numbers have been depleted and their pay has been reduced. Their legitimate grievances have been compounded by the rudderless nature of the Department of Justice and Equality, which has had difficulties in filling top positions and, in terms of how Government works, essentially has not been in a position to deal with the issues that have affected gardaí in recent years. We are all very aware of those issues.

I put it to the Taoiseach that many people are quite fearful of what may ensue if the strike goes ahead. Should businesses, banks and post offices open? Citizens are fearful of what will transpire as they go about their daily lives. These issues have been left on the back burner for far too long. Why did it take so long to bring them to the Workplace Relations Commission, WRC? The resolution of this problem is now in the hands of the Labour Court. It is imperative that the recommendations of the Labour Court should be put to a ballot. All members of An Garda Síochána should be balloted on the court's recommendations. I ask the Taoiseach to indicate whether that is his understanding of what may transpire. It is nobody's interests, least of all those of An Garda Síochána, for a strike to take place on Friday. I think every effort should now be made notwithstanding the belated nature of what has been going on in the past week. Every opportunity should be taken to ensure that this strike is averted. In my view, untold dam-

age will be done and we must all collectively ensure that an institution of the State, which has been central to its foundation and emergence from the ashes of the Civil War and right through dark periods, is held intact and that the State responds to the situation that is now emerging.

**The Taoiseach:** I thank Deputy Martin for raising this question. It is of the utmost seriousness for the country, for society and for the members of the Garda Síochána. The motto of the Garda, as everyone is aware, is to work within communities and to protect the public.

This matter has taken up a great deal of time from the point of view of the Government, particularly for the Minister for Public Expenditure and Reform and the Tánaiste and Minister for Justice and Equality. I share the deep concern of Members about the implications of possible industrial action by the GRA and the members of the Association of Garda Sergeants and Inspectors, AGSI, this Friday. The Cabinet discussed this in some considerable detail yesterday. It was briefed on the significant offer made in an attempt to resolve it. While we are anxious that the matter would be resolved, we have made it perfectly clear that this must be resolved within the constraints of the Lansdowne Road agreement.

For many years, members of An Garda Síochána have sought access to the institutions or machinery of the State in terms of settling disputes and dealing with matters relating to pay and conditions. Government has accepted that principle and the WRC has been available, as has been pointed out, on an *ad hoc* basis until we put in place the statutory issue to allow both the commission and the Labour Court to be available to them.

Deputy Martin is well aware that the WRC is a negotiating board whereas the Labour Court is a board of arbitration - it is the highest arbitration facility in the State. I hope that the GRA and the AGSI, whose representatives are meeting representatives of the Labour Court today, will listen carefully to what the court has to say. It is independent in the way that it does its duty. However, I have to point out that it is normal procedure, as it has been in many other cases in the past, where Labour Court officials become involved independently for them to suggest to people that they take a deep breath and stand back from the industrial action while the officials look at the issues involved. Those issues include access to the WRC and the Labour Court and questions about pay and the restoration of pay.

I do not want to say anything that would in any way disrupt the conversations taking place in the Labour Court today. The meetings that took place yesterday with the Minister for Justice and Equality, the Minister for Public Expenditure and Reform, the GRA and the AGSI were good meetings. There were constructive and positive. There was a willingness to see that this matter might be resolved. No one in this country wants to see a situation where, for the first time ever, the entire Garda force, including members of the AGSI, will withdraw their services or not carry out their public duty. I do not want to see that happen and no one else wants to see that happen. This is a matter of the gravest seriousness but there is time for the proposed action to be postponed. I hope the Labour Court, given its independence, can realise that outcome following discussions with the GRA and the AGSI.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply, although it seems that the labour relations machinery should have been put at the disposal of those involved in this dispute far earlier. Can the Taoiseach confirm that it will be a permanent arrangement in terms of access to the industrial relations machinery? The reality is that they got left at the end of a long queue for far too long while the Government spoke to other unions and did deals with the unions in the past 12 months or so. That is a factor in this dispute.

The Minister for Public Expenditure and Reform has indicated that he is now contemplating bringing forward the completion date for the Lansdowne Road agreement. When this Government was formed, we were prepared to confirm our support for that agreement in the confidence-and-supply arrangement. Six months later, however, and in light of statements by the Minister for Public Expenditure and Reform, it is clear that is beginning to unravel. Can the Taoiseach indicate whether the GRA and the AGSI will be included in the talks on the successor to the Lansdowne Road agreement that the Minister has indicated will be brought forward? Will the agreement be of a shorter duration than that originally envisaged by this Government? That is important for certainty and inclusivity and could prevent further issues down the line. Will the Taoiseach indicate the Government's general position on the Lansdowne Road agreement and when we can expect to get the contingency plans if the strike goes ahead on Friday?

**The Taoiseach:** I know Deputy Martin raises this issue out of genuine concern that this industrial action should not take place and that the public can be assured that gardaí will do their duty as they always have done. Were this to happen on Friday, and I hope it does not, there will be no winners. It is always inevitable that in any industrial dispute nobody gets exactly what they are seeking. The arrangements made in respect of the deal on the table have been published and these would provide approximately €3,000 on average to members of the force in the next 15 months. That is in addition to the €1,000 that all public servants will receive under the Lansdowne Road agreement next September and to the increments restored to gardaí. New recruits would receive the rent allowance of €4,159.

Deputy Martin makes an important point. I recall when various arrangements for public pay and conditions were dealt with previously, gardaí always said they were outside the room, they had no input, no contribution to make and were not treated in the way they felt they should be. It is an important issue for gardaí. The Government has accepted the principle of having the machinery of the State available in the form of the WRC and the Labour Court. At yesterday's Cabinet meeting, I asked the Attorney General and the Tánaiste and Minister for Justice and Equality to move as quickly as possible to bring forward the heads of whatever legislative measure would be necessary to give effect to that. I am quite sure the House will support us.

Professor Horgan's report, which is being examined and is due to be published by December, will feed into that presentation of the sort of structure of the road ahead and how that can happen. I would like it to happen as quickly as possible. I assure the Deputy that it is the absolute intention of the Government that this machinery should be available on a permanent basis to gardaí from now on, having been made available on an *ad hoc* basis on this occasion.

The work of the public sector pay commission is under way. The commission is quite entitled to contract for itself work on specific issues about Garda pay and conditions, nurses' pay and conditions or anything else. That is entirely within its remit. It is well known that we have to have a successor to the Lansdowne Road agreement. Normally, as one prepares for the budget in the way that business is now done, there is the spring statement and the national economic conference. These normally took place in May or June. The Minister for Public Expenditure and Reform has indicated that he would like to see the commencement of debates and discussions about a successor to the Lansdowne Road agreement sometime before then. I cannot give the Deputy an exact date but that is the Minister's intention. I do not want to say anything now that would disrupt the conversations that will happen with the GRA, the AGSI and the Labour Court, which is the highest arbitration body in the country. I do hope and appeal again to people on all sides, that if it is the independent view of the Labour Court that gardaí should resile from industrial action on Friday, they would do so and have the court examine independently the is-

sues on the table.

**An Leas-Cheann Comhairle:** I gave the Taoiseach a bit of leeway because of the importance of the topic.

**The Taoiseach:** I thank the Leas Ceann Comhairle.

**Deputy Gerry Adams:** As the Taoiseach has acknowledged, the State faces an unprecedented crisis in policing. The Taoiseach has made an appeal to those on all sides. However, the Government is on one of those sides. We have known of this pending crisis for months but the Government failed to actively seek an early resolution. Many people are asking why everything is always left to the last minute. The Government allowed the summer to pass with no real effort made to engage in dialogue with the Garda representative bodies. The pay proposals the Taoiseach enumerated again today - which were put recently and belatedly by the Government - have been roundly rejected. The AGSI, described them as inequitable. The executive committee of the GRA unanimously rejected the proposed deal and said the Government's proposals were not acceptable to its members. Both unions, therefore, have given a resounding "No" to the Taoiseach's proposals.

Why is the Government not listening to what rank and file gardaí are telling him? Last night's intervention by the Tánaiste and Minister for Justice and Equality, where she warned that gardaí participating in Friday's strike will have their pay docked, and her threat to make officers liable for any damages that occur were unhelpful and, if I may say so, totally unnecessary. The Taoiseach is in touch with rank and file gardaí, as is everybody here. He knows the fear that is in communities and he must know that it is his Government's negative stance on pay for members of An Garda Síochána and teachers - and, potentially, doctors and nurses - that is fuelling Friday's strike action and the action planned by teachers on Monday because he has refused to commit to the principle of equal pay for equal work.

As we all acknowledge, citizens and communities are understandably worried by the implications of Friday's strike. The Garda bodies are with the Labour Court today. We await the outcome of that process. The Government has given a signal that An Garda Síochána will have access to the industrial relations mechanisms of the State. That needs to be a legal right. Will the Taoiseach give a firm date for the publication of the necessary legislation to provide gardaí with access to the WRC and the Labour Court?

**The Taoiseach:** No. I cannot give the Deputy that date but I have already informed Deputy Martin that the Government has decided that gardaí should have access to the Workplace Relations Commission and the Labour Court as a matter of course. To make that happen, the work of Professor Horgan must be completed. The professor's report is due in December and will feed into the work of the public sector pay commission. I have asked the Attorney General to examine the question of making preparations in respect of the legal instruments or legislation that will have to be prepared in order to allow gardaí have access, as a matter of course, to the WRC and to the Labour Court. This is the first time this has ever happened and, as I pointed out previously, on all other occasions gardaí have said that they were outside the room, they had no input or contribution and that their voices were not being heard. They are being heard now and I do not want to disrupt anything the Labour Court might say today.

The Government has approached these negotiations in a spirit of genuinely trying to resolve this issue. I recognise that the Garda Representative Association people have devoted them-

selves exhaustively in attempting to look after their members' interests but I want to put on the record that there is one issue from which we cannot escape. There are 280,000 other public servants who have signed up for a deal under the Lansdowne Road agreement. We have to treat everybody in the same way. We do not have the resources to pay all the demands relating to all of these claims, be they from gardaí, nurses, teachers or whatever. However, we have agreements with major unions in respect of the constraints that were imposed upon Government because of the Lansdowne Road agreement. The Deputy does not want to see a situation arise where Government was to go back to what applied in previous years, which caused all of these difficulties in the first instance. We value gardaí. We appreciate the work they have done. We appreciate the fact that they give time, over and above duty on many occasions, to serve the public, and I want to see that happen on Friday. I hope the discussions today between the GRA and the AGSI with the Labour Court will bring about that situation. It is not just a signal we are sending here; it is a firm commitment to make arrangements for gardaí to have access to the WRC and the Labour Court. I cannot give the Deputy an exact date except to say that it is my intention to see that it happens as quickly as possible and if there is a requirement to bring it before the House, I am sure the members of the different parties will be supportive of that.

**Deputy Gerry Adams:** A firm commitment without a firm date, as the Taoiseach will be aware, is basically meaningless. Many sectors of society have suffered in the bust organised courtesy of Fianna Fáil and the Green Party and also as a result of the Taoiseach's austerity policies, but it is no accident that those who heal, those who care, those who teach and those who guard the peace who are in their jobs almost as a vocation are treated the way they are being treated. The principle of equal pay for equal work is a simple proposition, not that a person could be employed with someone else who is doing exactly the same job and is getting paid much less than him or her.

The Government has not dealt with this issue with the urgency that it deserved. I hope that the strike on Friday will be averted but the issues involved which underpin it, like the other issues, need to be dealt with, and that includes the planned teachers' strike on Monday. What the vast majority of these public servants want and deserve is the firm and timely unwinding of the financial emergency measures in the public interest, FEMPI, cuts and the pay restoration which they need. I make the case that their demands are reasonable.

The Tánaiste and Minister for Justice and Equality stated contingency plans are in place for the planned strike by gardaí. Will the Taoiseach spell out what these are? The Tánaiste also said that the Defence Forces will be on standby as an aid to the civil power. Will the Taoiseach tell us what that means?

**The Taoiseach:** I respectfully disagree with Deputy Adams. A firm commitment without a date, he says, is irrelevant. The fact is that for the first time the members of An Garda Síochána have access to the State machinery of the Workplace Relations Commission, WRC, and the Labour Court. This is not a once-off. While it is on an *ad hoc* basis, it is a sign of commitment and the building of trust between Government and gardaí that this will become a matter of course in any future requirements that gardaí will have in regard to issues that are normally dealt with by the WRC and the Labour Court.

In regard to the issue on Friday, I am reminded that when gardaí come through from Templemore and graduate, they sign an oath in respect of the public participation of what their motto is to the Commissioner of the day. The Commissioner has directed that gardaí would turn up for work on Friday and it is an individual matter and decision for each individual garda, as has

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been pointed out by the Garda Representative Association, GRA. In the interests of the country, in the interests of the safety of the public and in the interests of the force itself, I hope that this strike and industrial action is averted on Friday.

I do not want to comment on the details of any contingency arrangements, but Deputy Adams should be clear on this. There are contingency arrangements that have been put in place by the Commissioner and senior Garda management, and that is a matter of day-to-day running, but it is difficult to have withdrawn more than 12,500 personnel on any one day and expect the system to operate 100% as one would wish. I hope this can be averted and that it will not happen on Friday.

**Deputy Sean Sherlock:** Short of a breakthrough at the Labour Court today, we are all now expecting a full Garda strike on Friday. A total of 564 Garda stations throughout the country will lie empty. Serious questions about the safety of our communities deserve a more forthcoming response than we have yet received. Things look no better on the schools front with the possibility that 507 second level schools will lie empty from next week, potentially for an indefinite period.

It goes without saying that we in the Labour Party hopes a resolution will be found with gardaí today. We believe it did not need to be like this. For weeks now Deputy Howlin has proposed a range of alternatives. The most significant of these is the establishment of a social dialogue that would involve public servants in discussions relating to public service provision as well as pay. That proposal is now receiving widespread support. As the architect of the Haddington Road and the Lansdowne Road agreements, the Deputy has also argued that we need to begin negotiations formally for a successor deal to the Lansdowne Road agreement. That would accelerate pay restoration for all public servants. Finally, yesterday we at least received confirmation that this will happen during 2017.

We have also argued, and the Seanad has agreed to this, that an employer labour conference should be established. It is our view that the Government has waited too long to take any meaningful action. We keep hearing the mantra that the Lansdowne Road agreement is the only show in town. As I have made clear, we hope that a resolution will be found with gardaí today, but even if that is the case, at this stage it is abundantly clear that the Government's mantra is not good enough. We need mechanisms that will avoid such disputes from becoming increasingly common. We need to keep teachers in classrooms, nurses in hospitals and gardaí on the beat. The more than 300,000 public servants who work in various sectors need to be at work and not on strike.

During the worst period of our history we managed to preserve industrial peace. It is beyond belief how the Government has allowed this situation to regress so rapidly. This week the impact of industrial unrest seems likely to become very real.

My questions to the Taoiseach are as follows. Of the range of ideas proposed by the Labour Party to prevent growing industrial unrest, will he seriously consider any of them? Will he explain how the outworkings of the public service pay commission will feed into the potential successor to the Lansdowne Road agreement, if at all? Will he provide more detailed information on the contingency arrangements that are being put in place in the event of a strike on Friday?

**The Taoiseach:** It is not a case of this being left until the very last moment. Clearly, the

Minister for Public Expenditure and Reform has pointed out on many occasions the constraints that are upon Government in respect of the Lansdowne Road agreement. The Government yesterday was unanimous that we have to stand by the Lansdowne Road agreement and that this dispute must be settled within that, as must the Association of Secondary Teachers Ireland, ASTI, dispute. There can be no equivocation about that. Some 280,000 other public servants have signed up, and can see the benefits of so doing, to a path and a strategy towards an improvement in pay and conditions in the time ahead.

In respect of the Workplace Relations Commission and the Labour Court, it is important to point out that when that mechanism becomes the norm for gardaí - I want it to happen as quickly as possible with whatever legislative means are required, and Professor Horgan's work will feed into that - that will give gardaí the same arbitration mechanism as any and every other worker in the country, which is an important element of the claim made by gardaí for very many years, namely, that they were excluded from all of these areas.

In respect of the discussions the Minister for Public Expenditure and Reform has had, he made accessible whatever flexibility was available to him inside the Lansdowne Road agreement, including the pooling of the rent allowance into the basic income, the opportunity therefore to have a higher level of overtime paid, the €1,000 that is available to every other worker in the Lansdowne Road agreement and the recommendation from Mr. Olson of the Garda Inspectorate in regard to the parade allowance. These are generous improvements to the current situation and within the Lansdowne Road agreement for every garda.

The public service pay commission will feed into the overall situation. The public pay commission, as I said to Deputy Martin and Deputy Adams, is entitled to commission work in respect of specific issues such as pay and conditions for gardaí or whatever else and it will generally feed into the preparation for the discussions that will follow the Lansdowne Road agreement. When the Minister for Finance sets out his ceilings for the 2018 budget, the earlier we bring forward a situation to have a successor agreement, the earlier every Department will pull from whatever that pot might be. The intention is to start the discussions and negotiations about a successor to the Lansdowne Road agreement whenever both the Minister for Public Expenditure and Reform and the Minister for Finance are in a position to set out that ceiling. As we prepare for the 2018 budget, there will be the spring economic statement and the general economic conference.

We have set up the employer labour conference and I had a meeting with it a couple of weeks back. It was a very good meeting. The point it made was that it was not a negotiating forum but a very good opportunity to express the position in so far as workers and employers are concerned.

**Deputy Sean Sherlock:** On the issue of the contingency arrangements, we all appreciate there is only so much information the Taoiseach can put into the public domain. It could be argued that the information the Taoiseach is providing us with today is not enough to allay the fears of people in communities throughout Ireland. People need to know if the phone will be answered on Friday and by whom. People need to know who will respond if someone's house is broken into or if a neighbourhood watch programme reports a local crime. These are all simple questions being asked by people in communities today. I am asking the Taoiseach if he could give us more detailed information while taking into account there are certain security issues involved, if he could make available to the House the range of contingency arrangements, and if he could be a bit more generous in terms of what it is that is being proposed in this regard.

**The Taoiseach:** I do not want to go into the details of contingency arrangements when the Labour Court is sitting in an effort to resolve this dispute so as not to have industrial action take place on Friday. I met the Minister for Justice and Equality, the Minister for Public Expenditure and Reform and the Garda Commissioner and her senior staff during the course of the week and asked that question about contingency arrangements. The Garda Commissioner, who is responsible for the day-to-day running of the Garda, will obviously make available whatever resources are available to her. That is being followed through by superintendents contacting each individual garda about their requirements for work on Friday. They will deal with sergeants, inspectors and members of the Garda. Every superintendent will have contacted them personally within their station areas so there will be a figure as to what numbers will be available on Friday. The numbers available to the Garda Commissioner will include superintendents and, where appropriate, probationary gardaí or recruits.

The Garda Representative Association has already indicated the emergency response unit and the armed regional support units will be asked to report for duty as normal. It wants to see special arrangements in respect of the national surveillance unit and the technical bureau. These units are at the heart of any response to a threat that arises to the protection of the State in so far as the Garda is concerned.

The Commissioner moved yesterday to have every garda contacted. The Commissioner is also endeavouring to prioritise certain areas, including armed response, community safety and protection, which involves the operation of the 999 facilities, security and intelligence, and maintaining a presence at airports and ports to ensure they continue to operate normally. Calls will be answered when calls come in as they do every day, even with the full force on duty.

**An Leas-Cheann Comhairle:** Tá an t-am caite.

**The Taoiseach:** I have one final point. Discussions have been going on between both the Garda and military authorities about contingencies. There is no question of the Defence Forces undertaking the duties or work of the Garda Síochána. They are only an aid to the civil power and would only stand in as an aid to the civil power were that necessary. Obviously there have been discussions with financial institutions in so far as cash transactions and so forth are concerned, but I do not wish to say anything further about it. It is unfortunate, but I hope the Labour Court, in the discussions on the genuine perspectives of both the Government and the Garda Representative Association spokespersons-----

**An Leas-Cheann Comhairle:** The Taoiseach must conclude.

**The Taoiseach:** -----will be able to deliberate in a way today that can avert the threatened industrial action on Friday.

**An Leas-Cheann Comhairle:** I am too generous with time, but it is important. I call Deputy Bríd Smith.

**Deputy Bríd Smith:** I hope you will be as generous with me, a Leas-Cheann Comhairle. There is a huge irony which I hope is not lost on the Members of the House. It certainly is not lost on teachers. Members of the AGSI and the GRA are the same people who will be vetting parents and others to do the work of teachers from Monday, when teachers will refuse to do work for which they are not paid. To correct some of what other Deputies have said, there is no action or strike planned by teachers on Monday. What is happening on Monday is that the Minister is refusing to pay members of the Association of Secondary Teachers in Ireland, ASTI,

for supervisory duties. If the schools close in that scenario, the Taoiseach, Government and the Minister are responsible for that closure, not the members of the ASTI. That must be made clear.

This is a sideshow. The members of the ASTI took a day's action just over a week ago for pay equality. It has been extraordinary to listen to the depths that journalists and others have gone to in an effort to get the Minister for Education and Skills, Deputy Bruton, to state that he believes in equality. "Equality" is a simple, popular, profound word in human society, but the Minister will not say it. He will not acknowledge that he supports pay equality. It appears that, should the Labour Court bring forward a recommendation that satisfies the gardaí and they do not go on strike, there is a deliberate attempt by the Government to isolate members of the ASTI and to paint the ASTI as a dodgy organisation. In fact, it is extremely democratic. There are 180 elected members on its executive, its president is a lay teacher rather than a trade union official and the union consults constantly with its members. Its sin, however, is that it did not vote to stay in the Lansdowne Road pay agreement. On Monday, the terms the members of the ASTI adhered to under the Croke Park agreement will no longer be adhered to because the members are outside the Lansdowne Road agreement. Is it not more irony that the State is willing to pay parents and others €36 per week, as opposed to €15 per week, to carry out the supervisory duty? The *Irish Examiner* reports this morning that it would cost €70 million in total, less than 1% of the education budget, to restore full pay parity for all teachers.

Does the Taoiseach support equality in pay? Is he for the restoration of full pay equality to all teachers, regardless of their trade union membership, and to nurses and gardaí? Does he believe in equality and does he wish to see it restored? If so, is there any way he can extract from the Minister's mouth that he, too, believes in it? If not, perhaps before the Taoiseach leaves office, and I see he is being celebrated on RTE, he might make the statement: "I believe in equality". Otherwise, it is the equivalent of saying to Rosa Parks, when she got on a bus all those years ago to demand equality in public transport, that she is entitled to one fifth of a seat, not the full seat.

**The Taoiseach:** Equality is at the very centre of the work the Government tries to do across a range of spheres. I am disappointed that the ASTI has taken a day's action-----

**Deputy Bríd Smith:** It has not taken a day's action.

**The Taoiseach:** -----and that others will follow. It is important to note that there are two disputes causing industrial action on the part of the ASTI at present. The first relates to the withdrawal from supervision and substitution, which is likely to cause indefinite closures from 7 November on, affecting over 250,000 students and parents. That is the result of the ASTI's withdrawal from carrying out the 33 hours per year under the Croke Park agreement. There is a deal on the table which will see payments for supervision and substitution restored, as well as a number of other benefits to ASTI members, if they agree to carry out the 33 hours under the Croke Park agreement and suspend their industrial action. At the heart of that dispute is less than an hour per week, agreed in previous public pay deals, to allow schools to host planning meetings and parent-teacher meetings outside school hours. I am sure the Deputy would agree with it. Similar hours are worked across the public service. Most public servants agreed to work 100 extra hours per year, as against 33 in the education sector. The Deputy is aware that the TUI and INTO have already negotiated an agreement and are benefitting from the Lansdowne Road agreement.

The dispute which caused the one-day stoppage last week was about new-entrant teachers. There is a deal on offer to the ASTI which would see increases of 15% and 22% for new entrant teachers with further benefits in working conditions and a route to a further possible improvement through the public pay commission, which is entitled to do a specific analysis of teacher pay and conditions. The deals being paid to the TUI and INTO are available to ASTI. The starting figures will increase by 15% between August of this year and 1 January 2018, from €31,000 to €35,600. An individual member recruited since 1 September 2015 will see a 22% increase in pay from 31 August this year to 1 January 2018, from €31,000 to €37,700. The ASTI's decision to withdraw from supervision and substitution was a unilateral decision which deprived its members of benefits. If it reversed the ban, the benefits would be available to them forthwith. The agreements reached with the TUI and INTO speak for themselves.

**Deputy Bríd Smith:** For the benefit of everybody who needs to understand, I repeat, should the schools close on Monday indefinitely, it will be due not to the action of the teachers but of the Government. The ASTI is not planning action. Its members are just not working for something for which they are not getting paid. None of us here is working for something for which he or she is not getting paid. Very few people do. We are witnessing major anger at the slow unwinding of the FEMPI legislation. Nurses have to work an extra shift every six weeks under appallingly stressful conditions in a creaking health service that does not even allow nurses to work at an even pace when they are working for pay. This will spread across the public sector. It will not stay confined to teachers. There is a high level of disgruntlement and it boils down to equality. Teachers are working alongside people who are doing the same job on a completely different pay scale.

Equality must be restored not gradually but fully. You do not give Rosa Parks one fifth of a seat on the bus; you give her a whole seat, if you believe she should be treated equally. When women were fighting for equal pay, the Government would never have suggested giving them a portion of the pay they were entitled to. The Government should make a commitment to give full equal pay and set a date when it will be implemented. The dispute on Monday is not about teachers withdrawing. They are just refusing to work for nothing. The Government is closing the schools, and it must acknowledge this.

**The Taoiseach:** Again, the Deputy has deliberately missed the point. The ASTI's decision to withdraw from supervision and substitution is the cause of a situation in which boards of management are unable to keep schools open due to health and safety reasons.

**Deputy Bríd Smith:** The Government should pay them for doing the work.

**The Taoiseach:** Due to this decision, more than 250,000 pupils and their parents could be inconvenienced on an ongoing basis. Although supervision and substitution were part of the agreement heretofore, the ASTI, for its own reasons, decided to withdraw from it. The agreement was to work 33 hours extra per year, or one hour per week. Most other public servants agreed to work 100 extra hours per year. If the ASTI wants to have the substitution and supervision money paid to its members, all it has to do is reverse the ban, which it decided on. The closure of the schools was not directed or caused by the Minister for Education and Skills. The boards of management are responsible for opening schools, and they cannot open them if there is not proper supervision for the children who attend. The ASTI could deal with the issue today. The question of the pay for new entrants has already been outlined. I hope we can again have a situation where the ASTI would reflect on what the Teachers Union of Ireland and Irish National Teachers Organisation have done in sitting down, balloting their members and agreeing

to receive the benefits they are now receiving. Those benefits are available to the ASTI in the same way. This is about the country moving forward as a country and not for any individual sectoral gain. Again, we cannot step outside the Lansdowne Road agreement.

**Deputy Bríd Smith:** The Taoiseach is sounding like William Martin Murphy. He is going to lock out the teachers next Monday.

**The Taoiseach:** The Minister for Public Expenditure and Reform has no leeway left.

**Deputy Gino Kenny:** He will lock out the teachers on Monday.

**The Taoiseach:** The benefits here are available to the ASTI and I hope the discussions now taking place will bring them about.

### **Order of Business**

**Deputy Mattie McGrath:** Today's business shall be No. 8, motion re Standing Orders 39 and 95; No. 13, Criminal Law (Sexual Offences) Bill 2015 (Seanad), Second Stage, resumed; No. 3, Companies (Accounting) Bill 2016, Order for Second Stage and Second Stage; and No. 14, statements on Calais. Tomorrow's Government business shall be No. 13, Criminal Law (Sexual Offences) Bill 2015 (Seanad), Second Stage, resumed; No. 15, Wildlife (Amendment) Bill 2016, Second Stage, resumed; and No. 3, Companies (Accounting) Bill 2016, Order for Second Stage and Second Stage. No. 22, Public Holidays (Lá na Poblachta) Bill 2016, Second Stage, will be taken in the evening slot.

I refer Members to the report of the Business Committee dated 27 October 2016. In regard to today's business, there are four proposals. It is proposed that No. 8, motion re Standing Orders 39 and 95, shall be taken without debate; there will be no Taoiseach's parliamentary questions and ordinary oral questions shall take place on the conclusion of the Order of Business; there shall be no suspension of sitting under Standing Order 25; and the Dáil shall adjourn on the conclusion of No. 14, statements on Calais, which shall take place at 8 p.m. and which shall be brought to a conclusion after two hours and five minutes. In regard to the statements on Calais, a Minister or Minister of State and the main spokespersons for parties and groups, or a member nominated in their stead, may speak for 15 minutes each, and there shall be a five minute wrap-up by a Minister or Minister of State. All Members may share time and there shall be no Private Members' business.

In regard to divisions this week, it is proposed that any division demanded which would normally take place in the weekly division time tomorrow, Thursday, 3 November, shall be deferred to the weekly division time on Thursday, 10 November.

**An Leas-Cheann Comhairle:** There are two proposals to be put to the House. Is the proposal for dealing with Wednesday's business agreed to?

**Deputy Mick Wallace:** It is not agreed. Since the business was agreed, there was a development over the weekend as the Comprehensive Economic and Trade Agreement, CETA, was more or less signed off. This is something that should be debated in the House today. The debate on legislation regarding sex workers could be put off until tomorrow. CETA is a very important issue and it concerns many people in Ireland.

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**An Leas-Cheann Comhairle:** We are not having a debate on CETA, although perhaps we might be. Is the Deputy opposing the Order of Business?

**Deputy Mick Wallace:** I am.

**An Leas-Cheann Comhairle:** May we leave it at that, please?

**Deputy Mick Wallace:** May we have the debate on CETA today?

**An Leas-Cheann Comhairle:** I have a proposal to put to the House.

**The Taoiseach:** I indicated on Question Time last week that it would be necessary to have a debate in the Dáil and approval from it in respect of the elements of CETA that are appropriate to our national responsibility. That will happen as part of the normal business of the Dáil.

**Deputy Mick Wallace:** Since the Taoiseach addressed the issue last week, the agreement was signed over the weekend, with Belgian opposition stepping aside, leading to the agreement. It is now a matter of paramount importance that we discuss it here.

**The Taoiseach:** To clarify, that is a provisional agreement. The terms of the agreement will not come into force until the relevant approval is given by the Dáil. We intend to have that debate.

**Deputy John Brady:** Next week we are dealing with the social welfare Bill. On foot of a freedom of information request by Sinn Féin, we found that waiting times for applicants, for example, for carer's allowance has jumped from 19 weeks in June to 40 weeks.

**An Leas-Cheann Comhairle:** That is not relevant to the Order of Business.

**Deputy John Brady:** It is a serious issue.

**An Leas-Cheann Comhairle:** It might be serious but it is not relevant to the Order of Business and the Deputy will have to find another way to raise this.

**Deputy John Brady:** It is relevant. We will deal with the social welfare Bill next week. There is an onus on the Taoiseach to address the issue of someone waiting 40 weeks for carer's allowance.

**An Leas-Cheann Comhairle:** The Deputy's party representative can take it up with the Business Committee. Is the proposal for dealing with Wednesday's business agreed to?

**Deputy Mick Wallace:** Not agreed.

Question put: "That the proposals for dealing with Wednesday's sitting be agreed to."

<i>The Dáil divided: Tá, 78; Staon, 0; Níl, 20.</i>		
<i>Tá</i>	<i>Staon</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>		<i>Adams, Gerry.</i>
<i>Bailey, Maria.</i>		<i>Brady, John.</i>
<i>Brassil, John.</i>		<i>Buckley, Pat.</i>
<i>Breen, Pat.</i>		<i>Connolly, Catherine.</i>
<i>Brophy, Colm.</i>		<i>Daly, Clare.</i>

<i>Browne, James.</i>		<i>Ellis, Dessie.</i>
<i>Bruton, Richard.</i>		<i>Ferris, Martin.</i>
<i>Burke, Peter.</i>		<i>Funchion, Kathleen.</i>
<i>Burton, Joan.</i>		<i>Healy, Seamus.</i>
<i>Butler, Mary.</i>		<i>Kenny, Gino.</i>
<i>Byrne, Catherine.</i>		<i>Kenny, Martin.</i>
<i>Byrne, Thomas.</i>		<i>Mitchell, Denise.</i>
<i>Cahill, Jackie.</i>		<i>Munster, Imelda.</i>
<i>Calleary, Dara.</i>		<i>Ó Broin, Eoin.</i>
<i>Cannon, Ciarán.</i>		<i>Ó Laoghaire, Donnchadh.</i>
<i>Carey, Joe.</i>		<i>Ó Snodaigh, Aengus.</i>
<i>Casey, Pat.</i>		<i>Pringle, Thomas.</i>
<i>Cassells, Shane.</i>		<i>Stanley, Brian.</i>
<i>Chambers, Jack.</i>		<i>Tóibín, Peadar.</i>
<i>Collins, Michael.</i>		<i>Wallace, Mick.</i>
<i>Collins, Niall.</i>		
<i>Corcoran Kennedy, Marcella.</i>		
<i>Coveney, Simon.</i>		
<i>Cowen, Barry.</i>		
<i>Curran, John.</i>		
<i>D’Arcy, Michael.</i>		
<i>Deasy, John.</i>		
<i>Deering, Pat.</i>		
<i>Doherty, Regina.</i>		
<i>Donohoe, Paschal.</i>		
<i>Doyle, Andrew.</i>		
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Flanagan, Charles.</i>		
<i>Grealish, Noel.</i>		
<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Healy-Rae, Danny.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kenny, Enda.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		

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<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Catherine.</i>		
<i>Martin, Micheál.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Naughten, Denis.</i>		
<i>Neville, Tom.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Rabbitte, Anne.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Smith, Brendan.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Clare Daly and Mick Wallace.

Question declared carried.

**An Leas-Cheann Comhairle:** Is the proposal for dealing with the divisions agreed to? Agreed.

Ciúnas le bhur dtoil. We have approximately eight minutes remaining and I wish to allow as many Members as possible to have a chance to speak.

**Deputy Micheál Martin:** I think the Taoiseach was making an early run for the border.

**The Taoiseach:** No.

**Deputy Sean Sherlock:** What border?

**Deputy Micheál Martin:** Yes, what border? That is correct.

**The Taoiseach:** Break for the Border.

**Deputy Micheál Martin:** I wish to raise an important issue. When the Government and our party entered into the confidence and supply agreement, the Government was adamant that the Lansdowne Road agreement had to be a centrepiece and key part of it, yet yesterday the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, clearly signalled a change in direction and of approach to the agreement, in so far as he has indicated that, first, the discussions on a successor agreement to replace the Lansdowne Road agreement will be brought forward earlier than originally envisaged. That carries its own implications in terms of bringing forward the pay element earlier than would have been anticipated. The Lansdowne Road agreement is due to run until September 2018. This is the first year of the agreement and already it is beginning to unravel, without any consultation with or pressure from anybody in the House. A unilateral approach is being taken on the Lansdowne Road agreement. It is important that I put down such a marker, because people have made assertions about other agreements, to the effect that they will pull this and that down.

The key point I put to the Taoiseach is that all the media were well briefed on the matter yesterday, and that is the implication that is coming from the briefing. First, there was a statement that the talks would be brought forward earlier and the obvious follow-on from that is that the pay element would also be brought forward earlier. Is it not important that the Government would produce a paper on the matter, outlining the full implications of what is involved in terms of the budget, public pay policy and availability of resources for services in health, education and elsewhere? Such a paper should be produced outlining the implications in deference to everybody in the House, and beyond.

**An Leas-Cheann Comhairle:** The Taoiseach has one minute and one minute only.

**The Taoiseach:** A Leas-Cheann Comhairle, I will give the minute to the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, because he can deal with the detail of the question.

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** I appreciate the opportunity to bring full clarity to this matter. The comments I made yesterday are exactly in line with the statement on budget day. The Government is absolutely committed to the tenure and the role of the Lansdowne Road agreement. As Deputy Martin has correctly said, the agreement will continue up to the final payment date in September 2018. I gave an indication yesterday regarding the schedule for discussions on a replacement to that agreement. There is no change at all in the Government's commitment to the schedule of payments, the tenure or the role of the Lansdowne Road agreement.

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom ceist a chur mar gheall ar phársa reachtaíoch-

ta a thagann faoi chúram an Taoisigh ina ról mar Aire Cosanta. I want to ask the Taoiseach, in his role as Minister for Defence, to state when the defence (amendment) Bill is likely to come before the Houses of the Oireachtas. According to the Government's legislative programme, the Bill relates to "the deployment of military personnel overseas", which is laudable, but will it deal with medical issues such as the dispensing of the anti-malaria drug Lariam and other issues that often arise when Irish soldiers and Naval Service personnel are deployed overseas? The legislative programme does not explain what types of matters will be covered in the Bill, when the heads of the Bill will be agreed or whether the Bill will come before a committee for pre-legislative scrutiny. Perhaps it will come straight to the House for Second Stage debate.

**The Taoiseach:** The heads of the defence (amendment) Bill are under preparation. Quite a deal of work has been completed on them. I will give the Deputy an update on where exactly they stand. The Minister of State, who has devolved responsibility in this area, is looking seriously at the question of Lariam and the medical prescriptions for members of the Defence Forces who are sent overseas, particularly to countries where malaria might be prevalent. I will advise Deputy Ó Snodaigh in that regard also.

**Deputy Sean Sherlock:** There were two very important documentaries on RTE television last night.

**The Taoiseach:** I cannot comment on them.

**Deputy Sean Sherlock:** I want to refer to the more important one. I refer to Louise O'Neill's exploration of the issues of consent and rape culture in Ireland. It was extremely harrowing viewing. One of the statistics mentioned was that 80% of rape victims know their attackers. I ask the Taoiseach, in the context of the publication of the Women's Aid 2015 report, to provide an update on when the criminal justice (victims of crime) Bill will reach the floor of the House. I understand the heads of the Bill were agreed well over a year ago.

**The Taoiseach:** The Deputy has referred to an important report. The preparation of the victims of crime Bill is very well advanced. It should be possible to have it published before the end of this session.

**Deputy Danny Healy-Rae:** I am grateful to get this opportunity to ask the Minister for Health about Lantern Lodge in Killarney. Twenty-seven long-enduring patients with mental health disabilities are being asked to move to a new facility at Leawood House on Countess Road in Killarney.

**An Leas-Cheann Comhairle:** Does this relate to promised legislation?

**Deputy Danny Healy-Rae:** Yes, it does. The programme for Government contains a commitment to assist people with mental health disabilities. I will put the scenario to the Taoiseach because the Minister has gone. People with long-enduring disabilities were getting a meal at the Lantern Lodge facility. They are being moved across town now. They have been told they will not get a meal and they will not have showering facilities at the new facility.

**An Leas-Cheann Comhairle:** The matter being raised by the Deputy would be more appropriate to Topical Issues.

**Deputy Danny Healy-Rae:** Why is the Government allowing this to happen to the most vulnerable section of our community? On top of the recent proposal to close the St. Mary of

the Angels facility in the town of Killarney, it is proposed to hurt 27 more people. Why is this being allowed?

**The Taoiseach:** This has nothing to do with legislation. When the Deputy's brother raised another case last week, I pointed out to him that the central point in all of this should be the quality of life of the patients. That means there should be full and proper consultation with patients and their families and next of kin. The Minister of State, Deputy Finian McGrath, is very interested in seeing that this happens in as comprehensive and understanding a way as can be. It may well be that all the patients in these settings around the country do not have to be moved. Some of them would be much better off, in terms of quality of life, within their communities where a proper home care package is put around them. I will have the Minister of State acquainted with the Deputy's point about Countess Road. I find it difficult to believe it is possible that neither meals nor showers will be made available, but I will have that checked out for the Deputy.

**Deputy Danny Healy-Rae:** It is the truth.

**An Leas-Cheann Comhairle:** As time is almost up - I cannot control it - Deputy Scanlon is the final speaker for today. The two Deputies I could not accommodate will be at the top of the list on another day.

**Deputy Eamon Scanlon:** I would have imagined that Red C, which was charged with the responsibility of appointing people to the Citizens' Assembly, would have selected at least two people from each county, with the rest being weighted in favour of the urban centres, but that has not happened. This is of particular concern in my constituency of Sligo-Leitrim because there is no representation on the Citizens' Assembly from Sligo, Leitrim or Cavan.

**Deputy Mattie McGrath:** Or County Tipperary.

**Deputy Eamon Scanlon:** I ask the Taoiseach to address this situation. These people are entitled to a voice in the same way as people from Cork, Galway or wherever else.

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

**Deputy Eamon Scanlon:** I ask the Taoiseach to address this anomaly so that people from these areas have a voice at the Citizens' Assembly.

**The Taoiseach:** I take the point raised by Deputy Scanlon. Ninety-nine citizens were selected by a polling company on the basis of region, gender and age as part of a tendered competition. The way it turned out is unfortunate for counties Sligo, Cavan and Leitrim.

**Deputy Mattie McGrath:** And six other counties.

**The Taoiseach:** We need to hear the voices not just of counties Leitrim, Cavan and Sligo, but of a representative group of 99 citizens from all over the country.

**Deputy Mattie McGrath:** There are nine counties missing.

**The Taoiseach:** While I take Deputy Scanlon's point, I assure him that the competition used to select those involved was completely independent and objective.

**Deputy Eamon Scanlon:** I cannot agree with that.

### **Standing Orders 39 and 95: Motion**

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** I move:

That, in accordance with the recommendation of the sub-Committee on Dáil Reform under Standing Order 107(1)(a), the Standing Orders of Dáil Éireann relative to Public Business be amended as follows:

(a) in subparagraph (1)(b) of Standing Order 39, by the insertion of the following after ‘for oral answer on any one day.’:

‘Provided that a member may nominate up to three written questions in substitution for oral Questions to the Taoiseach which may be transferred or disallowed.’;

(b) in Standing Order 95, by the substitution of the following for paragraph (2):

‘(2) (a) In the absence of a member nominated to serve on a Select or Special Committee, a substitute may take part in the proceedings and shall be entitled to vote in the absent member’s stead.

(b) For the purposes of this Standing Order, a member proposing to act as a substitute for an absent member (or for a substitute not in attendance), shall only be recognised as such where he or she informs the Committee clerk, either prior to, or during the course of the meeting, of his or her intention to substitute, subject to the provisions of subparagraph (c).

Provided that where the substitute intends to move motions in his or her own name, he or she must inform the Committee clerk, in writing, of the substitution before the expiry of the relevant deadline for submission.

(c) A substitution as provided for in subparagraph (b) shall only be valid—

(i) if the absent member or substitute is a member of a party or a body of members represented in Government, where the member giving notice is a member of any such party or body of members; and

(ii) if the absent member or substitute is not a member of a party or a body of members represented in Government, where the member giving notice is in the same party or group (as defined in Standing Order 143) as the absent member or substitute.

(d) A member of a Committee, including a substitute, may—

(i) where he or she is a member of a party or a body of members represented in Government, move motions and amendments in the name of any member of the Committee who is a member of any such party or body of members;

(ii) where he or she is not a member of a party or a body of members represented in Government, move motions and amendments in the name of any member of the Committee who is in the same party or group (as defined in Standing Order 143).’.”

Question put and agreed to.

### **Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Maureen O'Sullivan - the impact of puppy farms and the need for stricter enforcement; (2) Deputy Jackie Cahill - competition concerns in the beef industry; (3) Deputy John Brassil - the future of the Tarbert power plant in County Kerry; (4) Deputy Thomas P. Broughan - the supports needed by St. Joseph's national school in Marino, Dublin 3, in its application for DEIS 1 status; (5) Deputy Michael D'Arcy - the nationwide review of Garda districts in the programme for Government; (6) Deputy John Curran - the treatment of non-TUI members at Collinstown community college, Dublin 22; (7) Deputy Thomas Byrne - the ongoing ASTI industrial action; (8) Deputy Mattie McGrath - the restoration of the mobility grant; (9) Deputy Brian Stanley - the retention of services at Portlaoise regional hospital, including maternity and emergency services; (10) Deputy Aengus Ó Snodaigh - the use of the St. Nicholas of Myra hall in Dublin 8 as a homeless shelter; (11) Deputy Timmy Dooley - changes to the out-of-hours Shannondoc GP service; (12) Deputy Mick Barry - the recent HIQA report into infection risks at the Mercy Hospital in Cork; (13) Deputy Fiona O'Loughlin - pensions inequality for taking career breaks to care for children or the elderly; (14) Deputy Pat Buckley - the mental health funding required in the context of A Vision for Change; (15) Deputy Anne Rabbitte - concern for maternity services at University Hospital Galway; (16) Deputy Catherine Connolly - the withdrawal of a student bus service in Galway; (17) Deputy Margaret Murphy O'Mahony - the report into the review of certain matters relating to disability services in the south east; (18) Deputy Donnchadh Ó Laoghaire - the issue of social housing income limits and the differences in neighbouring areas; (19) Deputy Sean Fleming - the reduction in services at an Alzheimer's day care unit in Monasterevin, County Kildare; (20) Deputy Bríd Smith - the proposed rapid-build projects in Dublin to deal with housing issues and homelessness; (21) Deputy Barry Cowen - the withdrawal and relocation of ambulance services from Edenderry to Tullamore; (22) Deputy Mary Butler - the most recent audit of stroke services; (23) Deputy Mick Wallace - the use of Shannon Airport by the US military; and (24) Deputy Clare Daly - the terms of reference of the O'Neill investigation and the undermining allegations.

The matters raised by Deputies Jackie Cahill, Maureen O'Sullivan, Brian Stanley and Timmy Dooley have been selected for discussion.

### **Ceisteanna - Questions**

#### **Priority Questions**

#### **Rail Network**

2. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if he will address the leaking of the National Transport Authority's draft report on the review of the rail net-

work and services; his views on the review; his plans to make Iarnród Éireann more financially sustainable; if he plans to discontinue any rail services as a result of the review; and if he will make a statement on the matter. [33004/16]

**Deputy Robert Troy:** I ask the Minister to address the leaking of the draft report on the review of the rail network and services, to make a statement on the review, to outline his plans and those of the Government to make Iarnród Éireann more financially sustainable and to state whether he intends to discontinue any rail services as a result of the review. Can he say in his reply whether he thinks it was appropriate for a review of the magnitude of this one to be leaked to the media?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I congratulate Deputy Troy on finishing the Dublin marathon in four hours and 15 minutes. It was an extraordinary achievement. The Deputy will only have to stay here for the next hour and a half, so he should be able to manage that.

The question before the House is very fair in many ways. I have no idea about the leak. I regret the leak and I think it is a great pity that it happened. However, the report is due for release shortly and I will come to that in a moment.

As I indicated at the Oireachtas Joint Committee on Transport, Tourism and Sport's meeting on 5 October, I have received a copy of the rail review conducted by the National Transport Authority and Irish Rail. It examines the funding parameters required to support our rail network now and in future. I have already stated that I will bring the report to Cabinet and then immediately arrange for its publication and the commencement of a public consultation process to be conducted by the National Transport Authority. I intend to do this next week.

The review identifies a funding gap for Irish Rail based on the projected allocations prior to budget 2017. In the meantime, decisions under budget 2017 provide for additional funding of over €50 million to Irish Rail next year. This significant increase in funding for next year allows for increasing investment in maintenance and renewal of the network and the rolling stock as well as to provide more funding for safety projects. It is also encouraging to note that Irish Rail is experiencing business growth, with increases in the number of passenger journeys. The reopening of the Phoenix Park tunnel in the coming weeks for commuter services from the Kildare line to the stations between Connolly and Grand Canal Dock and the expansion of DART services to a ten-minute frequency will also help to grow the business.

While there has been much speculation regarding the future of individual rail lines, I wish to emphasise that no decisions will be taken on any of the options identified in the review in advance of the full process of public consultation. The latter will give the public and other interested parties the opportunity to see the analysis on rail funding and to contribute to all aspects of the debate on the future of rail.

**Deputy Robert Troy:** I thank the Minister for congratulating me on the marathon. I compliment the organisers of the event and the volunteers and supporters who lined the route. Sunday's Dublin city marathon was a tremendous occasion. I hope the Department of Transport, Tourism and Sport supports those involved to the greatest extent possible because it was a magnificent showcase of Dublin at its very best. I wish to pass on my congratulations to the organisers and the supporters.

I asked the Minister a specific question but I do not accept his remarks in respect of the

leaking of the report. How long has the Minister sat on the report? The report has been in the Minister's possession for months. One wonders whether the Minister was happy that the report was leaked before he brought it to Cabinet or the relevant Oireachtas committee or before the Dáil had an opportunity to debate it. That totally undermines the Oireachtas. It is difficult for people on this side of the House to have a meaningful and frank discussion, although that is precisely what the Minister has asked for previously in respect of how public transport develops over time. It is particularly difficult for us to have that discussion with our hands tied behind our backs and in the absence of a report that the Minister has sat on for months on end. Moreover, the report has been leaked to the national media and it has identified rail closures. I accept the Minister has said that there will be no rail closures before any consultation. Can the Minister rule out any rail closures, full stop?

**Deputy Shane Ross:** I totally reject any suggestion that it was in the interests of anyone to leak the report. It was highly inconvenient that the report was leaked. I have not sat on it for months. Deputy Troy should be more accurate about the matter. The reality is that I had intended to bring it to Cabinet this week. The Cabinet meeting was curtailed and a one-hour discussion was arranged because of the Brexit meetings at Dublin Castle today. That would not have given enough time for a report of this kind to be seriously considered by the Cabinet. To suggest that such a report could be seriously considered in an hour is absurd. I delayed the discussion until next week for that reason.

The Deputy should be well aware of the programme because I have made it absolutely clear. The report will be released immediately once the Cabinet has seen and considered it. It will then go to a public consultation and will be considered by the National Transport Authority afterwards. Recommendations will then be made.

Deputy Troy referred to the issue of rail lines being closed. I think it would be altogether wrong to prejudge any of the conclusions of this report or any conclusions of the NTA and I am not going to do so.

**An Leas-Cheann Comhairle:** Time has expired.

**Deputy Shane Ross:** Decisions will be made after that consultation.

**An Leas-Cheann Comhairle:** We must observe the time.

**Deputy Robert Troy:** When did the Minister receive the report? It is going to be publicised next week. How long then until the public consultations begin? We are aware that €60 million is needed to maintain the lines in a steady state. Can the Minister set out the level of capital deficit that has built up over many years of underfunding? How is that going to be met in the short term to ensure that we have a rail line infrastructure that is fit for purpose and does not compromise safety?

At a time when we are talking about needing more funding, surely to God what we should be doing is trying to increase passenger numbers rather than closing rail lines and introducing incentives to encourage people to use rail services. I was amazed last week to see that operators of car parks under the remit of Iarnród Éireann have introduced further disincentives for people to use the rail line by increasing car parking charges. That seems nonsensical.

**Deputy Shane Ross:** The Deputy will know perfectly well that I do not and cannot get involved in the day-to-day running or operational activities of Iarnród Éireann in any way. We

make policy, we do not interfere with what the company does in car parks or anywhere else. That is not our business and it would be absolutely wrong if we did interfere.

The Deputy addressed the issue of funding. Deputy Troy will be pleased to hear that over €50 million in additional funding was allocated to Irish Rail for 2017 in the budget. This will bring total funding next year to over €300 million. The rail review addresses what the Deputy has rightly identified as the chronic underfunding of Iarnród Éireann over many years and the difficulties the company faces at present. It addresses the possible solutions to that funding problem. One is further Exchequer funding, another is further revenue and yet another relates to cutting costs. These are rather dramatic and we have to make a decision in respect of them in due course following the public consultation process.

### **Bus Services**

3. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the issuing and amending of commercial bus licences on routes served by existing operators, a practice which has the potential to impact on the employment of 800 workers on the Expressway service; the actions he will take to rectify this situation and safeguard the employment of the workers; if he will convene a forum, inclusive of all stakeholders and as provided for in the 2009 Act, to discuss all aspects of State provision and funding for public transport in view of the importance of this issue; and if he will make a statement on the matter. [32937/16]

**Deputy Imelda Munster:** I am asking the Minister about the issuing and amending of commercial bus licences on routes served by existing operators. This has the potential to impact the employment of 800 workers on the Expressway service. What action will the Minister take to rectify this situation and safeguard the employment of the workers? Will the Minister convene a consultative forum of all the relevant stakeholders to plan and discuss funding, reinvestment and the future of our public transport network?

**Deputy Shane Ross:** I thank Deputy Munster for the question. It is topical because of the critical situation in which Bus Éireann finds itself.

Since December 2010 the NTA has operated as the regulator of licensed bus services and all commercial operators must apply for a licence under the Public Transport Regulation Act 2009. I am unaware of the forum as referred to by the Deputy. It is worth noting that since 2010 the NTA has issued only five new licences in the intercity bus market. It has approved amendments to a further three licences and refused eight applications for licences.

Last year, almost 28 million people travelled on licensed bus services, with over 7 million of those travelling on Bus Éireann Expressway services. Specifically, on the major intercity corridors, the annual number of passenger journeys rose by approximately 1 million between 2012 and 2015. However, that overall growth in passenger numbers and revenues is not being reflected in the Expressway operation and it has lost approximately 6% in passenger numbers since 2012. As a result, Expressway is loss-making and this, in turn, is affecting Bus Éireann's overall profit. Last year, the company as a whole lost approximately €5 million and this year the company forecasts losses of up to €6 million. Clearly, these losses are not sustainable and the company is required to address them. I have been consistently clear since assuming office that issues relating to pay and conditions in any particular State-owned company under my

Department's aegis are a matter for discussion and agreement between the employer and the employees.

The Deputy is aware that Bus Éireann has engaged consultants to review independently the options available to it as it seeks to address these aforementioned losses. That process is still going on. In addition, the Deputy is probably also aware that the company has indicated its desire to discuss the Expressway issue with trade unions. I am firmly of the belief that difficult issues such as this can only be resolved through open, constructive and realistic engagement between the company and its employees. A Programme for a Partnership Government commits to a review of public transport policy, and as an integral part of our public transport network, the commercial licensed bus market will come within the ambit of that overall policy review.

**Deputy Imelda Munster:** I know the Minister is aware that Expressway is our national carrier and these plans threaten to drive it to extinction. Since taking office the Minister has not even sought to convene a consultative forum with all the relevant stakeholders to discuss and plan not just the funding but the future of our public transport network. As an incoming Minister he did not see that as a relevant step.

Private companies can amend their contracts the day after being given them. They can drop the least profitable routes and some of the services on a particular day. This is not just a question of privatisation or profit. This should be regarded as a public service. It will result in a much poorer service. What will the Minister do to rectify this and to protect our national carrier? What steps will he take to convene a forum to discuss the future of our public transport network?

**Deputy Shane Ross:** I thank the Deputy for her supplementary questions. It is very omniscient of her to be able to tell me what I have and have not thought about. She can tell me what I have said, not what I have thought about.

**Deputy Imelda Munster:** The Minister has not done it.

**Deputy Shane Ross:** I certainly have not done it. The idea of a consultative forum has merit. There are possibilities in having one. I want to be guaranteed that we do not have the kind of megaphone diplomacy that has been going on during the industrial relations problems we have at the moment. There are certain State bodies which deal with those. What was conspicuous in the last industrial dispute, in Dublin Bus, was that people were saying one thing publicly and another privately. That is the way industrial disputes are conducted in public but it would not be helpful to have a consultative process in the midst of that because all that would happen would be that, in the heat of industrial disputes, that forum would be used for other purposes.

When the other two companies have sorted out the difficulties in which they now find themselves, and which are well known to the Deputy, I will certainly consider having in a less heated atmosphere a consultative forum between all the parties and stakeholders involved. It does have merit, but in the present atmosphere of industrial differences, it would be wrong to do so.

**Deputy Imelda Munster:** I welcome the fact the Minister thinks there is merit in setting up the forum but it is a bit late doing so after the horse has bolted. Expressway is under threat of privatisation. What will the Minister do to rectify that? When Bus Éireann management met the Minister, it said that to continue with Expressway, it would have to be a low-pay, low-wage project and the Minister did not give an opinion either way. Either we protect our public transport network or we do not. Setting up a forum after Expressway has been extinguished is

not good enough. Will the Minister explain what he intends to do to protect the Expressway service? Will he commit here and now to going ahead with the forum to discuss the future of our public transport network?

**Deputy Shane Ross:** I have already answered the Deputy's question. I will consider it.

Nobody in this House has a monopoly on sympathy for those whose jobs are threatened: no party, no group, no individual. We all have exactly the same sympathy. I do not want to address the operational issues faced by Bus Éireann but it is a company in an expanding market that last year lost €5 million and this year is heading for a loss of €6 million. That company obviously has very big problems. It receives no Exchequer funding. It is a commercial body and will continue to be one. There are only a couple of options open to it, and it is considering them and has employed consultants to consider them. It also has an appointment on 1 December with one of the State bodies which helps in these types of disputes. I will not be directly intervening in any operational matter being run by any of these companies, particularly a commercial company.

### **Airport Development Projects**

4. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport his views on the need for a second runway at Dublin Airport; the terms of reference for the review he has initiated of the planning for the runway; and the length of time this will take to complete. [33005/16]

**Deputy Robert Troy:** What are the views of the Minister for Transport, Tourism and Sport on the need for a second runway at Dublin Airport, the terms of reference of the review he has initiated in the planning for the runway and the length of time it will take to complete this?

**(Deputy Shane Ross):** I am somewhat confused by the question. There is no review of the second runway. I will answer what I think the Deputy meant by his question. The second runway has been decided on and given the go-ahead quite a long time ago. The review to which he refers is, I suspect, something different. If the Deputy will forgive me I will answer the question I think he wished to ask. He is confusing the second runway with all sorts of other capacity reviews and third terminals and so on but I will explain it to him anyway. I will address the capacity review which I think is what he means. The second runway is a given and will not be reviewed.

As the Deputy will be aware, the Dublin Airport Authority, DAA, has statutory responsibility to manage, operate and develop Dublin Airport. In April 2016, the DAA announced plans to proceed with a second parallel runway, the north runway project, with the intention of having the runway operational by the end of 2020. I have welcomed the DAA's decision to develop this critical piece of airport infrastructure which will ensure Ireland's international connectivity into the future.

The national aviation policy, published in 2015, included a commitment to commission a high-level strategic capacity review of State airports in 2018. With Irish airports now experiencing a return to growth following several years of decline and Dublin Airport, in particular, experiencing exceptional growth, at three times the EU average, I have decided to bring forward the review and get it under way now. While my Department has yet to commence the procurement process for independent consultants to undertake this work, I would hope that

the review will be completed in summer 2017.

This review involves planning for the long term. It will consider the development of Dublin, Cork and Shannon airports to 2050, with the identification and prioritisation of new infrastructure development, including modifications, if any, to the existing airport infrastructure. The review will also consider options for the development of new terminal capacity at Dublin Airport, whether State or independent.

There is no intention that there will be an economic or financial review of the north runway project at Dublin Airport. That project has already commenced, as announced by the DAA in April, and now needs to be completed at the earliest opportunity in 2020.

**Deputy Robert Troy:** We are all in agreement that the airport is at capacity. We need to increase capacity if we are serious about sustainable development of our capital and the greater eastern seaboard, and if we want to attract foreign direct investment, support job creation and secure international connectivity. However, we must take on board the concerns of the residents who are living in close proximity to the airport. If we do not do that in a proper manner, we will run the risk of delaying the construction of the second runway. Is the Minister satisfied that EU Regulation No. 598/2014 will give the power in terms of noise restrictions to the Irish Aviation Authority, IAA? Is he satisfied that a statutory instrument will suffice to give it that power or will primary legislation be required? What timeframe does the Minister envisage for that because, as he rightly said, if we are talking about having a second runway constructed by 2020, the residents need to know exactly what the process will be but those who are planning to expand the capacity at the airport also need to know the timeframe under which they are working.

**Deputy Shane Ross:** I thank Deputy Troy. I agree with much of what he said. The interests of the residents are immensely important on this issue of noise regulation in particular but also on the development of the second runway generally. I do not know whether the Deputy is aware that I have met several of the residents' groups individually. Some of them were brought by members of the Deputy's party to meet me, and I listened to what they had to say. I am concerned in particular that a State monopoly should not be allowed in any way to railroad a project like the north runway against the interests of the residents without hearing their legitimate complaints. There are approximately 200 residents involved. That is a lot of people, and there is no doubt that some of them have to suffer unthinkable noise in their homes. The new system of monitoring noise is very welcome. It is being given to the IAA and, for the first time ever, a separate unit within the IAA will be set up specifically to deal with noise regulation. In addition to that, under the EU regulation and within its specific mandate it will speak to the residents and consider their complaints.

The question about the statutory instrument is a fair one. Our intention is to do this by secondary legislation before the end of the year. A couple of issues are still being considered in the Attorney General's office in terms of whether it will be necessary to introduce primary legislation, but that will be decided in the next few weeks.

**Deputy Robert Troy:** The Minister referred to the 200 residents. They do not have certainty because on this day, on the floor of the Dáil, the Minister cannot say verbatim whether the IAA will take over by way of a statutory instrument or primary legislation because he does not know for definite whether he would have the full support of the House for such a move. The residents have no certainty. The IAA has no certainty. Everybody is in limbo, and the

only person who can take people out of limbo so that the residents can have confidence in the process that will be undertaken and that the DAA can plan accordingly and move on with this much-needed increase in infrastructure and increased capacity is the Minister. He is talking about a third terminal. At the moment we do not have a second runway in place to deal with the capacity of the passengers transiting through Terminals 1 and 2. Will the Minister use this opportunity to outline clearly the timeframe for how this will develop over the coming months and the process by which effective parties, if they have a grievance, can raise it?

**Deputy Shane Ross:** Absolutely. The Deputy is being a little bit alarmist. There is one certainty. The runway will be built. What is uncertain, as the Deputy correctly said, is the exact timeframe because we are not certain that primary legislation will not be required. It is unlikely, but it is possible. If this is done by way of a statutory instrument, it will all be over by Christmas. If primary legislation is by any chance necessary, it will be done very early in the new year. Those are the certainties. The residents have this certainty, and they have comfort in that. They have a Minister who, for the first time, is sympathetic to their wishes and who is meeting them and making sure that whoever is the regulator, their needs will be considered.

The residents have something else as well. They have a new regulator whose mandate is to consider the wishes of the residents and the strain they are suffering under and to give them all sorts of remedial measures if and when they are appointed. The IAA has already been appointed but I refer to when the regulator is confirmed. That is a comfort to them. Never before has there been a State body solely dedicated to dealing with the noise levels at the airport. It is a body which has expertise in this area and which we considered very carefully before appointing. I believe the residents, who have had a very tough time for many years, should regard that as a plus and a benefit.

## EU Regulations

5. **Deputy Brendan Ryan** asked the Minister for Transport, Tourism and Sport his plans for implementing EU Regulation No. 598/2014; the implementations that will require legislation through Dáil Éireann; the timeline for such legislation; and if he will make a statement on the matter. [32958/16]

**Deputy Brendan Ryan:** I ask the Minister to outline to the Dáil his plan for the implementation of EU Regulation No. 598/2014. What seems to be coming down the tracks and what we heard in the Minister's press release is very concerning not only for local residents but for the future integrity of planning decisions in this country.

**(Deputy Shane Ross):** I thank Deputy Ryan for his question. The current regime for managing airport noise is based on EU legislation dating back to 2002 where the responsibility rests primarily with the airport operator. The entry into force in June of this year of EU Regulation No. 598/2014, to which Deputy Troy referred, represents a shift in responsibility from the airport operator to a separate, independent statutory entity or competent authority to oversee the delivery of the new, more prescriptive approach to airport noise management. Along with all other EU member states, Ireland must now give effect to this changed situation.

On 22 September last, I announced details of the manner in which EU Regulation No. 598/2014 is to be implemented in Ireland. This will require the introduction of a statutory instrument, which is envisaged will be completed by the end of this year.

There are two key reforms in the planned implementation of EU Regulation No. 598/2014. First, a dedicated, expert-focused competent authority in Ireland is being designated to take responsibility for consideration of all airport noise issues in Ireland. While I acknowledge there is no one available body perfectly suited to fulfilling this function, the Irish Aviation Authority is considered to be best placed to perform this important regulatory role. This is particularly relevant to the ongoing requirement for noise monitoring at the airport. The second essential reform is to clarify the collaborative working and public consultation arrangements that have to be applied in this area. It is important there is clarity about how the legitimate concerns of residents about increasing traffic at the airport will be taken into account.

I am delighted that there will now be a dedicated body with exclusive responsibility for dealing with the issues of noise. Previously, the DAA was essentially self-regulating in respect of noise, and that was not appropriate.

In so far as the question of primary legislation is concerned, I am not yet in a position to confirm the precise situation in that regard. That will depend on advice of the Office of the Attorney General. The immediate focus is on the completion of the statutory instrument, and if further issues need to be clarified by way of primary legislation, it would most likely arise in early 2017. I am sorry if I am repeating some of what I said to Deputy Troy earlier, but the issue overlaps.

**Deputy Brendan Ryan:** The new runway, for which planning permission was granted in 2007 has the potential to create jobs and boost the economy. However, the permission came with conditions and the plan by the DAA to seek the setting aside of two of these conditions, conditions 3 and 5 regarding night-time flying and noise restrictions, has been strongly resisted by the local communities. What is especially concerning is the Minister's intention to appoint the IAA as the competent authority to implement this regulation which calls for a balanced approach to airport noise control balancing the potential economic benefits with the potential negative impact on the surrounding communities. If this legislation goes through, the IAA will be the only body empowered to make determinations and operating restrictions to apply at the airport and the IAA will not be bound by operating restrictions foreseen in the planning permission granted in 2007 for the new runway at Dublin Airport. I do not see how this could be supported in this House.

In the Minister's reference to whether it will be a statutory instrument or primary legislation, it would seem that if these powers are given effectively to overrule previous conditions, primary legislation would be required in terms of the planning Acts. That is my understanding. Maybe it is not in the Minister's area.

**Deputy Shane Ross:** I thank the Deputy. I appreciate his concern. I note many of his constituents are concerned about this. The Deputy would be welcome, like others, to bring in any delegation of groups he wants in order that my officials and I can listen to what they have to say. I am impressed by the ones who have come in already. I am impressed by their concerns and by the fact that much of what they seek is reasonable. Some of them have had to put up with dreadful noise under the old regime. This is not a new problem, as the Deputy will be aware. Several residents have suffered under this for many years. That is why I welcome the opportunity to appoint a new authority which will not be self-regulating, as was the last authority, the DAA, in this issue which would chronically conflict it in this way.

On the appointment of the IAA, I must concede to the Deputy that I agree it is not perfect.

There are one or two problems, but we made it as good as we possibly can. It is the best possible solution. Under EU rules, a body like this with a dual function is allowed. It has been permitted specifically in this case. The EU will allow this and regards it as totally independent under that status.

**Deputy Brendan Ryan:** For the Minister to say specifically that the IAA, as the new competent authority, will not be bound by conditions in previous planning permissions is a major problem for planning law and planning decisions in the past. For better or worse, the people see this as a means to assist the DAA to get around the problem it has with those conditions. The DAA has every right to seek to change the conditions at any time, but the key point is it must be through the same planning laws and procedures that granted the permission and decided upon the conditionality in the first place. If the Minister sticks to his guns on this one, there will be wholesale opposition to it and, as Deputy Troy indicated, it will be difficult to get primary legislation on it through the House. I would ask the Minister to reconsider his position on it.

**Deputy Shane Ross:** It is a pity to prejudge the decisions of a new body which has not even come into existence at this stage. No doubt the Deputy will find, because it is a new body, that it will be an improvement. I stated in answer to Deputy Ryan's first question that it is not perfect. There is no perfect solution to this problem. That said, I think he will find it will be independent, impartial and sensitive under its mandate to the wishes of the residents about whom the Deputy is concerned.

There is also another element of which I am sure the Deputy is aware. When he states this new body's decisions may be difficult to justify, there is an appeal mechanism under its establishment which will allow anybody to appeal to another completely independent authority - it is a bit clumsy to have so many independent authorities, but it is necessary - in case they feel that there is no justification for the decision which is made. An independent authority will be set up with another independent body, appointed by the Minister and consisting of independent persons who have expertise in this area, to make decisions on what the IAA has decided. One will not get a better structure than that. I can see where the Deputy thinks it might not work in practice but I think it will be the best possible solution. We will monitor it closely.

## **Greenways Development**

6. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport when he expects the proposed greenway from Dublin to Galway to be completed; his proposals to resolve issues that have arisen among parties along the Athlone to Galway section; and if he will make a statement on the matter. [33006/16]

**Deputy Robert Troy:** The Minister will be familiar with the greenway between Mullingar and Athlone, and into Ballymahon. The Minister visited on a number of occasions. We have always welcomed him because, in fairness, he has made much-needed funding available. As I have always said when raising the need for additional funding in my constituency, the greenway will not reach its full potential until such time as it runs from Dublin across to Galway. There is a major issue between Athlone and Galway in progressing the next phase. I want to know today how the Minister intends to resolve the issues and concerns of the landowners affected in this area.

**Deputy Shane Ross:** I seem to be spending more time discussing the issues in Athlone than

anywhere else when I am answering questions on this particular body, partly, through no fault of Deputy Troy, because I seem to be familiar with those issues. This greenway is a good litmus test. It is a good question and I will address it.

My Department is developing a new strategy to set out a cohesive and forward-looking approach to the development, funding and promotion of greenways. As part of this process my Department will consult all stakeholders in the coming months. This proposed strategy will include a recommended approach to be taken by authorities and agencies tasked with delivering greenway infrastructure where engagement and consultation with landowners is required and, when finalised, will inform the approach to be taken to progress delivery of the section of the Galway to Dublin greenway between Athlone and Galway.

I was pleased to be in a position to award funding in July this year to a number of greenways where good progress was being made. This included funding for sections of the Galway to Dublin greenway in counties Kildare and Meath. The focus of this funding allocation was for those sections of the Galway to Dublin greenway where planning permission is in place and I expect that by the end of 2017 this will have facilitated progress on construction to the extent that it will be possible to cycle from Maynooth to Athlone entirely on segregated high-quality greenway.

I remain committed to achieving the delivery of this coast-to-coast greenway that will help to position Ireland as a destination for cycling holidays. I understand that the number of tourists cycling while on holiday in Ireland has increased significantly in recent years, from 66,000 in 2009 to more than 200,000 in 2015. While this is a small percentage of the total numbers visiting Ireland, it shows that there is a growing market for cycling tourism and this can be further exploited by a cohesive approach to the future development of greenways which I intend to pursue through the development of a new greenways strategy. I am determined to see this greenway in being and to clear it up.

**Deputy Robert Troy:** I am glad the Minister has, once again, acknowledged that he is listening to what I am saying on this side of the House and when I requested additional funding for a part of this section, he granted it. This is a national scheme. It is not parochial. It is not unique to my constituency. It is for the betterment of the tourism sector in general. That is why we need it to run from Dublin to Galway and for the project to advance to the next stage.

The question I ask refers in particular to the section between Athlone and Galway because I am very familiar with the funding that has been made available to the other sections of the greenway. There is considerable concern and anxiety about the affected landowners between Athlone and Galway. That is why the project was shelved over 18 months ago, although I acknowledge it was before the Minister's time.

*4 o'clock*

In order to advance this to the next stage, will the Minister and his officials agree to meet a group which has been set up and which is representative of people who are concerned about this section of the planned route? Will he meet and engage with them to see how we can overcome this impasse in order that we can come to an agreement, select a new route and move on so that construction can commence for the final leg of the project between Athlone and Galway?

**Deputy Shane Ross:** I will consider that. If I think there is any useful purpose in meeting the landowners and any groups involved, I will consider doing so. I am not inclined to get in-

volved in a local dispute if I think it will not do any good. It is very important that we consider, under the greenways policy, what we are going to do here. I understand the problems for landowners and the fact that they feel threatened by the possibility of compulsory purchase orders. My officials and I are determined to promote greenways throughout Ireland. The possibility of a coast to coast greenway of the sort envisaged here is something which we must turn into a reality. We will have to examine all the possibilities. Regarding rerouting, it was probably a mistake made by Transport Infrastructure Ireland, TII, initially in the preferred route it put down here and it was probably jumping the gun a bit.

I would be prepared to consider meeting the parties to which the Deputy referred if I thought it would be of any use. However, I will not meet them if I think it will be just another empty exercise. It is very important that this is done. If I see an opportunity for ministerial intervention which would do some good, I will certainly act accordingly. In the meantime, the previous Minister put this project on pause and talks are hopefully going to go ahead which will resolve this problem.

**Deputy Robert Troy:** This is not simply a local dispute. It concerns a large section of the overall greenway project. Approximately 55% of the route of the greenway between Dublin and Galway goes through privately-owned land, yet no representatives of the owners of those lands were on the steering committee. That was a mistake. They should have been on the steering committee from the outset and had their voices heard. The reason the project has been very successful to date is because of the local buy-in from those in the areas where it has advanced. The Minister of State, Deputy O'Donovan, was in Coolnahay recently and he saw the success of local buy-in to the greenway project and he also saw that when he visited our region. The reason it has been so successful is that State-owned land has been used in those areas. There are alternatives here. I am a strong supporter of this project. I do not want to see it shelved and fall off the cliff, as it were, in Athlone. I want it to go all the way to Galway. Everybody wants to see that but let us bring it to Galway in a manner which can be done in consultation with the various stakeholders that will not impinge on farmers who are going about their daily work on their farms when there are alternatives that could be considered. I ask the Minister - in all sincerity - to meet those landowners, explore the alternative options and see if we can reach a compromise to advance this project to the next stage and have what we all want, a greenway from Dublin to Galway in the very near future.

**Deputy Shane Ross:** We are probably *ad idem* on this. We all want to see this greenway developed and brought to fruition. It is just a matter of the best way of doing that. There is a process already being shaped by my Department for the development of greenways and difficulties of this sort. Specifically, my Department will consult all stakeholders in the coming months. This proposed strategy will include the recommended approach to be taken by authorities and agencies tasked with delivering greenway infrastructure where engagement and consultation with landowners is required and, when finalised, will inform the approach to be taken when talks are resumed on the delivery of the section of the Galway to Dublin greenway between Athlone and Galway. It may have been paused but it has not been halted. I can assure the Deputy of that.

Engagement with the Irish Farmers Association, IFA, and with other stakeholders will be a necessary part of the process in seeking to resolve the issues of concern which have been identified to date. In addition to identifying and agreeing a preferred route, potential levels of compensation to affected landowners will be examined. The Department will look for guidance to the compensation package put in place to enable the TII and the local authorities to deliver

national road schemes.

## **Other Questions**

### **Road Projects**

7. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if he will allocate increased funding to Transport Infrastructure Ireland to initiate the shovel-ready projects in the capital investment plan, such as the N22 Ballyvourney to Macroom road; and if he will make a statement on the matter. [30727/16]

**Deputy Brendan Griffin:** This question relates to shovel-ready or almost shovel-ready projects in the capital investment plan, namely the N22, Ballyvourney to Macroom road, which is in County Cork but as a resident of County Kerry I point out that it is one of the two main road arteries serving our county. Until that road is upgraded, our economic progress potential will be seriously hampered. I want this project to be considered a priority for construction. It is contained in the capital plan, which was a great achievement, but we now need to get it built.

**Deputy Shane Ross:** I thank the Deputy for raising this matter, which is very important to his area, other areas and nationally. As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding regarding the national roads programme. The planning, design and implementation of individual road projects, including the N22, is a matter for Transport Infrastructure Ireland, TII - formerly known as the National Roads Authority, NRA - under the Roads Acts 1993 to 2015 and in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for TII in accordance with section 19 of the Roads Act.

The capital plan published last year provides for a gradual build up in capital funding for the road network from the current relatively low base towards the levels needed to support maintenance and improvement works. In this context there will be a significant ramp up in funding from 2020 which will facilitate the construction of projects such as the Ballyvourney to Macroom scheme. As Minister, I have to work within the capital budgets included in the plan. TII, in planning the construction schedule for individual projects, also has to take account of the annual budgets available.

The Minister for Public Expenditure and Reform indicated in his budget speech that, in light of economic growth, he is bringing forward the capital plan review. There is a strong case for additional funding for the transport sector which I will make robustly when the time comes. However, the parameters for the review and the final decisions on allocations are matters for the Minister for Public Expenditure and Reform and Government as a whole.

I am optimistic that the fact that the review of the capital plan has been brought forward means there will be opportunities for acceleration and I will certainly consider this project as one of those which is certainly of merit and which is needed in the area.

**Deputy Brendan Griffin:** I thank the Minister for his reply. I want to put two points to him. The first is an invitation to travel the N22 and see the congestion caused in the village of Ballyvourney and the town of Macroom and to experience at first hand what many people experience

five, six or seven days a week, depending on the circumstances. Will he sit down with me - a Deputy from one of the counties affected - the Minister for Public Expenditure and Reform and representatives of TII and the local authorities involved to see what we can do to ensure that the sod is turned on this project as the earliest possible opportunity? I welcome that the review of the capital plan has been brought forward but we need to do everything possible to progress this project. This is the greatest socioeconomic project for the south-west region that is in the queue of current projects. The fact it has not proceeded is hampering County Kerry. Our prospects for development are very dependent on feeding into the engine that is Cork city. The latter is situated 50 miles from Killarney but it feels like it is 100 miles in view of the congestion on the route. It is holding back County Kerry. This is a vital project that needs to be prioritised and built as soon as possible.

**Deputy Shane Ross:** That is certainly an invitation I could not refuse. I thank the Deputy for it. I would be delighted to make a trip to Kerry as soon as possible. I meant to go in the summer but I was diverted to Rio on the way and I was lucky to get back. I would be delighted to go to Kerry and I will not be heading back to Rio in a hurry. I thank the Deputy and accept his invitation. I and any officials will discuss the issue of this road with him because I know it is very important. I cannot make any particular promises but, as the Deputy knows, the capital plan is being reviewed. It gives some cause for optimism that various roads, which are very important, will possibly have an earlier examination than they might otherwise have had. I do not want to put it any stronger than that.

On the issue of the acceleration of shovel-ready projects, TII will start to look at the scope for bringing forward the construction of shovel-ready capital plan projects in the event that additional funding becomes available. A table I have, which summarises this position, suggests it is possible - and I say no more - that if funding were to become available, the construction of the Ballyvourney to Macroom road might be brought forward.

**Deputy Brendan Griffin:** I thank the Minister for his reply. As a Deputy from the county of Kerry, I see no reason the construction start date cannot be brought forward. The year 2020 was given but it is simply too far away for the people of the south west. I have mentioned the socioeconomic impacts but there is also the issue of the number of people who have to travel that road every day to health care appointments in Cork. People are expected to buy into the centres of excellence model of health care, which is fine, but we also have to be able to facilitate the transportation of people. As long as we have that road, which has more or less been the same way for the past 100 years, it makes this particularly difficult. This would make it viable for people in the entire southern half of County Kerry to commute to Cork safely and in a timely manner and to tap into that expanding jobs market. It would be a massive regional boost. This project would ensure that a rural part of Ireland would get a huge boost so it is crucial. I hope the Minister keeps it high on his agenda.

**Deputy Shane Ross:** I thank the Deputy. In his budget speech, the Minister for Public Expenditure and Reform indicated he was bringing forward the capital plan review and that work on the review would commence now. He also stated clearly he would be in a position to bring a revised and more ambitious programme of capital investment forward next year. To date, the review has not been formally launched and the scope of the review has still to be clarified. However, the Department will put forward its submission once the parameters are known. There are considerable demands in the transport sector where a strong case can be made for extra funding. The additional resources to be allocated under the review remain to be determined. In the road sector alone, there are a range of issues which extra funding would help to address,

including the Deputy's issue. Overall, once the scope of the capital review is clarified, including the amount of extra funding involved, proposals to accelerate shovel-ready road projects would have to be weighed against other demands.

### **Public Transport Provision**

8. **Deputy Eamon Ryan** asked the Minister for Transport, Tourism and Sport the timeline for the Dublin metro and the DART east-west interconnector. [32780/16]

**Deputy Eamon Ryan:** As much as I understand the traffic problems the Minister and Deputy were just speaking about in the town of Maigh Chromtha, I draw the Minister's attention to the fact that the capital city, Dublin, is about to enter gridlock. We are facing a real transport crisis. The M50 cannot be further extended. All the roads that lead to Dublin will hit that motorway and the city will not work. We suffer terribly because the big public transport projects that have been planned for more than 17 years have not progressed. When does the Minister intend opening the Dublin metro north line and the DART east-west interconnector between Heuston Station and Spencer Dock?

**(Deputy Shane Ross):** The Deputy's written and oral questions seem to be slightly different but I will try to address them both through my supplementary replies. I do not mean they are very different but there is certainly a lot more in the Deputy's oral question than in his written one. I will address both.

The National Transport Authority, NTA, has statutory responsibility for the implementation and development of public transport infrastructure projects in the greater Dublin area, including metro north and heavy rail projects. With regard to the DART underground project, which is specifically mentioned in the Deputy's question, the business case for the project was reviewed in 2015 and the NTA recommended that the tunnel element be redesigned to provide a lower-cost technical solution while retaining the required rail connectivity. The Government accepted the NTA's recommendation and announced in September 2015 that the tunnel element would not proceed as originally designed but would be redesigned. DART underground remains a key element of integrated transport for the greater Dublin area and the implementation of the overall DART expansion programme, including the redesigned tunnel, is included in the NTA's transport strategy for the greater Dublin area for the period 2016 to 2035. Funding for redesign and planning of the project is available under the Government's capital plan, Building on Recovery: Infrastructure and Capital Investment 2016-2021. Funding is also provided under the capital plan for planning, design and construction of the new metro north. The funding in the initial years of the capital plan allows for planning and design work on the project, with construction expected to commence in 2021 with a view to delivering the project by 2026 or 2027.

The decision to proceed with new metro north followed consideration of the Fingal-north Dublin transport study and the NTA's recommendations on the study, which identified the light rail link as the optimum long-term public transport solution on the Swords-airport-city centre corridor.

**Deputy Eamon Ryan:** Why does the Minister say the National Transport Authority has responsibility? This is a political issue. The former Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, made one of the worst mistakes in his career, which should rule him out as a potential Taoiseach, when he shelved a project that was ready to go, had financing available

and was in the four-year plan. We knew then as we knew in 2000 that we needed this project. The Minister is right that Deputy Varadkar's successor as Minister, Deputy Paschal Donohoe, brought it back. As we have yo-yoed backwards and forwards, there is no certainty that the dates the Minister mentioned, of the project coming on board towards the latter part of the next decade, are actually real. It requires the Minister to show some leadership and give a commitment on when the metro north and the DART east-west interconnector will be built. The reason he needs to do that now and to give some certainty and political support to it is because the building of houses has to be connected to where public transport will be. The alternative is the continuing sprawl of Dublin, which will feed more cars onto the M50, which will not work. Rather than throwing the ball back to the National Transport Authority, the Minister needs to show some sort of political commitment and leadership and crack the whip as a Minister in order that we can start the process rather than it remaining in limbo, which is where it has been for the past six months.

**Deputy Shane Ross:** I would love to be able to do exactly what the Deputy says. I absolutely agree with him and I deeply regret that both the projects the Deputy referred to were delayed. One was delayed in 2015 and the other was postponed in 2010. The DART underground project was postponed in 2010. The Deputy should bear in mind that these were done with a heavy heart. I had no brief in Government at that time and no role in its decisions. The Deputy will understand the Government made these decisions for compelling reasons. It simply did not have the resources to do it. The original DART underground was going to cost €3 billion. It was postponed in 2010 for the very simple reason that we were in the middle of a financial crisis.

**Deputy Eamon Ryan:** It was in the four-year plan. The money was there and it was ready to go.

**Deputy Shane Ross:** Deputy Ryan might have been aware of that at the time and before. It was postponed but the imagination is still there and in 2015, it was reviewed and revived. The Deputy will be aware that the money was made available for it to be redesigned. We now have a situation where it has been redesigned but is less ambitious. That is probably more realistic. There is no tunnel involved in the plans at the moment but the commitment is still there. Similarly, the commitment is still there for the metro north as well. That was a €2.4 billion project originally but there simply were not the resources to do it at the time. However, I believe the current realistic timetable of starting to build it in 2021, which seems a long way off, and finishing it in 2026 or 2027 should be welcomed, even if it is delayed.

**Deputy Eamon Ryan:** The political waiting for this dates back to 2000. I was a member of the Dublin transport advisory committee at the time. A presentation was made which stated that the first priority in Dublin had to be the public transport projects and that the metro north and the DART interconnector had to be built before the M50 was widened, as otherwise there would just be sprawl around the road. A political decision was taken then, 16 years ago, to do the exact opposite and build the road first. I have just returned from the civic forum in the Royal Hospital Kilmainham where the talk from anybody involved in business was that it would not be possible to come to Dublin from London or anywhere else because the city cannot cope. Every British person is saying, "Do not go to Dublin because it is not working". Dublin Chamber of Commerce and others are crying out for the political leadership to state that Dublin will work and that the public transport will be built. The Minister cannot put it off for another year and say that the capital review will make the call as to whether to spend on roads in Ballyvourney or to spend the money in Ballymun. The Minister must show political leadership and say he will

build public transport as the first priority. If he does not do that, this city will not get a chance to attract new housing and start working. We cannot wait another year because in that time the housing and investment decisions will go elsewhere.

**Deputy Shane Ross:** The mid-term capital review has been brought forward. One cannot simply wave a magic wand and say today that we will go ahead with the projects for which we do not have the money. That does not work and it will not happen. It is my ambition to do exactly as the Deputy says. I would love to see the imagination he has for transport in this city, which is to be commended, turned into reality, but I do not see it happening overnight. However, down the road and long after I have left, although the Deputy might still be here, I envisage Dublin city with a modern transport system if we stick to the current plan. Of course, that depends on prosperity and growth in the years to come. We must depend on that. We could be sent off course. Brexit could delay this even further, although I do not believe it will. One never knows, however, with these long-term capital projects. However, we are determined to set these projects in train now, according to that timetable. We are keeping to the timetable. We are redesigning both the metro north and the DART. We are committed to that, but not within the six-month timetable which the Deputy seeks because we do not believe it is practical.

**Deputy Eamon Ryan:** We could start the application for the rail order. We have been working on this project for 17 years. More planning has been done on this than on the Apollo mission. Instead there is lots of “could have”, “if”, “but” and “maybe”. In view of that, the investment community is correctly making the call that this is a country that does not believe in public transport and that this is a Government that does not give such a commitment. In the absence of that, it will not come to this country, we will not put housing in the right place and we will not have a sustainable city. The timetable starts with the Minister pressing the button, saying we will move now and starting the application for the rail orders. That is what he should do.

**Deputy Shane Ross:** I agree with everything the Deputy says, except on the timetable. We do not have the money at present to commit to this. That is the reason the design stage is taking place now. When we get through the difficulties in the next few years, presumably we will have the cash to pay for these large capital projects. We cannot do it overnight - it is unrealistic - but we will do it in due course.

### **Olympic Games Ticketing Arrangements**

9. **Deputy Brendan Ryan** asked the Minister for Transport, Tourism and Sport his plans to improve public confidence in the Olympic Council of Ireland after the fall-out from the Rio Olympics; and if he will make a statement on the matter. [32786/16]

**Deputy Brendan Ryan:** While our athletes at the Rio Olympics succeeded in doing our country proud, they were let down by the debacle of the president of the Olympic Council of Ireland, OCI, being arrested. In light of the Deloitte report on the OCI, what will the Minister do to restore faith in the organisation?

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Patrick O'Donovan):** I fully recognise the need to maintain public confidence in all State funded bodies including the Olympic Council of Ireland. It is vital that the highest standards of governance are in place across all levels of Irish sport to ensure accountability, fairness and transparency across organisational activities and support the integrity of sport both at home and abroad.

On 19 August, the Minister, Deputy Ross, and I announced our decision to establish a non-statutory inquiry to inquire into the circumstances surrounding the distribution of tickets for the Rio Olympic Games and related matters. The inquiry commenced on 19 September and is being led by the former High Court Judge, Mr. Justice Carroll Moran.

Under its terms of reference, the Moran inquiry will inquire into the policies, procedures, processes and practices adopted by the Olympic Council of Ireland around the receipt, distribution and sale of tickets and accreditations for Olympic Games. This includes the 2016 Summer Olympics, the 2014 Winter Olympics, the 2012 Summer Olympics and any previous summer or winter games into which the judge wishes to inquire. The terms of reference also allow the Moran inquiry to inquire into any matter that the judge considers necessary, including corporate governance within the Olympic Council of Ireland and the State funding of the Olympic Council of Ireland through Sport Ireland and its predecessor, the Irish Sports Council.

Judge Moran has been asked to present a report, setting out the findings and any recommendations of the inquiry, within 12 weeks of its commencement. The judge has indicated that this timetable may be ambitious and some delay is anticipated.

I ask the Deputy to appreciate and understand that it would be inappropriate for me to make any further comment on matters relevant to the inquiry while it is continuing.

**Deputy Brendan Ryan:** Pat Hickey has been president of the OCI for an incredible 28 years. While he has said he has stepped aside he still officially retains the position while he is under house arrest in Rio de Janeiro, which is equally incredible. We continue to have a major problem with trust in institutions in this country. The average level of trust in four national institutions, Government, business, the media and non-governmental agencies such as charities, is under one in three people. This is very worrying. Of course, who can blame people for lacking trust when one sees the goings-on in the OCI during the Olympic Games? I, like many others, cringed with embarrassment when we should have been cheering enthusiastically for our athletes. It is the Minister's job to help rebuild trust in the OCI. The recommendations in the Deloitte report, as reported, are a good starting point for this task. However, it is clear from stakeholders in the OCI that they believe its president has too much power. This must change immediately. There must also be provisions to ensure that the term of the president is time limited, as is the case in other major national Olympic bodies.

The OCI has no strategic plan, which is incredible. We have an organisation with an all-powerful president that is not working to a strategic plan. That is a recipe for disaster. How can an organisation operate in a transparent manner if it is not being monitored against an agreed plan? In fact, 73% of stakeholders disagreed that there is transparency in the OCI. When the next Olympic Games take place in Tokyo, less than four years hence, the Minister will not have to worry about the athletes. They will do their job and do the country proud. The Minister must ensure that he puts in place a plan to reform the OCI to such an extent that a repeat of the debacle in Rio de Janeiro can never recur.

**Deputy Patrick O'Donovan:** The Minister, Deputy Ross, and I were at the Olympic Games and I attended the Paralympics Games as well. We can all be very proud of the performance of our athletes at Rio 2016.

Sport Ireland and the Department have already initiated a review of the Olympic Games and the Paralympics Games and that will feed into the future distribution of funding which the

Government makes available to Sport Ireland. Regarding the specific issues raised by Deputy Brendan Ryan, it would be wholly inappropriate for a Minister and Minister of State in a Department which established an inquiry into this issue in the first place to pre-empt what Mr. Justice Moran will report. We have received commitments from everybody associated with the Olympic Council of Ireland that they will co-operate fully with the Moran inquiry. Indeed, they have already initiated their own investigations internally and have given a commitment that the findings of those investigations will be made available to Mr. Justice Moran. Whatever recommendations emerge with regard to changes, should changes be required within the Olympic Council of Ireland, I believe there will be an appetite for that to happen. Certainly, the Government and the Department are anxious, first, to see what conclusions Mr. Justice Moran reaches and, second, to put a framework in place whereby we can ensure that trust in the Olympic movement in Ireland can be reconstructed.

I agree with the Deputy on one point. Undoubtedly there was damage to the relationship between the public and the Olympic movement. We cannot lose sight of the fact that the Olympic movement is about more than administration. It is about the athletes who qualified. This year we sent the largest Irish team ever to the Olympics and the Paralympics. They must be celebrated, congratulated and worked with. The Deputy is right that this must be done in the framework of a governance structure that is very clear, open to scrutiny and able to develop a way forward. Mr. Justice Moran's inquiry will provide the blueprint for us to do it.

### **Dublin Airport Authority**

10. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport his views on the fact that Dublin Airport is the least regulated airport from a group of 17 similarly sized European airports in relation to noise abatement measures; the way he proposes to address the matter; and if he will make a statement on the matter. [32769/16]

**Deputy Clare Daly:** Earlier, the Minister said he was very impressed with the residents of north County Dublin. They are not very impressed with the activities of the Dublin Airport Authority, DAA, or the Department. Compared with 17 similarly sized airports across Europe, Dublin Airport is the least regulated airport. The DAA is a 100% State-owned organisation. What steps has the Minister taken to ensure the appalling practice which is intruding on the lives of citizens is intervened in and changed?

**(Deputy Shane Ross):** I thank the Deputy for the question, which is on the same lines as many others which have come through today. There is great concern and enormous interest in the area. All Deputies in the area are feeling the anxiety and distress of the residents of the area affected by the noise of Dublin Airport and the prospects ahead. Given the differing geographical and environmental circumstances of each airport, I am not sure comparisons of the type suggested in the Deputy's question can validly be drawn. There are also considerable variations in the nature and extent of aircraft operations at different airports, which necessitate tailored mitigation responses. It differs according to each airport's different flight paths, numbers, frequencies, noise and environment.

The Environmental Noise Directive No. 49 of 2002 sets out certain requirements for the assessment and management of environmental noise from transport sources, including from major airports such as Dublin. The directive was transposed into national law by the Environmental Noise Regulations 2006. These regulations set out a two-stage process for addressing

environmental noise, through the preparation of strategic noise maps and noise action plans, the fundamental objective of which is the prevention and reduction of environmental noise. The most recent noise-mapping exercise found that 200 people are exposed to undesirable night-time levels above 55 dB(A) from aircraft using Dublin Airport. This amounts to some 0.02% of the total population of Dublin town and city. As compared with a previous mapping exercise in 2007, there has been an overall reduction in the number of people exposed to undesirable night-time noise levels. This is no comfort to those who are still suffering under this noise regime. It is to put it in proportion and to ensure the figures are not exaggerated to include thousands of people.

There must be continuous efforts to secure further improvements. The regime for managing airport noise is based on EU legislation dating back to 2002 where the responsibility rests primarily with the airport operator. The entry into force in June of this year of EU Regulation No. 598 of 2014 represents a shift in responsibility from the airport operator to a separate, independent statutory entity or competent authority to oversee the delivery of the new, more prescriptive approach to airport noise management. On 22 September last, I announced details of how this more prescriptive approach will be implemented in Ireland. In particular, there will be a dedicated, expert-focused competent authority to take responsibility for consideration of all airport noise issues. There also will be clarity regarding the collaborative working and public consultation arrangements that must be applied in this area.

**Deputy Clare Daly:** I am not sure whether the Minister is ill informed or not getting it on purpose. The precise point made by the residents is that figures produced by the DAA and Fingal County Council claiming that 200 people are affected by night-time aircraft noise is, sadly, laughable in the extreme. Thousands of citizens are affected in varying degrees. They are worse affected now than previously. Whereas 10% of aircraft used to take off to the east, 30% now take off to the east, causing more intrusion on residents living in that area. This question deals with the reality. There are 14 measures imposed in other similar airports to Dublin, including noise quotas, operating quotas and noise surcharges, in contrast to what applies in Dublin where aircraft are enticed to use Dublin Airport at night by way of reduced charges. I would like the Minister to comment on this measure. How, in God's name, can we minimise the impact of aircraft noise given that the DAA is offering airlines reduced charges for using Dublin Airport at night?

**Deputy Shane Ross:** I have met a large number of these residents and I would be happy to meet a large number more of them and hear what they have to say. I would like to see the evidence the Deputy has, if she can produce it, to support her statement that aircraft are being enticed to use Dublin Airport at night. If it is true on a massive scale I will examine it. I have not seen such evidence. I am led to believe the opposite is the case. The Deputy should regard the possibility of a new regime on noise as a possible positive. I agree that it has been unsatisfactory to many people. There are problems when a monopoly runs roughshod over residents, particularly a State monopoly, as in this situation. I ask the Deputy to give the new situation a chance. We have appointed a new competent authority to monitor noise. A single body will be dedicated solely to monitoring noise at Dublin Airport. The body will be monitored over a period and we will see the results in a very short time. We will be able to make a judgment on it then.

**Deputy Clare Daly:** Given that there is a major problem with the DAA and Fingal County Council operating in these areas, anybody new is welcome. I will deal with this in my next question. Most airports around Europe charge extra for aircraft traffic at night. Dublin is one

of three, along with Rome and Oslo, which does not. I am shocked that the Minister did not know this, particularly given that he has received representations from residents in the airport. I would like the Minister to come back to me in regard to exactly what he proposes to do with the DAA. Due to the regime in operation, people are being imposed on. There is a lack of understanding. Aircraft noise is the most intrusive of all noises. It has an incredibly detrimental impact on people's learning, mental health and well-being. The consequences are happening now; I am not talking about the future. A nice study was done of the 17 airports, and I will give the Minister the facts. Dublin Airport entices night flights through its reduced charges. I hope the Minister reports to the House what he finds out when he meets the people.

**Deputy Shane Ross:** I thank the Deputy and I would be most interested to receive the evidence.

### **Airport Development Projects**

11. **Deputy Brendan Ryan** asked the Minister for Transport, Tourism and Sport his views on whether the building of a second runway in Dublin Airport will be designed and constructed to ensure it complements the delivery of metro north and to ensure the DAA liaises with Transport Infrastructure Ireland, TII, on an ongoing basis; and if he will make a statement on the matter. [32783/16]

**Deputy Brendan Ryan:** I am asking the question from the point of view of metro north, which I support, and ensuring any other major projects at Dublin Airport do not delay or impact on the delivery of metro north. With a new runway on the horizon and planning permission granted for a large hotel beside Terminal 2, there is no shortage of major works planned for Dublin Airport. I want to ensure any plans have been metro north proofed.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** As the Deputy will be aware, the DAA has statutory responsibility to manage, operate and develop Dublin Airport, including the second parallel north runway project. DAA has made provision for the new metro north project in its master plan for Dublin Airport. Specifically, it has preserved an area within the central core of the airport to facilitate the metro link. The DAA has also met with the National Transport Authority, NTA, on the project in the context of the runway development and will continue to engage with the NTA as that project develops. Funding is being made available under the Government's capital plan, Building on Recovery: Infrastructure and Capital Investment 2016-2021, for planning, design and construction of metro north, linking St. Stephen's Green with Swords via Dublin Airport. Funding in the initial years of the capital plan is for planning and design work with construction expected to commence in 2021, with a view to delivering the project by 2026 or 2027. The NTA and Transport Infrastructure Ireland, TII, have commenced preparatory work on planning and design of metro north and a dedicated project steering group has been established, which is meeting regularly. There will, of course, be engagement between TII and the DAA at an appropriate juncture during the design process.

**Deputy Brendan Ryan:** I know discussions have taken place with Transport Infrastructure Ireland since the Minister came to office, and the previous Government had set aside funding for the design of the new metro north. The rigour with which metro north was measured against other possible transport solutions for the Swords airport corridor ensures, without doubt, that metro north is the best long-term transport option. We now need to plough ahead as quickly as possible with this project. There is a ten-year plan and we are already one year into that for the

delivery of metro north. It is a more important piece of infrastructure than the second runway, and that is why I always have concerns regarding anything that even has the slightest potential in delaying the project. The new runway will bring more people into Dublin Airport, which means more people will need to leave the airport terminals in an organised and efficient manner. The taxi and bus services that currently operate are not ideal and so it is even more important that metro north is delivered to meet the expected increase in passenger numbers.

**Deputy Shane Ross:** What the Deputy has said is true. It would be a great pity if preparation was not made for metro north coming to Dublin Airport but that provision is being made. As I stated, the plans are advanced and a specific area has been set to one side. This is bearing in mind that Dublin Airport is experiencing a strong and sustainable return to growth. Traffic in 2015 alone grew by 15%, from 21.7 million passengers in 2014 to just over 25 million, making it the second-fastest growing airport in the European Union in 2015, growing at three times the EU average. The airport has developed and is successfully implementing a hub strategy that has made it the sixth most important hub for connectivity to North America, ahead of such competing airports as Rome, Munich and Zürich.

A significant number of public and private bus and coach operators are licensed to provide services linking the airport with the city and other suburban regional centres throughout the country, and current demand for public transport services is well catered for at the moment by these operators. In the medium to longer term, the new programme for Government includes a commitment to proceed with the metro scheme linking Dublin Airport with the city centre and Swords. Funding is being made available under the capital plan for planning, design and commencement of construction of the new metro north scheme with a view to delivering the link by 2026 to 2027. The national aviation policy also confirms that access to the airports will be taken into account during the development of surface transport programmes in line with the Department's strategic framework for investment in land transport.

**Deputy Brendan Ryan:** The key is to get metro north started, and if we can get it started, it will continue to completion. I met representatives of Transport Infrastructure Ireland, TII, and they were of the view that it will have the potential to start it within its revenues earlier than the Minister's timeline. Will the Minister do everything he can to facilitate that early start for metro north and not restrict TII in any way from using its own revenues for that purpose?

**Deputy Shane Ross:** We will do what we can for the Deputy. As he probably knows, the National Transport Authority, NTA, has commenced initial work on the design and planning stages of the scheme, in collaboration with TII. The key objective of this first phase will be to determine the route alignment. Thereafter, the NTA will prepare a detailed business case for the project based on more detailed design and cost estimates for the route prior to lodging the railway order for the proposed scheme. The comprehensive appraisal will be conducted in accordance with the Government's public spending code. The DAA has welcomed the construction of the new metro north linking the city centre, Dublin Airport and Swords. The metro will enter the airport perimeter via an underground portal at the Naul road and the DAA has preserved an area within the central core of the airport to facilitate the metro link. Personnel from the DAA have already met representatives of the NTA on the project in the context of the runway development and it will continue to engage as the project develops.

*Dáil Éireann*  
**EU Regulations**

12. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport the measures he has taken to ensure the independence of the Irish Aviation Authority as the competent authority to deal with the implementation of EU Regulation No. 598/2014; the reason he chose this model in view of the fact that other jurisdictions would appear to be opting for a more demonstrably independent authority; and if he will make a statement on the matter. [32768/16]

**Deputy Clare Daly:** The Minister earlier made the point a couple of times that never before was there an authority to deal with noise at the airport. Of course, this is a consequence of an EU directive rather than anything the Government has done. I am not necessarily opposed to the competent authority being set up as part of the Irish Aviation Authority, IAA, but it is a different model from that which is being adopted by other jurisdictions which seem to be operating on the basis of a role for the local authority, the equivalent of the Environmental Protection Authority or an entirely separate new body. Why has there not been a more demonstrably independent body to deal with this critical issue?

**Deputy Shane Ross:** The new EU Regulation No. 598/2014 stipulates that competent authorities must be independent of any organisation that could be affected by noise-related measures at an airport but it specifically allows for that independence to be achieved through a functional separation model. This option for member states in implementing the EU regulation is a recognition of the differing administrative and institutional systems already in place across the EU. A compulsory one-size-fits-all approach would not be appropriate and would inevitably result in the necessity for various EU member states to establish new entities with sub-optimal use of existing resources and entities.

The IAA will be required to conduct its noise-related regulatory activities in strict conformity with the requirement for independence. As I have advised the House, it is envisaged that the legislation in preparation in my Department, in consultation with the Attorney General, will specifically require the establishment of a functionally separate unit within the IAA. The IAA has considerable experience in operating a functional separation model. It has been operating that model since 2004 for safety oversight of air navigation service providers under the suite of EU legislation concerning the single European sky. The IAA is also responsible for safety regulation of Irish civil aviation generally, including airports. This experience of the functional separation model will inform the establishment of the required separate unit for airport noise management.

The other main reason for selecting the IAA under a functional separation model for airport noise management in Ireland is that it responds well to the requirement for aviation expertise to implement the new EU regulation effectively. The IAA has much expertise and knowledge of aircraft technology as well as airport and air navigation operations, which are considered essential to fulfil the various regulatory tasks satisfactorily. Although no one entity in Ireland possesses the entire range of expertise and knowledge to implement internally all elements of the International Civil Aviation Organization balanced approach, given the particular relevance of aviation expertise, it was considered that the Irish Aviation Authority was best placed to discharge the regulatory responsibilities involved.

**Deputy Clare Daly:** The IAA is a better option than the DAA or the local authority in the area. That a competent body separate from the IAA is being established is also beneficial but it must be seen to be entirely independent. As this organisation is to be funded from aircraft

activity, that is a problem. The Minister has said, and everybody knows, this new body will have the power, without recourse to anybody, to tamper with the existing conditions that restrict night-time activity with regard to the second runway. This relates to the runway not being used for take-off and landing between 11 p.m. and 7 a.m. and not exceeding 68 flights per night. If these restrictions are lifted, there will be a massive negative impact on people in the area. I imagine people will be utterly terrified to hear the Minister's answers to the earlier questions when he said that vital change may occur without recourse to this House. That is in contradiction to previous answers given by the Minister to parliamentary questions I have tabled about the new competent authority. I would like the Minister to be very clear on this. Will this be done through a statutory instrument signed by the Minister or legislation voted on by Members?

**Deputy Shane Ross:** I would like to reassure the Deputy on several counts. First, on the issue of whether the regulation will be discussed by the House and whether it will be implemented by statutory instrument or primary legislation, it is expected that we will have a result on this by the end of the year if a statutory instrument is the only course forward. We are in negotiations and talks with the Attorney General's office. If it is necessary to introduce primary legislation, that will be done early in the new year in this House. I have absolutely no problem, whichever course is taken, in bringing this regulation to the Joint Committee on Transport, Tourism and Sport or joining in a debate in this House, which can be through Private Members. It should be debated in the House. I have no problem whatsoever with that but I will not introduce primary legislation if it is not necessary: that would be absurd. It would be a crazy course to take. However, I will do this by statutory instrument if that is possible.

**Deputy Clare Daly:** I am deeply concerned by the contradiction in written replies to parliamentary questions previously in which the Minister stated this would require legislation whereas he is now talking about a statutory instrument.

**Acting Chairman (Deputy Bernard J. Durkan):** I cannot allow the Minister to reply. His time is up.

*Written Answers are published on the Oireachtas website.*

## Topical Issue Debate

### Beef Industry

**Deputy Jackie Cahill:** The decision by Brussels to allow ABP Group to take over Slaney Meats is inconceivable. The State reneged on its responsibility in this regard and the decision was left to Brussels to make. Farmers cannot understand how this decision was allowed to be made. It is the view of the vast majority of farmers engaged in the beef industry that this group controls a monopoly interest in the industry as it stands but it has been permitted to take out one of the remaining independent players in the industry. We have our problems with the British decision to leave the EU given the fluctuation in currency, but competition is being taken out of a trade that has been lacking in proper competition for a long number of years. Cattle drops have dropped significantly over the past number of weeks. Live exports reduced by 58,000 head last year and it looks like they will reduce further this year while, at the same time, calf registrations increased by 132,000. We have the twin prong of more calf registrations and fewer

live exports, meaning more cattle coming through the system. The cattle kill over the past few weeks has been 35,000 or 36,000 head. It has been proven over a long number of years that when the cattle kill rate exceeds 30,000 head per week, prices paid to farmers fall significantly.

I also question the commitment of many people in the industry to the live export trade. The Minister of State will quote figures about the percentage of the industry ABP Group has and he will refer to the various markets open around the world. Thankfully, the Turkish market opened in recent weeks but what it has taken is only a drop in the ocean. Significantly more live exports are needed to generate competition in the trade. I attended my local mart last Monday. The price of Friesian stores has dropped over the past month or six weeks by between €200 and €250 per head. There is a complete lack of confidence in the beef industry. The British decision is partly to blame for the lack of confidence but the fact that Slaney Meats has been taken out of the equation and another independent outlet is gone has greatly added to the lack of confidence.

Farmers' confidence in the industry has been shaken. The beef forum made a number of recommendations, none of which has been implemented. We were promised a review of the beef grid, the lifting of weight restrictions and an examination of the age restriction under the 30-month rule. None of this has happened and, therefore, farmers' confidence is at an all-time low. This is a vital industry for the country and it is imperative that the primary producer has confidence in the industry. However, confidence is evaporating by the day. Farmers selling Friesian cattle into the factories are lucky to receive €3.30 per kilogram. That is nowhere near break even. Unfortunately, the ABP Group is taking over an increasing number of feed lots, which have many cattle, around the country. In previous years, cattle became scarce approaching Christmas and the new year but now the group is releasing cattle from its own feed lots and manipulating the market to ensure there is no price surge. This happened last winter and prices remained static throughout the spring. There was no price lift for winter finishers. Unfortunately, winter finishers have taken so many batterings that they have no confidence to purchase stores, which is a huge contributory factor to the fall in store prices over the past month to six weeks.

Farmers cannot understand how this decision was made to allow Slaney Meats to be taken over by the ABP Group and why responsibility for the decision was relinquished to Brussels.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle):** I thank the Deputy. I will take him through why this happened in the way it happened.

As a primary beef producer, I am acutely aware of the importance of competition in all sectors, including the meat processing sector, in ensuring an economic return to primary producers. There is a well-established regulatory process involved in the assessment of takeovers to ensure that consumers, other businesses or, indeed, agriculture does not suffer or that the proposed takeover does not lead to a reduction in competition in the beef sector.

The State through the Competition and Consumer Protection Commission, CCPC, has an existing and well-established infrastructure for the assessment of mergers and acquisitions of business organisations generally. As part of this assessment, the CCPC examines proposed mergers or acquisitions involving business organisations to ensure there is no "substantial lessening" of competition. However, in situations where a proposed merger or acquisition exceeds certain thresholds, the matter must be notified directly to the EU Commission. This merger has been investigated by the Commission through DG Competition and they have found that the

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acquisition would not adversely impact effective competition in any of the markets where these companies are involved, for example, the purchasing of live animals for slaughter, downstream selling of fresh meat or the collection of animal by-products. The Commission's investigation focused on the beef and sheepmeat sectors in Ireland and a comprehensive questionnaire was sent to stakeholders in the industry, farming organisations and State bodies. My Department responded to this by providing detailed statistics on these sectors, especially in respect of slaughter numbers, prices and live exports.

The structure of the beef processing sector has been the subject of much discussion over the years and one of the recurring themes has been the question of rationalisation in the processing industry. However, the issue of rationalisation must be discussed in the context of ensuring that the question of competition within the processing industry is not compromised. This is why the process of examining this takeover was of the utmost importance. The process of the investigation by the relevant authorities, in this case the European Commission, is detailed and robust, with a core objective being to ensure competition within the sector is not unduly affected by the proposed takeover. The Commission is anxious to ensure that the process is sufficiently transparent with details of any new notifications being published on the Commission's competition website, which will allow any interested parties to make a submission.

I am very conscious of the need for competition in the beef sector in Ireland, as for any sector of an industry, to ensure that producers and all those involved in the different stages of production can achieve the best price for their product. I emphasise that in addition to the number of meat processors, competition in the marketplace is dependent on a number of factors, including the number of markets available for sellers of Irish beef on which to place their product and of course a vibrant live export trade. To that end, the Minister, Deputy Creed, has worked tirelessly since taking office on opening up new markets to Irish beef with the assistance of relevant State bodies, including Bord Bia, as did his predecessor.

*5 o'clock*

Additionally, 2015 saw Irish beef exports increase by 6% to €2.41 billion from 2014. Access to new international markets including the US, Canada, Oman, the Maldives and Iran was secured during 2015.

**Acting Chairman (Deputy Bernard J. Durkan):** I thank the Minister of State.

**Deputy Andrew Doyle:** This year the Minister, Deputy Creed, and I undertook a trade mission to China, South Korea, Vietnam and Singapore in order to progress our efforts to open these markets to beef and sheep meat from Ireland. As we speak, the Minister is commencing a trade mission in North Africa as one of the key objectives in the promotion of both Irish beef and live cattle. Regarding the latter, to which the Deputy referred-----

**Acting Chairman (Deputy Bernard J. Durkan):** I thank the Minister of State.

**Deputy Andrew Doyle:** -----1,700 heavy bulls and 3,300 weanlings have been exported to Turkey, and another boat is supposed to load in the next week or so.

**Acting Chairman (Deputy Bernard J. Durkan):** I thank the Minister of State.

**Deputy Andrew Doyle:** I will address the remainder of the question and some of the other issues in my final minute.

**Deputy Jackie Cahill:** I appreciate the Minister of State's answer, but farmers out there do not believe that this decision was good for the industry. This group has stopped live exports to the UK being economically viable. We cannot get quality assurance for our cattle in the UK to have these Irish forward stores slaughtered there. This group has purchased a significant number of calves in the last few years in this country to rear them so that it will control the market from start to finish. Every decision the group is taking shows it is looking for a monopoly within the industry. Unfortunately, this is being allowed to happen. How much of Bord Bia's budget is being spent on securing live exports? As I mentioned, the fact that we cannot get our forward stores into the UK on a level playing field is a huge detriment to the marketplace. While I accept that the Minister is trying to get extra outlets for our cattle, by this decision we have allowed an independent player to be taken out of the industry. In addition, this group controls the rendering industry in the country, has a controlling interest in that sector and the large amount of tonnage and offal created by beef processing and can control the number of cattle killed on a given week. It is inconceivable that this one group can be allowed to control the marketplace to such an extent.

As I said, figures produced last week have shown that since 2010, €78 million has been taken by the beef grid out of farmers' pockets. We were promised when the beef grid was introduced in 2010 that it would be cost-neutral, but all the analysis now shows that the beef grid costs farmers roughly €20 million per year. As I said earlier, we have had the beef forum and its recommendations, but none of those recommendations, which would be beneficial to the primary producer, has been implemented. As a matter of urgency, the beef grid needs to be reviewed and the age and weight restrictions reconsidered, as the beef forum recommended. It is absolutely imperative that the sanctions against our forward stores in the UK are lifted and that we get a level playing field, irrespective of the British decision to leave the EU.

**Deputy Andrew Doyle:** I appreciate the Deputy's commitment to this industry and I fully agree with some of the opinions and concerns he has outlined. I cannot answer his question about the budget for live exports but I can try to find that out. I do not know how it breaks down. The trade mission to Morocco and Algeria, which will be led by the Minister, people from the Department and Bord Bia, will be multifaceted. Beef and sheep meat exports and live exports are part of it. As the Deputy will be well aware, the beef grid was an agreement between the meat industry and at least one farming organisation. I do not know if any more than one farming organisation was involved. I think the forum has agreed that this be considered, and I think the Deputy is correct when he says the forum is the best chance of securing a long-term industry. It is my sincere opinion that all stakeholders in the industry, from primary processors and secondary processors right through to the retailers, should sit down and decide that there is nothing wrong with the product but that everybody in this production chain must have a decent, reliable, steady income. Volatility, no more than we have seen in the dairy industry, is the enemy of securing a future for the sector. Everybody should sit down, whether that involves some form of forward selling or contract selling, as is being talked about in the milk industry, to try to give people certainty when they look at their options and go to their creditors and banks and decide that this is the industry they want to finance. We all must be part of this, and producer organisations are very important if we can get them off the ground. They offer an opportunity for Ireland's beef farmers, who are probably by far our biggest industry, and I hope that sector can be put on a professional footing all the way from the farm gate to the table plate.

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## **Animal Breeding Regulations**

**Deputy Maureen O’Sullivan:** If the Dog Breeding Establishments Act were working, I would not have been submitting this issue for consideration as a topical issue over the past two and a half weeks and I would not have had the opportunity to discuss it now, which is great, albeit without the Minister, Deputy Coveney. However, I do hope to meet him about these issues at some point over the next week or so.

The Dog Breeding Establishments Act is not working and, consequently, there is absolutely scandalous treatment of dogs, very particularly of puppies in the so-called puppy farms, and I want to highlight a number of concerns in this regard.

There is no upward limit on the number of breeding bitches on a puppy farm. I have seen figures of over 400 bitches on one farm. Many of those premises seriously underestimate the number of dogs present. Inspections are by appointment, with several weeks notice being given to these establishments. When the premises are found to be non-compliant, they are given what is called an improvement notice and then invited to comply. Those who carry out the inspections lack the resources to do the work effectively. Instead of the authorities here working proactively, we are being shamed into doing something by the likes of the recent BBC programme on the puppy farms in Cavan. However, the animal welfare groups have been trying to rectify this and have been highlighting it for years. For example, a licensed puppy farm in Carlow passed inspections by the local authority but it had multiples of the permitted number of dogs, and those dogs were living in absolute squalor.

A massive trade in puppy farm dogs is facilitated by online sites and Internet sales. I know the Minister, Deputy Coveney, when Minister for Agriculture, Food and the Marine tried with his officials to rectify this with the Animal Health and Welfare Act, but it does not address certain aspects of animal welfare. For example, much was expected of the microchip legislation, but it is not being enforced. At a recent fair there were numerous dogs for sale with no microchip or paperwork. If there is no traceability, there is no accountability. The pounds and the rescues are taking the dogs that are microchipped to the breeder, but the breeder has no record of whom the dog is sold on to.

Counties Limerick, Cavan, Cork and Carlow are particularly bad when it comes to these puppy farms. Even though there are puppy farms well known to authorities, they can continue for a number of years in spite of their convictions for animal-related issues. One, for example, still had a type 2 transporter licence to transport dogs abroad. There are county managers in breach of the law. They are being compelled into initiating enforcement procedures so they are not being proactive. There are councils that resist Irish Society for the Prevention of Cruelty to Animals, ISPCA, involvement. The puppy farm at the centre of the TV programme had been passed by the county vet. A member of the family operating the puppy farm was stopped more than 20 times smuggling dogs, but the business continues. There is a puppy farm where the owner was legally obliged to tell the authorities that he was moving the dogs; he did not. I have seen inspection reports on these premises, several over a period of time before any improvements were made. There is no urgency on this.

Where there have been ample grounds for the council to take action, nothing has been done. For example, one dog breeder was using wooden crates for whelping bitches, which were totally unsuitable. The inspection notes show that the crates were seen several times before the local council did anything. Why are councils refusing to provide copies of the inspections they

conduct? There are frequent breaches of the law. Failure to comply with the law should have resulted in closure, yet we have these flagrant breaches of the law.

Our pounds and shelters are overflowing and Ireland is overpopulated with dogs, yet we continue to license people to breed dogs with abandon, and it is the rescue community that picks up the pieces. There are many dogs from the puppy farms with very serious health problems. The more popular the breed, the more they are churned out by the breeders. One year it was cavalier King Charles spaniels; another year it was Yorkshire terriers; the latest are the Dalmatians and the huskies, all very cute as pups, but they have much greater needs when they are older, and they are being brought to the pounds and the rescue centres afterwards.

The registration of puppy farms is not working. Puppies are being bred in appalling conditions which affect them physically and temperamentally, and huge sums of money are being made by the breeders, but the mess the breeders leave is left to the rescue groups. There is little or no political will to deal with this. There is an attitude of, “Ah sure, they are only animals”. It is totally unfair and unjust.

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** I thank Deputy Maureen O’Sullivan for raising this issue. The regulation of dog breeding establishments is a matter for local authorities in accordance with the Dog Breeding Establishment Act 2010. Each local authority must maintain for public inspection a register of dog breeding establishments in its functional area. This must include the name and address of the applicant seeking entry onto the register, the address of the dog breeding establishment and the maximum number of breeding bitches that may be kept at the dog breeding establishment or premises. The Dog Breeding Establishment Act 2010 provides a robust regulatory framework for, *inter alia*, the licensing, monitoring and inspection of dog breeding establishments by local authorities and, where a serious and immediate threat exists to public health or animal health and welfare, for the closure of such establishments. A joint inspection regime of dog breeding establishments, involving the Department of Agriculture, Food and the Marine and the local authority veterinary service was inaugurated last year for the purpose of inspection and follow-up action. The discovery of individual problematic dog breeding establishments, and the taking of action by An Garda Síochána, the Department of Agriculture, Food and the Marine and local authorities in an integrated manner in the most serious cases is a matter for the enforcement authorities concerned.

Guidelines on welfare standards for dog breeding establishments, published on the commencement of the Dog Breeding Establishment Act in January 2012, are available on the Department’s website and set out the required standards for such establishments. The current guidelines were announced by the then Minister on 21 December 2011, as provided for under section 15 of the Dog Breeding Establishments Act 2010, with the aim that they would help increase awareness regarding welfare standards and would aid good practice in dog breeding throughout the country. The guidelines became effective from 1 January 2012 following enactment of the legislation. Local authorities are responsible for monitoring compliance with these standards and are empowered to issue improvement notices where appropriate. A local authority may also issue a closure notice if a serious and immediate threat exists to public health or animal health and welfare. As the Deputy stated, however, there is general consensus that the scope of the existing guidelines needs to be enhanced as they are quite benign and represent a minimal standard that is probably no longer acceptable, particularly in view of recent issues that have arisen regarding some of the establishments. The rules and regulations in other countries are more rigid than the current guidelines. While many countries have primary legislation in

respect of commercial breeding dogs only, the Dog Breeding Establishment Act 2010 covers a variety of situations, with breeding and non-breeding scenarios captured by the same piece of legislation.

Consequently, in late 2015, following engagement between the local authority veterinary service and the then Department of the Environment, Community and Local Government, it was agreed with the County and City Management Association, CCMA, to begin a process of review of the guidelines in January 2016. The work undertaken to date has been to produce a first draft revision of the guidelines, which is currently under consideration in the Department. I expect that a revision to the guidelines will be available to the Minister, Deputy Coveney, for consideration very shortly.

**Deputy Maureen O’Sullivan:** I will start by talking about dog poop. Can one imagine a puppy farm with between 200 and 500 dogs and the amount of dog poop that would be produced? Where are the guidelines for the disposal of that? It cannot go into a normal septic tank, it cannot be spread on the ground and there are dangerous consequences if it goes out into the atmosphere. How many inspections are carried out with that particular aspect in mind? I accept what the Minister of State said about there being a robust regulatory framework. However, that is on paper and is not being seen in action. He says it is a matter for the enforcement authorities, but they are not enforcing the regulations. He said that the local authorities are responsible for monitoring compliance. There are too many examples of local authorities that are doing absolutely nothing. The Minister of State really must engage with the county managers on the enforcement of the terms of that Act.

The Minister of State mentioned that the independent review is taking place. The scope of that review needs to be widened. For example, the independent rescue centres that deal with the fallout in these situations are excluded. They are the groups with real experience that pick up the pieces. There is a need for a dog behaviourist in the review process. There is also a need for independent vets to be part of that review process because the dog breeding industry itself is very well represented.

If we look at the finance, Canine Breeders Ireland estimates that the dog breeding industry is worth in the region of €350 million a year. On the basis that there are 200 registered breeders, it figures that each must be averaging approximately €1.75 million in yearly income. However, according to the statistics, only €95,000 was collected in fees last year for all the dog breeding establishments in Ireland. There has to be a targeted audit of the puppy farm industry. The dog breeders should maintain records that can be provided to Revenue to ascertain that the tax paid is in compliance. In the United States, there are what are called “puppy lemon laws”. These are laws aimed at ensuring the good health of any dog purchased. It is the responsibility of the breeder or the dealer. We need an enhanced inspection regime and the Minister of State has to be proactive.

**Deputy Damien English:** The Minister, Deputy Coveney, and I fully understand the concerns of the public about the problems highlighted in the media regarding a number of dog breeding establishments. Deputy Maureen O’Sullivan has referred to some of those issues again tonight. That is why the Department, an expert group within the local authority veterinary services and other expert stakeholders have undertaken to engage in the ongoing review of the dog breeding establishment guidelines. They will take the time to address some of the issues the Deputy has raised as well. The suggestion to review the guidelines was made by an expert group within the local authority veterinary service and was accepted by the Department,

with meetings hosted by the CCMA under the auspices of its dog working group. Officials from the Departments of Housing, Planning, Community and Local Government and Agriculture, Food and the Marine, the local authority veterinary service, the Irish Society for the Prevention of Cruelty to Animals, the Dublin Society for the Prevention of Cruelty to Animals and officials from the Department of Agriculture, Environment and Rural Affairs in Northern Ireland all participated on a working group to draft the revision of the guidelines. The main stakeholders, Canine Breeders Ireland and the Hunting Association of Ireland, were consulted as part of that process.

More generally, the enforcement of welfare standards regarding all animals is a matter for the Minister for Agriculture, Food and the Marine under the Animal Health and Welfare Act 2013. As I informed the Deputy earlier, the guidelines will come before the Minister, Deputy Coveney, very shortly. There will be a chance to discuss the matter even further and to thrash out some of the issues the Deputy has raised. I will undertake to have that conversation with the Minister on the Deputy's behalf and to ensure all of these issues are addressed. We will publish the new guidelines in the near future.

### **Hospital Services**

**Deputy Brian Stanley:** I welcome the opportunity to raise this very important issue. It is the most important issue in Laois and surrounding counties. It is the issue of the hospital services. There has been a threat hanging over key services at Midland Regional Hospital Portlaoise for years. We have had leak after leak. One leak came out in early summer 2015 that indicated that the emergency services were to be removed. The Department of Health and the HSE then commissioned a report in response to the campaigning of local people under the tutelage of Dr. Susan O'Reilly. That report was to be published in September 2015. We are now in the month of November in the year of our Lord 2016 and heading for Christmas, yet we still have not seen that report.

In the interim, there have been more leaks and spin around the issue. One leak was regarding a recommendation that the emergency services be removed. It is time for the HSE, the Department and the Government to tell us what is planned for Portlaoise hospital. The emergency department is one of the busiest outside Dublin, busier than Mullingar and Tullamore. The absence of full consultant cover is often cited as a reason to downgrade the unit. The strategy of the Department and the HSE seems to be to keep the unit under constant threat of closure and consultants will not apply for the job as long as that is the case. In that way, the Department and the HSE get the outcome they want.

Resources are the issue in Portlaoise. That has always and ever been the case. A positive story from the point of view of the Government, the Department and the HSE has shown this in the last year. When the staff allocation was granted for the maternity unit, there were improvements. There has been a huge increase in the number of staff. They were operating with little over half the staff that was needed. We have seen the improvements in outcomes at the maternity unit. It can be held up as a good example. There were deficiencies there and the staff was operating under huge pressure. That has been improved. In a reply to a question of mine from 18 October, the Minister, Deputy Harris, acknowledged that there are far better outcomes now. It is a busy but excellent service.

There is also a busy paediatric unit at the hospital. If any of the key services in Portlaoise

is closed, there is nowhere to send people. I do not need to tell the Minister of State, Deputy Corcoran Kennedy, that one cannot send accident and emergency patients or those requiring paediatric services to Tullamore. The maternity services for Offaly are based in Portlaoise. Has the Minister read the important set of proposals issued in the summer by GPs and senior medical and clinical staff at Portlaoise hospital? These highlight the interdependent nature of the main services at the hospital in Portlaoise and the fact that if the emergency department were removed, other services would go with it because they are dependent on having a functioning emergency department. I refer to maternity and paediatric services in particular and the concerned professionals who manage, operate, staff and look after primary care and hospital care services in the midlands. They acknowledge the benefits of networking with the larger Dublin hospitals. Staffing is one of the issues affecting the maternity unit. The fact that it is now networking with the Coombe hospital is another benefit. The staff say that approach should be used as a template for the other services at the hospital.

There are people in the Gallery from County Laois. Jackie Cuddihy is one of them. As she has said publicly, she would not be here today but for the fact that we have an accident and emergency unit at Portlaoise hospital. That is an indication of the importance of the service.

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):** I thank Deputy Stanley for bringing this important matter to the attention of the Minister for Health, who sends his sincere apologies that he cannot be here and has asked me to respond on his behalf. This is a good opportunity to update the Deputy and the House on the future of services at the Midland Regional Hospital in Portlaoise. I acknowledge the presence in the Gallery of the people from the constituency to whom Deputy Stanley referred. Sadly, the constituency is no longer part of my constituency but I suppose what I have lost, others have gained and *vice versa*. The situation might revert at some point.

I assure the Deputy that the Minister, Deputy Harris, is committed to securing and further developing the role of Portlaoise hospital as a constituent hospital within the Dublin Midlands hospital group. The most important issue in relation to any changes at Portlaoise hospital is that patient safety and outcomes must come first.

As the Deputy acknowledged in his contribution, there have been a number of reports on the Midland Regional Hospital, Portlaoise in recent years. The reports have pointed to the need for reconfiguration of some services to ensure that patients are treated in the most appropriate setting by specialist staff that can safely meet their needs. Since 2014, the focus has been on supporting the hospital to develop and enhance management capability, implementing changes required to address clinical service deficiencies, and incorporating the hospital into the governance structures within the Dublin Midlands hospital group. Significant work has been undertaken to strengthen and stabilise current arrangements for services at the hospital to ensure they are safety-assured and adequately resourced. Governance and management arrangements in Portlaoise hospital have been strengthened, additional clinical staff have been appointed, and staff training and communications have improved.

The Dublin Midlands hospital group recently produced a draft plan which sets out a proposed service design for a new model of clinical service delivery at Portlaoise hospital. The draft plan has been discussed with the Department of Health and is currently the subject of further work and consideration within the HSE in advance of further necessary consultations with stakeholders, including GPs and consultants. No decisions have been made in respect of Portlaoise hospital but any changes, once approved, will be undertaken in a planned and orderly

manner and will take account of current use of services, demands in other hospitals, and the need to develop particular services at Portlaoise in the context of overall service reconfiguration in the Dublin Midlands hospital group.

I again assure the House and Deputy Stanley that this work is being done to strengthen services at Portlaoise from a patient safety and quality point of view. I am confident that the changes will improve services for patients at Portlaoise hospital. Patients are at the centre of everything we do in the Department of Health and within the Health Service Executive. Their needs must be prioritised, which is exactly the standpoint from which we are coming.

**Deputy Brian Stanley:** While it is acknowledged in the reply that there are significant concerns, we now have a draft plan but GPs locally say there has not been meaningful consultation with them. There has not been any consultation with local Deputies. When will we see the draft plan? With all due respect to the Minister of State, we are going around in circles. Today's response is the same as we received months ago. We have not moved one jot further forward. The plan was to be published in September 2015 but we have not seen it to date. A delay of one month or even three months is reasonable but the plan is 15 months late at this stage. Meanwhile, we hear the argument that we do not have the clinical staff required at the hospital. As I set out in my introductory comments, one needs to have the clinical staff in place, but there must be some certainty for the future of the hospital.

Senior HSE managers and bureaucrats will come and go but we must be able to see a clear way forward. Surely the people of Laois and the surrounding counties are entitled to that at this stage? HSE management might make decisions but the Government is not a bystander. The Minister of State in the Department of Health, Deputy Corcoran Kennedy, is not a bystander. We need certainty on the matter. Is it Government policy not to have busy regional hospitals strategically located? One could not but argue that Portlaoise hospital is strategically located. Is it Government policy to act on a wing and a prayer and not to secure the future of such hospitals? The Minister needs to make a policy decision to resource and staff the hospital.

Despite the fact that Portlaoise hospital is busier than either of the hospitals in Mullingar or Tullamore, its funding is €30 million less than that which is provided for Tullamore hospital. I do not argue to reduce the funding for Tullamore hospital but I just highlight the fact. It is miraculous what the staff in Portlaoise hospital have done with little resources. They have performed great tasks. It is now up to the Government to clearly set out a plan to secure the future of Portlaoise hospital.

**Deputy Marcella Corcoran Kennedy:** It is a stretch too far to suggest that the Government is acting as a bystander in this matter. That is especially the case when one acknowledges the improvements that have been prioritised in the hospital. For example, additional consultant posts have been created in anaesthetics, surgery, emergency medicine, paediatrics and obstetrics in addition to physician and midwifery posts. An additional 76 posts have been created since 2014, and a further 38 were converted from agency posts. One must accept that is very positive. Nobody could argue that it is a negative action to have taken.

I understand Deputy Stanley's anxiety about having an input into the draft plan. The plan has been discussed with the Department and it is subject to further work and consideration by the Health Service Executive. When that process is finished, the parties concerned will consult with the GPs and consultants.

**Deputy Brian Stanley:** Is there a timeline?

**Deputy Marcella Corcoran Kennedy:** I cannot give it to Deputy Stanley but I will try to find out.

**Deputy Brian Stanley:** Will it be before Christmas?

**Deputy Marcella Corcoran Kennedy:** I am keen to see the plan as soon as possible, but it is important that adequate consultation is carried out and that those who wish to submit ideas will be given every opportunity to do so.

It might be helpful for Deputy Stanley to hear that a plan - The Future of Acute Services in the Midland Regional Hospital, Portlaoise: The Local Stakeholder Perspective - was submitted to the HSE and the Department by Laois GPs and senior medical staff at Portlaoise hospital in September. That is another positive for the Deputy to take from today's discussion. I assure him that services at Portlaoise hospital are a priority for the Department, the Government and the Health Service Executive.

### **Primary Care Services Provision**

**Deputy Timmy Dooley:** The Minister for Health will be aware that it is proposed to re-configure the Shannon Doc out-of-hours GP services in the mid-west region, which will affect services in west and north Clare and involve the closure of services in Killaloe. This is unacceptable, short-sighted and a betrayal of people who live in rural areas. The areas of east and west Clare that are under threat as a result of the proposal to reduce services are some of the most isolated locations in terms of health care not just in County Clare but in the country as a whole. I suggest that if the Government fails to intervene in this issue, it will be yet another example of the manner in which it has turned its back on people from rural parts of the country. People in rural areas should expect to be able to access the same health services as those living in towns and cities. I refer, in particular, to those who have access to such services.

The out-of-hours Shannon Doc scheme has worked very well by treating patients in their communities. I do not doubt that any attempt to undermine the availability of access to Shannon Doc services on the part of rural communities will lead to delays in diagnosis and will place greater pressure on the accident and emergency department at Limerick University Hospital, which is already over-stretched. The HSE and the local doctors need to sit down to thrash out this problem and find a solution other than that which has been proposed. I do not accept that a small reduction in the number of doctors participating in the scheme is enough to require the drastic closure of the service in west and north Clare and in the east Clare area around Killaloe. Equally, I do not accept that the number of patients attending these services in some way justifies the discontinuation of the current service. I appeal to the Minister to talk to the officials in the Department of Health and to put in place a forum with the GPs and all the interested parties so that a solution to this problem can be found. It is not enough to say to the people in these areas that they must all be pulled into a single area because there are not enough doctors or service users.

My local radio station, Clare FM, recently aired a report about the mother of a three year old child who suffers from severe asthma on a regular basis. When the child had an asthma attack on a recent Sunday night, this woman and her child rushed to the out-of-hours GP service in

Kilrush and the child was successfully treated with a strong dose of nebulisers. The nature of what happens to asthmatic children means that this mother and many others regularly need to make such visits. She is deeply concerned about what will happen when such an event in the life and the health of her child occurs again. She absolutely believes she would not have time to get to Ennis, or perhaps Milltown Malbay as is now proposed. Therefore, the closure of the service in Kilrush has the potential to have a very negative impact on her family. The same concerns are being expressed in Ennistymon and Killaloe for a variety of reasons.

This service is funded by the State. This model was put in place to eliminate the need for people to present unnecessarily in accident and emergency departments. That is something we all talk about and we all need to see happen. We are attempting to solve a problem that does not exist in a way that will ultimately drive more people into our accident and emergency services at a time when they are overstretched, overburdened and unable to cater for and cope with the demand that exists. I appeal to the Minister to put the thinking caps on in the Department of Health so that some level of sanity can prevail.

**Deputy Marcella Corcoran Kennedy:** I thank Deputy Dooley for raising this important issue. I can hear the anxiety he has conveyed on behalf of his constituents. That would be replicated by any of us in these circumstances. As the Deputy knows, GPs who are contracted under the General Medical Services, GMS, scheme must make suitable arrangements to enable contact to be made with them, or a locum or deputy, for emergencies outside normal practice hours. While there is no obligation on GPs to participate in GP out-of-hours co-operatives as a means of meeting the contractual requirement, such services have been developed and expanded over time and are now an essential part of our primary care services. This helps to ensure to the greatest extent possible that urgent care needs are met in the primary care setting.

As the Deputy knows, out-of-hours arrangements in the mid-west region are discharged through Shannon Doc, which is a not-for-profit GP co-operative funded by the HSE. Shannon Doc recently announced that due to a difficulty in attracting GPs, and in particular locum cover, it is no longer able to maintain its existing service across all its centres. Following discussions with Shannon Doc, and in order to ensure the sustainability of the service, the HSE accepted a proposal from the co-operative to change the provision of the service. The most significant changes relate to parts of east and west Clare, essentially affecting Ennistymon, Kilrush and Killaloe, with minor changes in operating hours at two locations in north Tipperary. The Government is committed to ensuring patients throughout the country continue to be able to access GP services, especially in remote rural areas and certain disadvantaged urban areas. It is also committed to ensuring general practice is sustainable in such areas into the future. It is imperative that existing GP services in these areas are retained and that general practice remains an attractive career option.

The development of primary care is central to the Government's objective to deliver a high-quality, integrated and cost-effective health care system. There is a commitment in A Programme for a Partnership Government to a decisive shift within the health service towards primary care to deliver better care close to home in communities across the country. The programme for Government emphasises the need to focus on enhancing primary health care services by building up GP capacity, increasing the number of therapists and other health professionals in primary care and continuing to expand the development of primary care centres and facilities. The annual GP training intake has increased from 120 prior to 2010 to 172 this year. I know the Minister, Deputy Harris, is anxious to achieve further increases in future years. The Minister has emphasised the need for a new GP services contract which will help to modernise

our health service and develop a strengthened primary care sector.

Health service management has made progress with a number of significant measures through engagement with GP representatives. The GP contracts review process will, among other things, seek to introduce further measures aimed at making general practice a fulfilling and rewarding career option into the future. Progress to date includes changes in the entry provisions to the GMS scheme to accommodate flexible or shared GMS-GP contracts, and an enhanced supports package for rural GPs which includes a change in the qualifying criteria for rural supports and an increase in the financial allowance from €16,216 to €20,000. The recent changes to the Shannon Doc out-of-hours service will be subject to a three-monthly review. Their impact will be closely monitored and evaluated by the HSE. I hope the Deputy finds this information helpful.

**Deputy Timmy Dooley:** I accept that the Minister of State is here on behalf of the Minister for Health. I think she has been as frank as she could be. She touched on the nub of the issue when she spoke about GP contracts. She said that while this is a contracted service, GPs under this contract “must make suitable arrangements” to deal with out-of-hours services. I share the view of many people in the Clare constituency that the solution which has been arrived at is not suitable. The proposed arrangement is not fit for purpose, does not meet the needs of the community and does not ensure safe outcomes for patients who encounter issues like those I have already mentioned. I do not doubt that it will delay some patients in getting access to the treatment they need to save their lives. In other circumstances, it will delay people as they seek to present themselves to the medical system. Invariably, this will mean they end up in accident and emergency units. Some people will require hospital stays as a result of delays in getting to see doctors in the first instance. That is going to put more glue in the cogs of the health system in the mid-west.

I appeal to the Minister of State to go back to the Department to see whether the HSE will reject the proposal that has been made by the doctors. I was taken aback to discover that the HSE had accepted the proposal presented by the doctors. If the appropriate checks and balances had been put in place, and if the interests of the patients whom the doctors are supposed to serve had been taken into account, there is no way the HSE would have accepted this proposal. In my view, they should have gone back to the general practitioners and the people who run this service and made the case that it was not acceptable, that it does not meet the needs and that it is not a suitable arrangement. Furthermore, they should have made the case that the Minister must put in place an appropriate service and work with them to find a suitable solution.

I appeal to the Minister of State to go back to the HSE, re-engage with the doctors and try to ensure we have a system that is fit for purpose, one that meets the needs of the patients and will ensure that we do not further clog up the accident and emergency departments, which are under such extraordinary pressure at the moment.

**Deputy Marcella Corcoran Kennedy:** I wish to reassure Deputy Dooley that I will certainly convey his strong and articulate feelings on the matter to the Minister and the Health Service Executive. The challenge facing Shannon Doc, as I am advised by the Health Service Executive, is that the operation is in this predicament due to a shortage of doctors. As a result, Shannon Doc simply cannot maintain the services. I have been told that the Killaloe service will be open during weekdays on a needs basis with a mobile doctor servicing the centre. At weekends, the operating hours will change from between 9 a.m. and 9 p.m. to between 2 p.m. and 6 p.m. Patients will be seen at the Limerick, Ennis and Nenagh centres outside those hours.

The Kilrush Ennistymon service will relocate to Milltown Malbay during weekdays with the same operating hours applying, and both centres will be operational on Saturday and Sunday up to 7 p.m. instead of up to 9 p.m. I know that is not what Deputy Dooley wanted to hear, but I am afraid that is simply the way things are at present.

I am further advised that the HSE grant aids Shannon Doc to assist in its operations and that the changes decided by Shannon Doc are not influenced by funding availability provided by the Health Service Executive.

I assure Deputy Dooley that I will certainly convey his disquiet and that of his constituents on this issue to the Minister and the Health Service Executive. Our aim in this regard is to see if further efforts could be made to ensure the services people were used to - Deputy Dooley referred to a particular case - could be provided to his constituents.

### **Criminal Law (Sexual Offences) Bill 2015 [Seanad]: Second Stage (Resumed)**

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

**An Leas-Cheann Comhairle:** Deputy Wallace has three minutes remaining in this slot.

**Deputy Mick Wallace:** I hope I have not frightened the Minister. Has she gone?

**Deputy Marcella Corcoran Kennedy:** She will be back.

**Deputy Mick Wallace:** I have already had 27 minutes on the issue. In my last three minutes I will refer to an article in *The Guardian* this year by a lady called Laura Lee. She has engaged in sex work in Northern Ireland. She pointed out that she was enraged by the decision of the Northern Ireland Executive to bring in changes to the law governing prostitution under the Northern Ireland Human Trafficking and Exploitation Act. She believes this policy is motivated by the moral conservatism of the parties concerned but that it is cloaked in the more universally acceptable anti-trafficking justification. Under section 15 of the new Act anyone convicted of paying for sex can be sentenced to a maximum of one year of imprisonment or a fine or both. Currently, she works 50% of her time in Northern Ireland and the other 50% in Scotland. She says that since the introduction of the law, she has found working in Northern Ireland far more dangerous. People are not willing to use online booking forms or to divulge their details. Everyone suddenly has become John, she said. She maintains there has been no reduction in demand but that it is far more difficult to keep herself safe.

During the past decade women have increasingly relied on the Internet to protect themselves against violent or unpleasant clients and they turn to sites such as the National Ugly Mugs website and others to help to make themselves safe. She points out that because of the new legislation clients are far less likely to be open or to give their details. It amounts to life becoming far more difficult and dangerous for sex workers. They used to share information about difficult clients to help with the safety of others, but that is no longer an option.

The police have made it plain to her that they are already stretched to the maximum. She says there is a hierarchy of crimes. Let us suppose someone is zooming around Belfast in a stolen car at the same time as consenting adults are behind closed doors having sex. It is pretty obvious who the police are going to go after. The idea that putting pressure on adult consensual sex work will make it disappear is not a human-rights-based approach.

**An Leas-Cheann Comhairle:** I would like to make a comment to all speakers. You should not make any reference to anyone outside the House. Please take that into consideration.

**Deputy Mattie McGrath:** I welcome this Bill which seeks to give effect to European Parliament and European Council directives aimed at combating the sexual abuse and exploitation of children and child pornography. Its wide-ranging provisions include new criminal offences to protect children against grooming. I believe that is important given online use and the use of smart phones as well as the total change in access. As a parent, I have to fight with my children to get them offline and off the Internet. It is obvious that this is a dangerous area. We cannot be certain about what information they are receiving and what is coming into their devices.

There are new measures to protect children from online predators. I cannot overemphasise the numbers of parents I meet and others who contact me on a daily basis who are concerned. It is a major issue. It affects children right from the age they access these devices. Unfortunately, they are accessing them at younger and younger ages. We need to be aware. As a parent, I cannot be sufficiently aware of the kind of material they access or the people and predators who are ready to prey and intrude. Some change their identities, age and photographs on Snapchat to deceive younger people.

New and strengthened offences to tackle child pornography are vital. Harassment orders to protect victims of convicted sex offenders are vital too. This is because offenders can serve their time and their sentence and then return. We know some of these smart phones and other devices are available to offenders from the confinement of prison cells. They can go through the walls. The Internet is a dangerous and powerful tool.

New provisions are to be introduced regarding evidence by victims, particularly children. I welcome this because it is so difficult for minors and children to give evidence, even with the supports of social workers, siblings and parents. However, we need to strengthen the protections further.

I salute the work done in this area by the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, especially his attempts to highlight the protections that need to be put in place around child grooming. I heard Deputy Naughten many times during the last Dáil raising this issue with successive Ministers. His passion and zeal to get this area tightened up must be commended. The Minister, Deputy Naughten, has declared, however, that he is deeply disappointed that under this Bill additional powers have not been given to the Garda for post-release supervision and monitoring of sex offenders. Indeed that can be applied to victims of all crime. There may be victims' rights Bills and guidelines but we know that in many cases, unfortunately, the victim may be the last person to know what is happening to the person who perpetrated the crime. This can apply even if they have gone through due process and served a sentence, whether a jail sentence or community service or whatever. They are not kept up to speed with where it is at, where the perpetrator is and whether he has been released. Neither does it include electronic tagging which is a big issue in many areas of crime. The Tánaiste is soon to meet the Save our Communities group from Tipperary. It has a big issue about tagging ordinary criminals. We are going to have to consider it. The monitoring by the Garda and other authorities would be made a thousand times easier if there was tagging because it is electronic and not intrusive. It is a slight little monitor and it is available. I was brought recently to see the attempt to monitor the spread of bovine tuberculosis, TB, in Scotland. They were blaming the badgers and they put tags on them to monitor them.

It is amazing how simple it would be to see and monitor people's movements without depending on meeting or seeing or physically following them. I thank the Garda superintendent who brought it to my attention. It is vital that we consider that because it would be so easy and transparent. I know people have fundamental issues about rights and so on. The protection of our children, of minors and our communities from sexual predators cannot be understated and the victims' rights cannot be understated. The perpetrators up on charges often get free legal aid and can offend and reoffend when they are out on bail. We must bury any inhibitions about this and go for it. I am sure when the group from Tipperary meets the Tánaiste on 23 November it will make that case quite strongly too.

I am disappointed that this Bill does not mention electronic tagging for monitoring sex offenders. It is vital. It would save an enormous amount of Garda time. It is instant. I am not comparing children with animals but it amazed me that they could track a wide area of a parish or community by night to see where those animals were going. The technology is proven and should be used.

The Bill does not go far enough in disclosure of information under certain circumstances relating to an offender on the sexual offences register. That should be tightened up greatly. Thanks to the gardaí in my community, we found out that an offender from a different jurisdiction had arrived in our country only last weekend. He was under obligation to notify the authorities if he left that jurisdiction but he did not. He was picked up in my area by very active and engaged gardaí. I am delighted that happened because people can be scared. This person had gone to great lengths to evade detection. He had gone to the Netherlands from the other jurisdiction he had been in and had come back to Ireland. He was discovered by the movement of a car associated with him through the port and he was found living in a very remote area about two miles from my village. People did not know he was there but they were relieved to know that he is back in prison awaiting trial today for being in this jurisdiction.

I support the local garda, Niall O'Halloran, and the other detectives who were swift. This happened in the dead of night and it was a great service to the community. Electronic tagging would make that so much easier. We are always looking for extra resources for An Garda Síochána and that would cut down drastically on the need for extra resources. We have to consider it seriously. A working group should be set up in the Department of Justice and Equality to examine that.

Sections 7 and 8 introduce additional specific offences in respect of the grooming of children. I welcome that. While grooming is not defined in the Bill, it is generally understood to mean making contact with a child with the aim of sexually exploiting him or her. This is done through the Internet and modern devices that young children have. We all know they get them as presents for their first communion and earlier. It is very scary because it is a groomer's paradise. They can use all the modern jargon and can have conversations, as we have seen, and we know to our cost the impact that has on young people's lives. I plead with the Tánaiste and her colleagues here today to examine this area because it is fraught with danger and many teachers, guardians and parents are not abreast of and up to speed with this kind of technology. They need supports and they need to be reassured that when we enact legislation, we are ever cognisant of the dangers.

I also acknowledge the work done by different organisations such as Ruhama which has worked tirelessly for several years to see some of the provisions in this Bill introduced. I compliment those organisations on their work. They have experience, have done a lot of research

and have a lot of know-how. We must listen to them. In that vein, I note that Ruhama also has concerns about this Bill. I am sure the Tánaiste is well aware of them and has met and listened to Ruhama. It holds the view that while the Bill is an important step forward in combatting sexual exploitation within the sex trade, concerns remain that the spirit and intention of the law cannot be fulfilled without also removing the offence of soliciting. That should be obvious to anybody without a legal mind who reads this. We have to consider the spirit of the Bill as well as the printed version. It is Ruhama's view that this continues to subject highly vulnerable and exploited women and men, based in street prostitution, to criminalisation.

I listened to Deputy Wallace quoting what happened in another jurisdiction. It is not much good introducing legislation if it is not going to be policed or seen in the hierarchy of crime. We need to have a holistic view of this and see if we can change attitudes and people's minds about this. We have often introduced legislation here, with no disrespect to people who have tabled Private Member's Bills, myself included, without having done an impact assessment. That is very difficult for the drafters or the departmental officials. It is fine to introduce and pass legislation but the proof of the pudding is in the eating and there can be defects or unintended consequences. We need periodic checks on the working of legislation to see how it is bedding in and impacting on society in general and on the people it is intended to bring to justice. Legislation needs to be aimed at the right place and its impact needs to be accurate, justified and beneficial to society.

*6 o'clock*

It is important that our society is better and safer as a result of the introduction of any legislation. In this instance, the legislation is important.

While I welcome many aspects of the Bill, I have concerns that it may have a number of shortcomings. There should be a mechanism whereby we could review all legislation introduced. I have seen legislation brought in on which there was an outcry for years in terms of trying to get any aspect of it amended. It is as if the people who drafted it were infallible. None of us is infallible. None of us know everything about the law and its impact, therefore, we need to take a holistic approach.

The main provisions of the Bill are long overdue. We live in a highly technological society and this has produced a new set of challenges with respect to protecting children and vulnerable adults from sexual exploitation. That is probably the understatement of the year. I know - from the Minister's party, its members and her dealings with the different groups - that it behoves us all to try to grapple with the legislation but the area it covers is huge. The level of exploitation is increasing every day as a result of the misuse of modern technology or its use for purposes for which it was never intended. It is one thing having the legislation in place but it is another to provide An Garda Síochána with the powers and the resources to police it. As Deputy Wallace stated in the context of a jurisdiction not far from here, the police can be just too busy and may be unable - on foot of the hierarchy of crimes that exists - to deal with certain matters as a result of being obliged to respond to major road traffic accidents, bank robberies or whatever. If this statute is put in place, it must be treated seriously. In that context, An Garda Síochána must be given the requisite resources and tools and its specialist units must be properly staffed in order that they might monitor and combat the trafficking conducted online and behind closed doors in the comfort of people's homes. The latter can, of course, intrude on families, and young people in particular.

While the Bill does not go far enough, I welcome it and look forward to debating it further. I also look forward to the Minister accepting some of the recommendations and suggestions made to her.

**An Leas-Cheann Comhairle:** The next slot is the Social Democrats and the Green Party. I call Deputy Catherine Martin who, I understand, is sharing her time.

**Deputy Catherine Martin:** With Deputy Shortall, yes.

The Green Party broadly welcomes many aspects of the Bill before the House and commends the Minister and the previous Seanad on all the hard work they invested in it. We are particularly pleased to see the proposed new criminal offences to protect children against grooming, new measures to protect them from online predators, new and strengthened offences to tackle child pornography, harassment orders to protect victims of convicted sex offenders and new provisions to be introduced regarding evidence by victims, particularly children.

The Green Party recognises the ambition to bring Irish law into line with a number of international legal instruments. However, we have serious reservations regarding Part 4 of the Bill, which deals with the purchase of sexual services. While we agree with the policy aim of reducing the levels of prostitution, we believe that this must not be done at the expense of increasing the safety risks or the health risks sex workers face.

In the past ten years, organisations such as Amnesty International, Human Rights Watch and the United Nations Population Fund and the well-known and esteemed medical journal, *The Lancet*, have all called for the full decriminalisation of sex work. While there are many different countries and approaches to learn from, what the Government is proposing is known as the Nordic model. This form of law usually involves the formal removal of criminal sanctions against sex workers and instead criminalises the buyer. What the Government is proposing is to criminalise the buyer and remove one of the criminal sanctions against solicitation but also to create a new solicitation crime and leave brothel keeping as a criminal act. The Nordic approach has received a significant level of criticism, particularly when it comes to the health and the safety of sex workers. From the point of view of the increased health risks stemming from the introduction of similar laws in other jurisdictions, I draw the Ministers' attention to the report from HIV Ireland, which states that schemes to promote harm reduction and lessen the transmission of sexually transmitted infections, STIs, by sex workers are basically incompatible with the Nordic law model. The report notes that when sex workers are arrested in Sweden under this law, the police use the fact that they have been carrying condoms as evidence. Similar concerns have been expressed in Canada.

The Green Party is concerned that by criminalising the client, the more marginalised sex workers who continue to engage in prostitution will have to take on the burden of ensuring that the buyer of sex does not get arrested. The Vista Analysis report, which was undertaken for the Norwegian Government, indicates that sex workers were more likely to agree to go to the homes of clients following the introduction of the law there, thus lessening their control of situations and exposing them to increased risks. The same report indicated that following the introduction of the law, sex workers exhibited a higher tolerance for violence before they reported it to the police.

We fear that the compromising of the relationship with the Garda that would result from this law poses a risk that sex workers, particularly the most marginalised, would not receive

redress for crimes committed against them. Under the proposed law, sex workers are still penalised for working together in order to keep themselves safe. It has been shown that in other states, sex workers can also face difficulties in securing accommodation as their landlords can be prosecuted for letting premises to them. This can lead to forced evictions of sex workers from their homes.

Significant questions remain about the Nordic model. The Green Party's key concern with it is that a sufficient evaluation has not been carried out upfront to show whether the changes brought in had any impact on the health and well-being of sex workers. Stories are emerging of sex workers driven further underground and, therefore, out of safety in order to protect the identities of their clients. The latter means that they place themselves at even greater risk.

The UK is currently revisiting its approach. The select Home Affairs Committee has said that the Home Office should immediately introduce legislation to allow for solicitation by sex workers and to change brothel-keeping laws to allow workers share premises so that they are safer.

I know the legislation before us has been worked on since 2012 and I accept that everyone who has contributed has done so in absolute good faith and with an overarching desire to protect sex workers. However, I am concerned that we are rushing to enact it without full research and understanding in terms of identifying a baseline against which we can measure its success or otherwise. Most legislation requires an impact evaluation and consultation on the likely outcomes. That is what the UK is now seeking to do and we should consider doing something similar. Further, why does this proposed legislation not incorporate some element of a review mechanism to allow legislative reflection on its impact over a number of years? A similar provision is incorporated in the Gender Recognition Act 2015. It will be very difficult to make a judgment on the impact of the legislation when we have refused to undertake any prior evaluation of the existing situation.

Sex workers are a vulnerable group. It is wrong of this House to undertake a major public policy change that will impact on them without carrying out prior research or giving real consideration to the impact of similar changes in other countries. The crucial question we need to ask is how to reduce the number of people involved in sex work but in a way that does not risk the health or safety of existing sex workers.

The Green Party believes that the existing research does not at this stage sufficiently validate the Nordic model for us to believe it is the right choice for Ireland. We call on the Minister, therefore, to initiate a comprehensive baseline study on the practice of prostitution in Ireland. Such a study should be undertaken from a human rights perspective, considering the welfare of sex workers, the reason people enter the industry, the barriers to leaving and their experiences while in sex work. We also need to have a proper understanding of the current numbers of people working as sex workers. In conclusion, the Green Party welcomes the bulk of the measures in this Bill. It contains many provisions which are excellent and we commend those involved to date on its thoroughness and its intention. However, we believe Part 4 will present a problem for the health and safety of sex workers, and reluctantly, we will be abstaining on Second Stage with a view to tabling an amendment to this on Committee and Report Stages to remove Part 4 which will allow us to support the Bill in the future. If not removed at that Stage, we will have no choice but to oppose the Bill on Final Stage.

**Deputy Róisín Shortall:** I am glad to have an opportunity to speak on this Bill. In the

main, I would say that the Social Democrats broadly welcome this Bill which updates the law in respect of sexual offences. It has been quite a long time in gestation. It is hard to know why it has taken so long but now that it is here, many aspects of the legislation are to be welcomed. I would also have some reservations which I will detail.

The Bill, in respect of the updating of the law in relation to sexual offences, gives effect to considerable work that was done over a number of years by two Oireachtas committees, and it is good to see that work finally being taken on board. It also updates primary legislation in respect of the Criminal Evidence Act 1992 and the Criminal Law (Amendment) Act 1935. It reforms the law in respect of sexual offences relating to children. All of those sections are very much to be welcomed. However, in respect of Part 4, which criminalises the purchase of sex, the Social Democrats have a number of concerns.

The Bill addresses crimes which are regrettably all too common in this country at this stage and which need urgent response. It addresses offences such as obtaining and providing children for the purposes of sexual exploitation - a problem which, by all accounts, seems to be relatively common and which must be addressed as a matter of urgency. It addresses sexual touching and sexual activity in the presence of a child, and makes offences of them. It also addresses causing a child to watch sexual activity, grooming a child, and travelling or making arrangements to meet a child with the purpose of engaging in sexual activity.

The Bill also addresses the gender imbalance in the penalties for incest. At present, a female convicted of an incest offence is liable to up to seven years imprisonment as opposed to life imprisonment for a male offender. I welcome the fact that there is an equalisation in that regard. Section 40 provides for a harassment order whereby a court can impose an order prohibiting a convicted sex offender from contacting or approaching his or her victim for a specified period after his or her imprisonment.

There are also changes to the legal system. There are improvements for the protection of child victims within the courts system by allowing for the removal of wigs and gowns, the opportunity for children to give evidence from behind a screen and prohibiting cross-examination of a child by the accused. All of these provisions are welcome indeed.

According to the *SAVI Report*, which was carried out in 2002, there is a significant problem in this country in respect of sexual abuse, particularly in relation to children. The details of that report were quite shocking. It showed that, in terms of sexual exploitation and abuse in childhood, some 23.5% of men surveyed reported having been sexual abused as children. The corresponding figure for women is even worse. Some 30.4% of women interviewed for SAVI reported having been sexually abused in childhood. Those figures date back to the 2002 report and we know little or nothing about what has happened since then.

Over the past couple of years, I have been raising with various Ministers the need for a SAVI II to be carried out. I understand such a report, which would be informative and would provide a good evidence base for work in this area, would cost €1 million to conduct and that would be money very well spent. I recognise that the Tánaiste and Minister for Justice and Equality has agreed on the need for such a second SAVI report to be done and had offered to participate in the funding of that but, unfortunately, the other Ministers who were involved at that time in the previous Government, the then Minister for Children and Youth Affairs and the then Minister for Education and Skills, were less than enthusiastic about it, while the then Minister for Health refused point blank to provide the necessary funding. In view of the fact that it would only

require a contribution of €0.25 million from each of those four Departments, it is regrettable that was the case. I would certainly hope now that funding restrictions are freed up a little the Minister would give early consideration to providing the relatively small amount of funding in order for a second SAVI to be conducted so that we can find out, on an evidence basis, whether steps that are being taken and the services that are in place are making a significant difference to the level of sexual abuse across the population but particularly in relation to children. It is important that we have access to that kind of information.

Regarding children who have been sexually abused, we have nothing to be proud of in terms of the level of services that are being provided. Recent figures showed that some 5,000 children, where serious concerns of neglect or abuse have been raised, have not yet been allocated a social worker. These are not minor cases, these are cases where there is serious concern. Five thousand children is an extraordinary number of children and they are waiting months, in many cases, up to a year, to be allocated a social worker. Changing and tightening up the legislation is an important matter, but ensuring that the resources are there to provide the required support services, such as counselling, is just as important for victims concerned. We rightly express serious concern about the level of sexual abuse, especially relating to children, but we must put our money where our mouth is in terms of providing the necessary funding to provide the counselling and support services.

Part 4 relates to the purchase of sexual services. This area, also an area of serious concern in this country, received a lot of attention when this legislation was being prepared initially in the 2010, 2011 and 2012 period. I very much commend the formation of the Turn Off The Red Light grouping at that stage. It was a network or umbrella group of several different prominent significant organisations which lent their name to this campaign and lobbied hard. They did that because of the kind of statistics that were coming out and the evidence which showed that we have a significant problem in this country in relation to women being the victims of sexual exploitation in respect of the sale of sexual services, particularly non-national women where there is evidence of significant levels of exploitation. Women and children are very much exploited in Ireland's sex industry. That industry is valued at approximately €180 million a year and it is present in every county in the country. It is reckoned that, on average, approximately 1,000 women are available for sale on any one day in this country, and the vast majority of them are migrants of poor economic means and other vulnerabilities. Several of them are children.

There is no clear line between where the elements of trafficking end and consent to become involved in the sex industry begins. We know that many of the women involved in Ireland's sex industry, who do not meet the definition of a victim of trafficking, had no real choice. Poverty and life circumstances, combined with deception and gross exploitation, are evident in many of their stories that we hear. One exception to the legality of purchase of sex indoors is the Criminal Justice (Human Trafficking) Act 2008 whereby it is an offence to purchase sex from a trafficked person. Buyers of sex are only brought to account when they knowingly purchase sex from a trafficked person. There have been no prosecutions to date - and none is expected - due to the burden imposed on the State to prove that the buyer is aware of purchasing a person who is a victim of human trafficking.

As regards criminal records, including the risk of disclosure has been identified by the buyers as a reliable deterrent of their actions. Penalties are the most efficient proven approach to deter men who contemplate buying sex. It is believed that the reduction of demand for paid sex leads to decreased supply of prostituted people, among them those who have been forced, controlled, trafficked and those who are minors or who have other vulnerabilities. Once in

prostitution, nine out of ten surveyed women would like to exit it but feel unable to do so. We know that from surveys and evidence that has been produced.

The Turn Off the Red Light network was strongly of the view that we should learn from what happened in Sweden where the authorities have criminalised the buying of sexual acts. Very quickly after the introduction of the relevant legislation in that jurisdiction, there was a significant reduction in trafficking and prostitution and the recruitment of new women was halted. Many positive indications came out of the experience in Sweden initially but that was four or five years ago. At that stage, I was very strongly in support of the Turn Off the Red Light campaign. However, I have been forced to reconsider that a little. I have not completed my thinking on the matter but significant concerns have been raised. A number of these are legitimate concerns that need to be addressed. The basis of the Swedish model is the criminalisation of the purchase of sex rather than the criminalising of sex workers, with the aim of reducing overall demand. That is a very laudable objective. The logic of this in regard to sex trafficking is very clear. However, under the Bill's current design, sex work will not be decriminalised. There is still a significant and potentially punitive restriction on the women involved regardless of the reason they entered the sex trade in the first instance.

Part 4 increases the penalty for suspected brothel-keeping and penalises women who do not leave an area after being directed to do so by the Garda. Consequently, there is a clear danger that these measures may force those engaged in sex work to do so in isolated areas or to work alone in order to avoid arrest. This will significantly increase the risks many sex workers face and highlights how important it is that they are provided every protection under the law. When similar legislation was passed in Northern Ireland the PSNI warned that it did not have the resources to enforce it. Is that a concern here? It probably is. The Stormont justice committee said in February 2014 that prosecuting anyone under the law would require large-scale effort. Is our Garda force in a position to undertake such efforts and, more importantly, are its members equipped to do so effectively, particularly in the context of victims of trafficking?

In the P case, the High Court ruled that gardaí failed to identify a victim of human trafficking. The offence in that case was not related to the sex tax but to drug dealing. The failure of the gardaí to identify the fact that this woman was a victim of trafficking resulted in her being imprisoned for two and a half years. That sentence was overturned on appeal to the High Court. That example highlights this State's failure in respect of the identification of victims of trafficking. In addition, a case earlier this week raised a number of questions regarding how victims continue to be treated. According to reports on Monday, four young women from Romania appeared before Galway District Court where they pleaded guilty to operating a brothel. While the women stated that they were working for themselves, gardaí believed they lacked the wherewithal to organise themselves and were most likely to have been trafficked into the country by either a Dublin or Belfast-based pimp group. These were very young women, most of them in their very early 20s. Despite the reservations of the Garda, all of those women were each fined €200.

If we are to approach prostitution in this manner, it is vital that gardaí are trained in recognising victims of trafficking and that suspected victims do not face prosecution - that is the fear. Similarly, when two or more prostitutes choose to work from the same location for safety, they should not be prosecuted for brothel keeping unless there is clear evidence that one is profiting from the work of others. As the law still stands, if two prostitutes work together, they can be accused of brothel-keeping. Are we going to force a situation where women working in the sex trade will be forced to work alone in order to get around this issue and to avoid prosecution

under this legislation, obviously putting themselves at further risk? There are significant issues here.

I very much welcome the provisions in respect of the purchase of sexual services and, in the context of trafficking generally, Part 4. Most of the principles involved in that are right but I would caution that gardaí need training and resources. Also, we need to properly invest in and resource the support services that should be provided for women who find themselves in this situation. The Immigrant Council of Ireland is very much supportive of this aspect as well. I am of the view that it can be effective in tackling the growing issue of trafficking.

In respect of women involved in the sex trade who have not been trafficked, these are Irish women in the main, we know that the vast majority of those women got involved in prostitution for socioeconomic reasons. Again, we must ask why is that the case. Why do women find themselves in such vulnerable and desperate situations that they have to turn to prostitution in order to survive? I am not talking about women who would claim that they entered into this trade freely. The vast majority are under duress and are forced, as a result of their socioeconomic circumstances, to enter this trade in order to raise money, very often for their children. What impact will this legislation have on them? Where will it leave them? Will they be in an even more vulnerable situation? Will they be in even more danger? We need to rethink that. Certainly the vibes coming from Sweden, and later Norway, a number of years ago were that the indications were very positive but there is some rethinking of that now. It seems the new legislation has certainly acted a deterrent for the purchasers of sex but it has also acted as a deterrent for women or men contemplating going into the sex trade. There are questions remaining about people already working in that trade to ensure their position is not made even more vulnerable and precarious as a result of this legislation. To some extent, the solutions are legislative ones, which I have indicated, in respect of the existing law not being amended and the fact we are not decriminalising people engaged in prostitution. There are also significant resource issues that must be addressed.

With regard to this legislation, leaving aside Part 4, the vast bulk of it is very much to be welcomed. I fully appreciate the intent of Part 4. Its intent is very admirable and to a large extent correct in its principle. The operation of this new kind of legislation needs to be reviewed. We should revisit some of the aspects of Part 4 in light of the experience in Sweden in particular. On that basis, the Social Democrats are not opposing the legislation but we will propose amendments to it on Committee Stage which I hope the Tánaiste will be open to considering. I agree with calls from a number of Members of the House that there should be some kind of a sunset clause to enable us to see how the operation of this legislation goes. We need to review it after 12 or 24 months because we cannot be sure that, in the case of some very vulnerable people, it will not make the situation worse. With those comments, I complete my contribution.

**Acting Chairman (Deputy Catherine Connolly):** Glaoim ar an Teachta Madigan. An bhfuil sí ag deighilt an ama?

**Deputy Josepha Madigan:** Tá cúig nóiméad agam, ceapaim.

In her song, “Sexcrime (Nineteen Eighty-Four)”, Annie Lennox of the Eurythmics belted out these lyrics:

And so I face the wall

Turn my back against it all

How I wish I'd been unborn

Wish I was unliving here

There are many victims of sexual violence who can identify with these words. The consequences and repercussions of a sexual offence on a victim are multifaceted. The scale of the damage inflicted varies from one victim to the next depending on the level of depravity. We know the physical wounds will heal eventually, albeit leaving nasty permanent scars, but psychological wounds remain open, sore and exposed. More often than not the right balm to soothe the psychic wound cannot be found and it continues to ooze throughout a person's life, manifesting in multifaceted anxiety and post-traumatic stress disorders. The overriding sense of shame and even guilt is a common trait among victims of sexual violence. Some of the more long-term devastating effects of such violence, because all forms of sexual violence are violence, is the pervasive sense of fear and vulnerability, deep emotional pain, difficulty forming and maintaining relationships and the development of psychological illnesses, including addiction.

I very much welcome this Bill. I will talk about the matter of consent which I know the Tánaiste is open to discussing and re-examining. As legislators, it is wholly incumbent upon us to do all in our power to ensure we enact laws to protect victims and prosecute offenders. The Dublin Rape Crisis Centre told me that in 2015, 11,789 women, children and men sought its counselling services. One in three women and one in five men have been the victims of sexual crime. One in eight women and one in 20 men have been the victims of rape or attempted rape. These are shocking statistics. The Criminal Law (Sexual Offences) Bill 2015 is a vitally important step towards protecting our most vulnerable from sexual crime.

We are living in a digital world where technology is expanding at a ferocious rate. The development of social media is a communications technology breakthrough which has revolutionised how we communicate with each other, especially young people, but these online forms have a darker side. They can be used as a conduit through which predatory and devious men and women target and attract children. Parental responsibility is crucial in ensuring children are safeguarded from straying onto online forums where their safety is jeopardised. The policing of children 24-7, however, as I know as a parent, is unachievable and unrealistic in many households.

We, as a country, are all too familiar with the reprehensible ravages of child abuses. The One in Four campaign, for example, tragically highlights that child sex abuse is all too prevalent in Irish society. That any child has to undergo the trauma of sexual assault is heartbreaking, so a figure like one in four is simply not good enough.

It is heartening that this Bill provides significantly greater protections for those vulnerable children. I welcome that it brings us in line with our international obligations, as has been said by previous speakers, laid out by EU directives and that it will also facilitate our ratification of the very important Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Previous legislation could never have envisaged these new communication platforms and how they would be exploited. I welcome section 8 on grooming and section 15 which redefines a person of authority. It is a vital inclusion. The nature of authority, the power imbalance and the abuse of authority is clearly delineated in this Bill with its reference to current and former

positions of responsibility. The Bill's inclusion of a proximity test regarding the age of consent ensures the focus of our criminal law legislation remains the protection of children and sexual assault rather than interfering in consensual sexual activity between young people.

The mammoth work of the Rape Crisis Centre, for example, with its Ask Consent campaign, is to be commended. The very simple message is that sex without consent is rape. In addition, the introduction of sexual consent workshops in universities is vital to educate young people on the issues surrounding the grey area of consent. Universities are rife with sexual dalliances, flings and one night stands, none of which is any of my business so long as they are consensual. I am interested in the non-consensual. Peer pressure, FOMO, which means fear of missing out, and alcohol can be a toxic potent mix, and I know many women and men who have free-fallen into a hotbed of desire where consent has been left standing at the corner of the room, a silent witness, watching events like a voyeuristic room-mate.

Four years after Annie Lennox's "Sexcrime" song, Jodie Foster starred in the blockbuster movie, "The Accused", which highlighted the issue of rape and consent and brought it back into the zeitgeist. One of our own Irish best-selling authors, Louise O'Neill, has achieved that recently with her best-selling book, *Asking For It*, and the resulting television documentary thereby ensuring the word "consent" remains in our vernacular and nomenclature and helps us all to focus our minds on what defines consent. I firmly believe it is in the interest of victims to have a statutory definition of what constitutes consent in our legislation. I call on the Tánaiste and the Government to include a definition of consent in the Bill. Section 9 of the Criminal Law (Rape)(Amendment) Act 1990 states that the failure to offer resistance does not amount to consent, but it does not go far enough. In England and Wales, section 74 of the Sexual Offences Act 2003 defines consent in the following way: "a person consents if he agrees by choice, and has the freedom and capacity to make that choice".

Freedom of choice is of interest here. What defines freedom? Is it finally relenting or giving in to a sexual act? Is it easier than pushing the person away? Is that consent? Is it consent if a person is too weary to say no again after the hundredth time? What if they are afraid if they say no the person will find someone else or do something worse and so they give in? We need a definition of freedom if we are going to use a reference from that particular Act. What defines freedom? What defines capacity? Was the person drunk? Did they have three drinks or ten drinks? How drunk were they? Were they wearing a provocative short skirt, dancing on the dance floor all night, leading someone on and being consistently flirtatious? Were they dealing with some serious personal issues at the time and their judgment was clouded? Could they be blamed for trying? This is no longer a grey area; it is now white haired.

**Deputy John Deasy:** I commend the Tánaiste and everyone who was involved in bringing this Bill to the floor of the House. It updates many of our laws on sexual offences, many of which affect children in particular. I will make some general remarks on the administration of sexual offences legislation to lay the groundwork for remarks specifically on the Criminal Justice (Sexual Offences) Bill 2015 and sexual offence statutes in general. In doing so, I will refer to the work just completed by Conor Dignam, senior counsel, into the foster home abuse issue. I will make some comments at the end about where I think the gaps are when it comes to sexual offences legislation. It is fair to say that the foster home abuse issue began in earnest when I met two members of a local family in my office in Dungarvan in 2014. It is important to repeat what they told me. That is not purposefully to shock people but to remind them of why Deputy John McGuinness and I pursued this issue so strongly. They told me that their daughter-sister ended up in the foster home for respite reasons. To make a long story short,

they discovered that their daughter-sister, who is not verbal, had been raped anally with implements over a prolonged period of time. All of this had been medically attested and confirmed. The young woman cannot be operated on today because so much damage was done that to do so would threaten perforation of her bowel, which might kill her. This is not Grace. This is another individual.

It is worth repeating what we are dealing with here, because much of the verbiage Mr. Dignam uses is, understandably, very legalistic. It is complex. The report is 300 pages long. I do not wish to oversimplify his work but, generally, he outlines the grounds for an inquiry - in fact, the inquiry will be quite broad - and affirms the work conducted by the Committee of Public Accounts on this issue. To be honest, it goes further than what we considered. What he did not, and could not, deal with were the human elements of the foster home issue, the political ramifications or the relevant criminal statutes, which I will mention later.

One question that has arisen is whether the HSE misled or misinformed the Committee of Public Accounts and the Ministers dealing with the issue. The head of the HSE informed the Committee of Public Accounts that the three people who were responsible for making the decision to leave Grace in the foster placement, even when it had been decided no other children should be placed there, had all left the health service and were no longer in the public service. I question now whether that is true. I am informed that one of the individuals is still in the public service and works at a senior level for Tusla.

One of the big issues is what, if anything, will happen to those responsible for leaving Grace in the foster placement in the 1990s, those responsible for failing to act subsequently to protect her and others and those responsible for attempting to cover up the HSE's failings in this regard. The HSE's view is that it is powerless to discipline, dismiss or sanction those responsible. Those individuals were investigated in the Conal Devine report but the HSE operates differently from every other organisation in the country, whereby it can only issue sanctions against employees if the report is available publicly. We know that the Devine report is not subject to any legal challenge and the HSE continues to emphasise that it has not waited for the publication of the report to act on its recommendations. Here is where the contradiction occurs. It is really problematic that all of the findings except those relating to HSE personnel being disciplined can be implemented without the report being published. I believe I am not the only person to have a problem with that.

I refer to the whistleblower. It is the main point of what I wish to convey, and I believe the Tánaiste and Minister for Justice and Equality has a role in this. The whistleblower received a letter in July 2014 from the HSE's authorised person informing her that the file related to her protected disclosure was "closed". She had alleged that the HSE had covered up its failings with regard to 47 children and adults who had been left at risk. The HSE launched two inquiries, neither of which investigated the allegations of a cover-up. The first inquiry was conducted by a former HSE official. The same person wrote the terms of reference for the second inquiry. The HSE then wrote to the whistleblower to say that the file was closed. The head of the HSE assured the Committee of Public Accounts that the protected disclosures received in 2009 and 2010 had been investigated. He refuted the assertions that there had been a cover-up, explaining that neither inquiry found evidence of a cover-up. Of course, he chose not to mention that neither of the inquiries had this included in its terms of reference. Allegations of a cover-up were never investigated.

Another issue has come to light. The HSE refused to make Grace a ward of court, even

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after her removal from the placement. I believe its reasons were that it would probably have to tell the court she had been left at risk and that she would take a civil action. The whistleblower then personally petitioned the High Court on the matter. The HSE tried to stop her. It referred to the funding it gave to her organisation. It contacted the chairman of the board she worked for and put as much pressure as it could on the whistleblower. The HSE managers involved wrote letters, including several solicitor's letters, to the whistleblower's manager, the board of directors and the High Court. She claims these letters contained fabricated information alleging misconduct by her in the course of performing her duties.

This is important for every whistleblower now and in the future. What I am about to say is critical and must be dealt with in the interim before this inquiry happens. The letters to the High Court were drafted by HSE solicitors at the request of a HSE senior manager. They alleged serious misconduct and requested that, owing to this misconduct, the whistleblower be removed as a court-appointed representative for her client. The letters suggested that the whistleblower was not a fit person to represent her client and, as a result, the HSE could not be expected to work with her. What is interesting is that another HSE manager has since provided the whistleblower with a signed statement that the information contained in those letters had been fabricated. Why? The strong suspicion is the HSE management, about which she had made certain allegations, did not want her to have information to which she was legally entitled and did not want her to continue to expose its failures.

She was required to get legal advice and send solicitor's letters on her own behalf in an effort to ensure she was not removed from her position. No protections were afforded her by the protected disclosures office in the HSE. She will give full details of this and the supporting documentation to the commission of inquiry. None of this has been investigated by either of the previous reviews of these matters. According to the whistleblower, the HSE manager who fabricated this information and sought to destroy her career has been promoted to a new post in Tusla. No disciplinary action has been taken against him. It is worth pointing out that she briefed the head of the HSE, Mr. Tony O'Brien, about all of this last February. Neither Mr. O'Brien nor anybody in the HSE has contacted her in the interim or apologised to her for their conduct.

I will quickly discuss the legislation governing this area. In 2010, allegations were made, a Garda investigation ensued and it ended in June 2015. Five files were sent to the Director of Public Prosecutions, DPP, and no charges were directed. Of course, this does not mean there was no criminality. The primary alleged abuser was deceased at that point. Gardaí repeatedly made the point to the whistleblower that none of the alleged victims could give evidence in a trial or be cross-examined. She asked them what they did in a murder trial when the murder victim cannot be cross-examined or give evidence in court. They had no response, so I think she made her point.

She decided then to walk into a Garda station and make a new statement of complaint. Under existing statutes it is an offence if a person is left at risk of sexual abuse. It is not just an offence if the person suffers sexual abuse. The Garda is now investigating whether the HSE recklessly endangered these people and left them at risk of sexual abuse. The investigation is well under way but the fear is that our existing legislation is not robust enough to secure a conviction. I will explain that. While there is legislation that protects children from abuse and neglect, which is what the Bill is all about, there is no corresponding legislation for adults. It is not an offence to neglect, emotionally abuse or starve a vulnerable adult unless the result is significant harm or death. If what happened to some of these people had happened to a dog, there

would be a greater chance of securing a conviction, given that Ireland, in some circumstances, affords greater protections to animals than to adults with disabilities. It is easier to secure a conviction for animal cruelty, and those responsible can receive legal penalties which include prohibition from caring for animals. There is nothing in the Statute Book that could have prevented certain individuals from continuing to care for people with disabilities for 20 years after the allegations came to light, or to prevent them from doing so today.

If one asked ten people in the Chamber who are the most vulnerable people in our society, one would get ten different answers, and they might all be reasonable. Somebody might say it is the elderly.

**Acting Chairman (Deputy Catherine Connolly):** I have given the Deputy great latitude. He must speak on the Bill.

**Deputy John Deasy:** Thank you. Give me 40 seconds more latitude. My vote would go to the individuals to whom I refer. Regarding what must happen now, given what the HSE knew back in February, one step needs to be taken by the Taoiseach and his office. I thank him for moving on the issue when I raised it here two weeks ago. The report has been published and I appreciate what he did. The Taoiseach must examine the behaviour of the HSE and how it treated the whistleblower. If half of what I am being told is true, it must be acted on immediately. The only office that can deal with it is the Taoiseach's office dealing with the HSE directly.

**Acting Chairman (Deputy Catherine Connolly):** An Teachta Chambers.

**Deputy Jack Chambers:** Which Chambers? We are the first two in the House.

**Acting Chairman (Deputy Catherine Connolly):** Deputy Lisa Chambers is listed first. I will let you decide between you.

**Deputy Jack Chambers:** I will start. Fianna Fáil supports the Bill and I am delighted to speak on it. I thank the Minister for progressing it. It shows leadership and a process of change which is important in the context of many of the provisions in the Bill. However, there is scope on Committee Stage to strengthen certain parts of the Bill. I am sure the Minister is open minded about amendments that will be tabled by various Members. It is welcome that the provisions are being put forward on a legislative footing and that we are codifying many important facets of our law where there are many lacunae, recommendations of Oireachtas committees and directives of the European Council and European Parliament. I particularly welcome section 8 on trying to prevent the exploitation of children. The Minister mentioned a number of provisions around coercion, IT and child pornography. It is important that the State acts properly and decisively on a legislative footing on what is a core problem in Ireland, Europe and beyond.

The Bill replaces the public indecency provision in the Criminal Law (Amendment) Act which dates all the way back to 1935, and criminalises the purchase of sexual services. Fianna Fáil supports this important measure. Having met with various expert groups and individuals in the area, including Denise Charlton of the Turn Off the Red Light campaign last week, I am aware of the support for it. My party will continue to work towards ending human trafficking in Ireland. In 2008, the Criminal Law (Human Trafficking) Act saw dedicated anti-human trafficking provisions established in the law enforcement agencies and health services. Significant numbers of women were given vital help through these bodies. In the intervening years, the nature, approach, operations and scale of prostitution and abuse of women and children has transformed dramatically, with street prostitution largely replaced by an underground industry which

is more sophisticated, ruthless and harmful, and highly profitable, and it is important that many of the measures in the Bill are enacted quickly in order to target it. The increase in the number of foreign prostitutes operating in Ireland compared to a decade ago raises questions around the extent of trafficking of women into and within Ireland for sexual exploitation. What Deputy Róisín Shortall mentioned about the recent case in Galway is evidence of how prostitutes are being used as a front by pimps and people who operate on an underground basis. It is important we tackle such cases to ensure we are not prosecuting the most vulnerable. It is important we get to the bottom and reach the people who are using them as a front for the operation.

The precise scale of the sector is not well known. Various groups estimate that there could be anything from 700 to more than 1,000 sex workers operating each day. Proper information is vital so we can get a handle on the growing issue. What is most pressing is the need to stop the exploitation of these people, and the Bill is a necessary response to the need to develop a fresh approach to all this. The degradation and exploitation of many of these women is shocking. Trying to flip our laws towards tackling the purchase goes some way, although not all the way, to trying to address the problem. Equally important, although not contained in the Bill, is the need to commission another report on sexual abuse and violence in Ireland, another SAVI report. The original SAVI report was released in 2002, and was crucial to the delivery of the Ferns, Ryan and Murphy reports, which followed and revealed in horrific detail the scale of the sexual abuse that has occurred. The Dublin Rape Crisis Centre and various Oireachtas committees have recommended a fresh report. Surely, after 14 years, a new report is well and truly overdue.

I am happy to support the specific protections the Bill contains for children in the area of combating the sexual exploitation and abuse of children and child pornography. The Irish Society for the Prevention of Cruelty to Children, ISPCC, has welcomed the Bill, given that it offers greater protection to the youngest and most vulnerable in society. The ISPCC has also warned that the lack of risk assessment guidelines and provision for post-release supervision are worrying omissions. There is room to work on, and I am interested to know what the Minister has to say about it. I am concerned about the deficiency of support for victims of sexual violence in the Bill. The National Women's Council of Ireland, the Dublin Rape Crisis Centre and One in Four are all concerned that there is no definition of consent in the Bill. Deputy Josepha Madigan mentioned it in her contribution and I am happy that she said the Minister is examining it. In the week when the fascinating RTE documentary, "Asking for It?" by the writer Louise O'Neill highlighted in very stark terms the lack of education, understanding and knowledge in this area I share these concerns. A statutory definition of consent would be effective in tackling stereotypes about what constitutes rape. Such a definition exists in other jurisdictions and we should consider it very carefully.

The Bill also covers the issue of counselling notes and their role in the criminal justice process when somebody is accused of rape or sexual assault. The idea that defence counsel can access this information and try to use it to discredit the victim can have the effect of a victim suddenly becoming the one on trial and having very personal details revealed in a court setting. It is important we examine the provision very carefully to ensure we do not disincentivise women from coming forward and make a very difficult situation worse. I have concerns about it. This can have an incredibly traumatic effect on a person who is already feeling extremely vulnerable. While it is welcome that the Bill ends this fishing exercise, it does not altogether ban defence teams from accessing counselling notes. Rather, they must make an application and argue why it is relevant to the case, which may adversely impact on somebody in a particularly acute and sensitive situation. If victims of sexual violence think something as private as their counselling

notes could be aired in court, it could render victims unwilling to come forward and report sex crime. The Bill represents a golden opportunity to address it and properly protect all victims of sexual violence.

I welcome the fact that the Bill makes it illegal to cross-examine a person under the age of 18.

*7 o'clock*

We should consider if this right could be extended to all victims of sexual violence, as is the case in England and Wales. The thought of a victim having to undergo a verbal assault by the person who physically assaulted him or her or a defence team is particularly horrifying. As part of the future examination of the Bill on Committee Stage, some amendments must be constructively examined to make this the right Bill for the long term. We should not push into future legislation any of the positive measures that many of the Deputies across the House are suggesting. As we all know in the context of this Dáil, the legislative process has been especially slow and it has been difficult to get even this legislation progressed over recent months. It is important, now that we are here, to make every effort to make this the best possible legislation to help those in particularly sensitive and difficult scenarios in their lives. We must give them protection and tackle those who exploit the most vulnerable in society, those who are trafficked and the children who are most vulnerable.

My colleague, Deputy Lisa Chambers, will speak next but I reiterate that Fianna Fáil fully supports this Bill and feels there are further measures that could be taken to strengthen its potential legislative effect.

**Deputy Lisa Chambers:** I welcome the Criminal Law (Sexual Offences) Bill 2015 as it is good legislation. As has been pointed out by other speakers in this debate, there are gaps. It is the purpose of this debate and the process of legislating to identify these gaps, have a conversation about the issue and, as a House, try to make the legislation better and more effective.

I welcome very much the aspects in this Bill that relate specifically to the protection of children and the introduction of new offences in this regard. Certainly, the Bill provides a more effective response within our criminal justice system to sexual offences and it also responds to new and emerging threats, such as predatory activity targeting children via the Internet and social media. This is a very important aspect of the legislation because often the law has rightly been accused of lagging behind in terms of developments in technology. We can be very slow in catching up. It has been quite obvious for a number of years that online forums, social media and the Internet have been used to target and groom children who are quite unassuming and assume the best in people. They believe who they connect with online and that what the person is telling them is entirely factual, which is often not the case. Legislation like this extends protection to those children and creates offences where necessary, bringing us in line with European directives and law.

There are certain concerns around those aspects of the Bill and we certainly must ensure the legislation is robust and that we can improve conviction rates. We must also ensure there is proper supervision of offenders, that they are properly rehabilitated and that when they return to society, they are properly monitored and people do not re-offend. That must be one of the cornerstones of our approach.

In particular I will refer to the protection of women, specifically those who have suffered

from sexual crimes. The National Women's Council of Ireland has said significant gaps remain in this legislation in the protection of women who have been victims of sexual offences. As has been eloquently described by Deputy Josepha Madigan, the absence of a definition of consent is a major concern. This has been highlighted by the Rape Crisis Centre, the National Women's Council of Ireland and a number of Deputies in the Chamber. Consent is defined in the UK and other jurisdictions and it is incumbent on us as legislators to ensure the definition is provided to the public and we legislate for it. At this time we can say that consent is a grey area, and it gives me no joy to say that. It should not be a grey area, as consent should be clear and defined. People should know what consent means. How can we be expected to educate young people on what consent is if we, as legislators, cannot put pen to paper and put a definition in place for the public to see in black and white?

It is very important that in line with this legislation and the proactive approach we are taking to tackling sexual offences crimes in this country, we tackle the perpetrators of these crimes and assist victims. We certainly need to include that definition of consent, and alongside that we should embark on a process of educating young people on what consent means. We should teach people not to rape and we should not go about teaching people how to avoid being raped. That is what we have done for recent years. We have looked to women to say how they can avoid being attacked and stop themselves being preyed upon. It is the wrong approach, and because of it, we have become quite complacent in society as to what is a sexual offence, assault and rape.

Every weekend women go into a bar or a nightclub and are groped and felt up, for want of a better phrase. People will turn to them and say their skirts are quite short or they had too many drinks, or they will ask if they were looking for it. That is the attitude taken by far too many people. I hope and I like to think the majority of us see that type of attitude as totally inappropriate and quite disgusting. Unless we go about educating our young people from early teenage years as to what consent means, we will continue to have the devastating effects on victims of sexual offences within society. We will continue to see case after case going before the justice system, with people outlining cases in which they have been sexually assaulted or raped. They have to go down that horrific process involving the courts system.

The next part of the legislation has been addressed by my colleague, Deputy Jack Chambers. It is the access of counsel for the defendant to the counselling notes of the abused person. I am not sure how that is justified as any access to counselling notes should be completely prohibited. Therapy or counselling should be taken with the knowledge of the person seeking those services that it will always be in confidence and what people say to their counsellor or therapist will always be in confidence. It completely undermines access to those services if, in the back of a person's mind, he or she thinks that at some point the public or the person who has committed abuse could have access to those notes. Not only could the abusers have access to the notes but they can be used as a tool to beat the defendant and hurt that person. I welcome that access is limited and that is a positive step. However, I fail to see how in any circumstances counsel for the defendant or the defendant himself or herself can make any argument for access to counselling notes. I just do not see the reason, although I am open to being corrected. On balance, it is far more detrimental to the victim and we should look at it.

I will comment briefly on the broader issue of trials for sexual offences, especially the traumatic and harrowing process that victims must often go through. It is widely known that if an individual is put through the criminal justice system, with a case taken to the courts and a wish to prosecute the person who has hurt, harmed or sexually assaulted or raped the individual, that

individual will have to give evidence in open court. There is often the possibility or probability that previous sexual history will be brought up for all to see and know about, and it will be used somehow to discredit the testimony of the person against a defendant. That is the reason so few women are willing to come forward and go through the court system. They know that previous sexual history and character will be attacked, and it will be there for family, friends and the public to see and hear about. For many victims, it is just too much to deal with and they do not want to go down that path. It is something we must certainly examine.

I will take the final few minutes to address the aspect of the Bill that criminalises the purchase of sexual services. I welcome this but I do so with caution. It is a positive step in that it puts the responsibility and onus back on those who traffic women, purchasing sex from vulnerable women and, often and unfortunately, vulnerable minors. We know many of those who work in prostitution are considered children as they are under 18. These are clearly very vulnerable women if they are going into that work.

It is worth noting that some women enter into that type of work consensually, but it is a very small number. For most people, they are in that position because they have nowhere else to go or turn to. It is a case of doing this or they do not survive. Until now, all the responsibility rested on the shoulders of those selling sex without any consideration as to why they were doing it. However, I worry about the effects the legislation may have on the industry. It is one of the oldest industries in the world and this type of work was around before many other types of work existed. We would find it difficult to eradicate the selling of sex in this or any other country. However, that should not prevent us from protecting those in the industry or from doing everything we can to get them out of it while ensuring they are not criminalised or prohibited from accessing services. Deputy Shortall referred earlier to courts fining women for selling sex when they are clearly victims. They are not engaged in this practice because they want to nor are they consenting to engage in it because they have been trafficked or forced into it. It may seem like a small sum of money but the fact that a punishment was dished out to these women sends out the wrong message to those in the industry that if they seek help, it is possible they will be locked up or face other criminal sanctions. That would leave many women and children feeling vulnerable and feeling that they have nowhere else to turn.

We need to examine how we deal with victims in the context of trafficking and prostitution and ensure that if there is any way they can get out of the industry, they know where to go and who to turn to, and that they know they will be protected and looked after and given the treatment they need to make a recovery. We are not doing enough in this regard and I share the concerns of other Members that the criminalisation of the purchase of services could drive the industry further underground. Everything we do to assist women who are being trafficked needs to upset the criminal gangs and their operations and make it as difficult as possible for them to traffic women into the country, hold on to them and to make a profit out of vulnerable women and children. I welcome the provisions in this regard. They are a step in the right direction but, as previous speakers said, we will need to review the legislation in a year or two using data to assess its impact on the industry to ensure what is proposed does not harm victims further.

**Deputy Bríd Smith:** I wish to share time with Deputy Coppinger.

People Before Profit opposes the Bill on a number of grounds and I will outline our concerns. I have concerns about access to children's psychotherapy notes and believe this should be restricted to exceptional circumstances where more general information from the therapist is not available.

However, my chief concern relates to the criminalisation of the purchase of sex. Approximately three years ago, the union I worked for at the time, Unite, was lobbied by the Turn Off the Red Light, TORL, campaign and we had a debate in the equality and women's sections of the union. I was the only person to advocate that TORL had it wrong but I lost the vote when it came to the union adopting a position. Like the Union of Students in Ireland and Migrant Rights Centre Ireland, Unite is reconsidering its position on this. It is healthy that organisations that advocate on behalf of women and that represent women and others should examine where the criminalisation of the purchasers of sex may lead us.

I object to the conflation in the legislation of a number of different and complex issues. The issue of consensual adult sex work should not be conflated with the issue of women and, indeed, children being trafficked and coerced into sex work or the issue of child abuse or pornography. They are different issues and the Bill attempts to adopt a one-size-fits-all approach, which is not an appropriate response. The conflation allows for many Members to express outrage and moral revulsion but the previous speaker made an eloquent case for looking after prostitutes and trying to get them out of the business of providing sex. I do not at all disagree with that but, at the end of the day, what the Bill sets out to do will end up doing the opposite. Much of the justification revolves around references to the Nordic and Swedish model, which has been instanced by the TORL campaign, Ruhama etc. as a good model, with research showing it addressed the issue. However, the model does not consider the complexity of the issue or the social and economic realities that lie at the heart of the criminalisation of the purchase of sex.

It appears the legislation would decriminalise prostitution, although I am a little confused because section 25 refers to reinforcing the offences of loitering, working indoors or running a brothel and making them subject to harsher sanctions. However, the Bill provides that those who purchase sex will be liable to criminal charges and, therefore, they can be arrested and brought before the courts. It is regrettable that the Bill does not acknowledge or address how the law interacts with sex workers. Although it does not discriminate against sex workers, it makes their lives more dangerous and precarious. This is based on research conducted by Amnesty International and people who look after female prostitutes in the Scandinavian countries who have operated under this model. By targeting the purchase of sex, the industry at large will be driven underground.

There were cases in Scandinavia where clients of sex workers were brought to court and the clients were required to give evidence against them. There were also cases of clients having their personal possessions searched and if they carried condoms, for example, they were used as exhibit A in the case against the purchaser of sex. HIV Ireland wrote to us recently about this. Aids Action Alliance has also conducted research in this regard which has found that if women, in particular, and children are driven into a position of having to hide the fact they may be selling sex because the purchasers are liable to end up in court, they may end up not protecting themselves. There is evidence that HIV is on the increase among sex workers in Sweden and Norway. Criminalising the purchase of sex creates a buyer's market but it determines from the buyer's point of view where the act should take place and in what surroundings it should take place rather than the sex workers having control of where and how the act takes place. It drives the industry into a dangerous and dark place, particularly for the women concerned.

According to the Amnesty International report, sex workers whom this kind of criminalisation befalls are subject to surveillance because if the police want to catch the purchase, they surveil the sex workers. This leads to a situation where the sex workers and the treatment they receive at the hands of the police is often dangerous. In this country, many sex workers have

complained openly, and it has been reported in the media over recent years, that they can be persecuted, harassed and often put into troubled areas by the gardaí who are pursuing them. There is no attempt to separate the dangers of sex work from the reasons people are engaged in it. They can be driven into it or they could choose this work rather than choosing a different life. This legislation will not help women and children in this position.

The conflation of that and trafficking is even more worrying because we should be going after traffickers. Trafficking human beings for the purposes of the purchase of sex and forcing people to engage in the sale of sex is a serious crime. A court case was reported in the news over recent days in which 20 Romanian women were fined for running a brothel in the west having been trafficked into the country but there was no sign of those responsible for trafficking them. I would much rather see the State produce a strong Bill with financial and resource supports for the Garda, which already has a budget and a dedicated unit for trafficking but which seems to get very few results, and put efforts into that rather than the criminalising of the purchaser. As I have argued, the latter will drive the situation for women into more dangerous territory, drive the whole thing underground and make them even more vulnerable in terms of the protection of their own health.

I will finish by reading a little from a piece by two Swedish researchers who looked at the decriminalisation of prostitution and beyond. The research concerned the experiences of women in Sweden since the introduction of the Swedish model, which is marketed around the world as the way to go when in fact it is not the way to go and has had very serious effects on prostitution and prostitutes in the countries that have adopted it: “It is said to have ... had a deterrent effect on clients, and to have changed societal attitudes ... without ... any negative consequences.” That was the intent of it. However, these claims have been evaluated since and are, according to the report, inconsistent, full of contradictions and haphazard, with “irrelevant or flawed comparisons and conclusions [that] were made without factual backup and were at times of a speculative character”. Therefore, organisations which work with prostitutes, all for very good reasons, and which say that we must criminalise the purchase of sex are actually getting the opposite result and a much more negative response from those who work in the sex industry.

The reality is that we are not dealing with these issues solely by legislation but that we need to recognise, as previous speakers have said, that there are economic and social complexities that surround sex workers and that unless we offer alternatives to women and tackle the root causes of the oppression of women in general, we will simply end up worsening the position of the most vulnerable women in society. What this Bill does not do, and what those who drafted it did not do, was talk to the very people whom they claim to protect, namely, the sex workers themselves, who are very recognisable, very easy to contact and in some ways much better organised than they used to be. Before we vote on this Bill, we have a moral responsibility to talk to these groups that represent sex workers, to read the reports by Amnesty International and HIV Ireland and to represent the issues for sex workers rather than thinking we are doing the morally correct thing by going after the purchasers of sex and ending up making women even more vulnerable.

**Deputy Ruth Coppinger:** This is a very complex Bill that deals with legal changes to a very wide range of sexual offences. There are some generally welcome attempts to fill gaps, particularly in existing laws on sexual offences against children relating to child sex abuse, child pornography, child sex tourism and statutory rape. However, the Irish Society for the Prevention of Cruelty to Children, ISPCC, has raised the omission of risk assessment guidelines and post-release supervision of child sex offenders, which should be addressed on the next Stage.

Regarding sexual crimes against adults, there is another important omission. It has been referred to by other speakers. I refer to the call by the Rape Crisis Network of Ireland for the specific inclusion of a definition of consent in the Bill. The issue of presumed consent is now a critical issue in sexual offences, especially for young people, and is regularly argued by the defence in rape cases in court. The Ministers had months to address this, and it is extremely disappointing that it has not been included in the Bill. The Anti-Austerity Alliance will table an amendment to rectify this.

It is also inexplicable that a range of measures requested by the Rape Crisis Centres, which would more positively assist rape victims, have not been included, such as helping people to take court cases to their conclusions, a ban on the cross-examination by defendants of alleged victims, in certain cases by video link, and a ban on the worrying practice lately of judges allowing financial compensation to be used by the culprit without any reference to the victim. These matters should be considered.

Regarding Part 4, which relates to prostitution and sex work, mindful of the wishes of many of those involved in the sex industry and how they wish to define themselves, I will hereafter use the words “sex workers” rather than “prostitutes”, which is a misogynistic, loaded term in any case. However, that is not to say that an equal comparison can be made between selling one’s labour and being compelled to sell one’s body. Violence and rape are prevalent within prostitution. Socialists are opposed to the sex industry as a massive, global, profit-making industry. Under capitalism, everything becomes a commodity, including women’s bodies, as well as the bodies of trans people and vulnerable young males involved in prostitution. The industry is obviously gendered. It profits from sexism and oppression. It both reflects and then perpetuates the oppression of women and girls. Buying sex is an example of exerting one’s power over another human being, and most of those who work in the sex industry do so due to a lack of choices: migrant women, poor women, women with addictions etc. Of course, a small minority does have the freedom to choose to be involved but it is overrepresented in many of the debates.

The Socialist Party does not pass any judgment on those who work in the sex industry, whatever their reasons. The industry does perpetuate a culture, however, that women’s bodies are objects and commodities and that women’s sexual desires are subservient to those of men. This has an impact in wider society of women suffering harassment, violence and sexual violence in a macho culture that is pushed. When Ministers give interviews about there being a need for prostitution in society, whose needs do they mean and who should serve those needs? Over 99% of the buyers of sex are men, and the majority of sellers are women, including many trans women. We support the idea that men who believe in equality should not buy sex, that trade unions should campaign on this matter and that we should have education on it. However, we should have secular schools where there is progressive, LGBTQ-positive sex education in the first place that discusses consent and educates young men that women’s own desires and sexual needs are as important as theirs. People might have read the article in *The Guardian* entitled “Why men use prostitutes”. I do not have time to go into it. However, regarding laws about the sex trade and provisions in this Bill, I do not have any illusions that laws will end the exploitation of women or trans people involved in the sex industry. As long as there is gross material inequality, which is growing daily, and the sexism we see under capitalism, the sex trade will continue.

I am utterly opposed to the discredited Netherlands and German model, whereby pimping has essentially been legalised. It has massively grown the sex industry with horrific consequences for many people. However, it is very important to say we support sex workers’ rights

and the elimination of any risks to sex workers. I am disgusted and disturbed by the fact that this Bill continues aspects of criminalising women, men and trans people for selling sex. The Anti-Austerity Alliance will table amendments to stop the criminalising of sex workers, for example, to delete paragraph (c) as inserted by section 25, which concerns loitering for street prostitution. We will also table an amendment to exclude the criminalisation of two women working together in a brothel, not pimping, one not benefiting from the proceeds of the earnings of the other. Sex workers should not be subject to harassment and prosecution and it is utterly backward that the Tánaiste has not taken these amendments on board.

Reference has already been made to the court case on Monday in which four Romanian women had money taken from them on arrest and were further fined €200 each by a judge. What benefit is that to anybody? Then, of course, they were deported. The Government has sent out a signal with that. We support stronger measures to criminalise pimping, trafficking and the organising of prostitution and to increase dramatically up to €1 million the fines on those who organise prostitution, as opposed to the current €1,000 to €5,000, which is not a deterrent at all. We will table amendments to that effect and we will not support or vote for legislation that continues to criminalise sex workers. We will also table amendments to ensure, as I said, that women who are independently working but together for more safety are not criminalised.

I want to comment on the criminalisation of the buying of sex and the impact it can have on the sex industry, especially if it is not accompanied by real supports. Women are likely to continue to be involved in prostitution and there could certainly be an increase in risk. The basis of the sex industry is twofold. First, there is a sexist culture in society, which is reflected in men buying women, and second, poverty and oppression mean vulnerable women still have a lack of choices. For the vast majority who sell sex, this is the case. Only those of a small unrepresentative section within the sex industry have many other choices but choose to sell sex. On the first point, the Government and the Irish State have an absolutely appalling record of doing anything that would benefit women. It is ludicrous that a country with the eighth amendment, for example, would now pose itself as being somehow progressive on women's rights, despite our history of the Catholic Church controlling people's lives, the Magdalen laundries, symphysiotomy etc. On the second point, the Government is doing nothing. This legislation is not accompanied by any serious measures that would give supports to vulnerable people who are involved in prostitution and sex work.

This certainly is not the Swedish model, although the Government may have thought it was. The Swedish model was originally introduced in the context of a movement against sexism in Sweden, but legal changes were accompanied by major investment in social services to aid sex workers to exit the industry. There is nothing included in the Bill on help for drug addiction. There is nothing that relates to the case of the Romanian women in the sex industry who, instead of being assisted, were instantly deported. How will that assist women to get out of prostitution? The two things are absolutely non-existent in this legislation. The Government is showing no concern in that it is not providing them. While I would be sympathetic to the idea of criminalising the purchase of sex in that it is wrong to purchase sex and criminalising it sends that message, I am very sceptical that it would have a positive impact unless it was accompanied by massively increased supports, health care, specially trained gardaí to report crimes, counselling for people, education and training, and language classes to assist women and vulnerable people to exit the sex trade.

I believe it is much more likely that those things will come about when there is a movement for women's rights in this country. We need only look at the Repeal the Eighth movement as a

recent positive example of that. Such a movement would fundamentally challenge sexism and inequality, fight for the separation of church and State, challenge private ownership of wealth and the worshipping of the private sector, build the homes that people need and give people a decent life in order that they are not forced into the sex industry in the first place.

**Deputy Clare Daly:** First, it is important to say that there are many very good aspects to the Bill. The issue of dealing with sexual offences is long overdue. However, the Bill is so big and deals with so many different and diverse areas that its weakness lies in trying to do too much. We run the serious risk of leaving ourselves open to doing damage where none is intended. Some of the areas can be addressed through amendment at a later stage, such as issues of consent, people with disabilities and so on. However, Part 4 on the proposal to criminalise the purchase of sex is, to my mind, not amendable and should be withdrawn if this Bill is to go further. The reason for that is quite simple. The Government's position in putting this forward is done from a point of view that we would all agree with, namely, a desire to end prostitution and to protect sex workers. We would love to do that. However, my starting point is that the legislation has the very real potential to do the opposite of what it intends to do and place sex workers in more danger rather than less. We have to take that on board. I do not say it lightly. I say it in light of the very serious research that has been done in this area.

The current proposal before us contrasts sharply with international trends that are moving in the direction of recommending decriminalisation of sex work as the best way of dealing with this complex and multifaceted issue. That decision or trend is based on research and data-based evidence. Anything we legislate for should be based not on emotion or generalisations but on research and data. It is interesting that a month or two ago, Deputy Catherine Martin asked the Minister for Justice and Equality a question about the research carried out before the drafting of this legislation. The Minister in her response correctly pointed out the difficulty in collecting data when she said, "This is owing, at least in part, to the covert nature of the activity and the understandable reluctance on the part of individuals to identify themselves as sellers or buyers of sex." If that was the case before this legislation, introducing a criminal penalty to sex work will make it even more covert and hidden and lessen further the chances of us getting those data. How can we measure whether something is successful if we have not done the homework beforehand or we do not know the starting point?

The experience of other countries is that anything that changes the dynamic between the buyer and the seller of sex can have the effect of disempowering the sex worker and putting sex workers under greater risk. Where buyers of sex face a risk of prosecution, they are inevitably going to take steps to avoid attention. It makes perfect sense. That essentially means making the activity less visible. Some people might like that, but the consequence of it is that the health and safety of sex workers are being threatened.

A huge amount of evidence has come to light since this legislation was first drafted in 2013. That evidence is not being taken into account. The debate on this issue has moved on. Since the time the legislation was first mooted, we have had the first and only comprehensive island-based research into this precise area through a study done by Queen's University Belfast. It is incredibly comprehensive and it is incredibly clear. The overwhelming majority of sex workers and their clients would not be deterred from the activity if this legislation were introduced. They would feel more unsafe and, in fact, their experience since then has been that the activity is more unsafe. It is a key flaw that the legislation does not take account of the evidence from other jurisdictions where this type of model has been put forward or of the changes that have taken place. Critically, the lack of consultation with those involved in the activity is quite glaring.

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I find it utterly condescending that people would make comments about other people's lives without asking them first. Sex workers, like everybody else, are not a generic group. People end up in the activity through many different routes. Anybody who tries to say they are all the same, all victims, all drug addicts or all trafficked is not seeing the entire picture. To have a consultation process on draft legislation which saw only two people currently engaged in sex work make an appearance before the justice committee, despite months of deliberations, and saw those who organise sex workers in Ireland have only a one-hour meeting with the Minister is not good enough. It is silencing a legitimate voice in our society. It is very much doing the opposite of what we are saying we are doing. I find that regrettable.

It is utterly in contrast with the incredibly interesting approach taken by the Union of Students in Ireland, USI. The USI's consultation was about 20 times bigger than the consultation of the Minister's office, and the USI is not even bringing in legislation. It spoke to men and women, trans men and women, current students, ex-students, Irish and non-Irish and, as a result of that engagement with students who engage in sex work, it changed its policy. It moved from a position of supporting the idea the Government is putting forward as the best way of dealing with the activity to a different position. I believe that is incredibly important. It carried out a two-year research programme and provided an environment for students to talk safely without being shamed. It is worth pointing out that its evidence showed that, in response to the growing cost of education, there has been a comparative rise in students engaging in sex work. How could there not be? It is the economic imperative that is again putting that so-called choice or limited choice, or whatever one wants to call it, in front of those people. As a result of that engagement, the USI now fully supports decriminalisation.

It is not the only one. Many organisations are beginning to look again at this issue, yet the legislation has not caught up. The Migrant Rights Centre Ireland reviewed its position and concluded that Part 4 of the Bill is a knee-jerk reaction and that the legislation needs to be clear or else it will cause more damage. The centre's view is that sex workers themselves are best placed to assist the Garda and victims of trafficking. It took the view that the regularisation of the undocumented is far more important than criminal legislation. Amnesty International, HIV Ireland, the UN special rapporteur on health, the Global Commission on Health, the World Health Organization, the International Labour Organization and countless other bodies all support the model of decriminalisation of sex work. Why would these reputable human rights organisations support that view if sex work was trafficking and presented in that manner? Trafficking is an abhorrent crime which is already criminalised. That should be even more the case, and those who conduct it should be severely punished. We have laws to deal with the issue.

Other Deputies spoke about children being involved. It is criminal to have sex with children and that should remain the case. It is criminal to engage in violence against women. Whether a woman is involved in sex work or not, it is a criminal action and we have laws dealing with that. We should enforce the legislation in this regard. Of course trafficking and violence go with what is badly called the "sex industry". They are very much part and parcel of it, but there are laws in place dealing with those aspects of it. Conflating that with a consensual arrangement between two adults takes away the limited resources of the State in its ability to be able to deal with that.

Let us look at it in the following way. I am not in any way being flippant about it, but violence and bad attitudes to women exist regardless of whether sex work is involved. The

statistics show that the most violent place for a woman to be is not working in the sex trade but in a relationship or married. Domestic violence is the biggest cause of harm and violence perpetrated against women but nobody is seriously putting forward the idea that we should ban relationships and outlaw marriage as a way of protecting women. That would be totally unrealistic. We need to educate society and invest the resources in order that women in that situation have the ability to leave violent relationships and we must educate men and women on how adult human beings should deal with each other in terms of human interaction.

It is unacceptable to say that the people involved in sex work do not know what they are talking about or that their views are not relevant. That might not be something people would like to hear. It is not an activity I would like to engage in myself or to have my daughter engage in, but many people who make the choice do so because their other options are limited. It is not necessarily their first choice but regardless of whether we like it, it is a rational choice and the only way to deal with it is to remove the barriers that put people in the situation whereby they have had to make such a choice, be it to get money for college fees, for their children or because they cannot get a decently paid job to allow them to be able to look after their children and organise childminding or whatever else. Unless we deal with those issues, then the compulsion or choice will remain. The day of Frank Duff's moral crusade to save women is long gone. We must hear the voices of those engaged in sex work.

I will return to the comprehensive academic research conducted on this island with people in this situation and read its findings. One could not read the findings and support the model that is proposed by the Government in Part 4 of the Bill. Kate McGrew, one of the organisers of Sex Workers Alliance Ireland, SWAI, made the point that a crusade to shut down prostitution and to turn off the red light really just leaves them in the dark. That is not going to be a step forward. The idea of shaming sex workers or portraying the narrative in the context of men's violence against women, assuming that all clients are male and all sex workers are female, is an imbalance. It is not the full story. Obviously, the issue is rooted in women's inequality and how society is organised, but that is not the full picture. To say that the women involved have not made a rational choice that is best for them or that they do not know what they can do with their own bodies is not an appropriate way to go forward.

I do not have a great deal of time but some incredible testimony was given by students involved in sex work. One such was Keelin, aged 26, a sex worker from Cork. She is a student who had been active as a sex worker for five years. She made the point that there are no frills involved. It is not the way it is portrayed on the screen with "Belle de Jour" glamour or "Pretty Woman" where the clients fall madly in love with the sex worker. She said she did not feel a connection with her clients but she does have some clients of whom she is fond. She said she mostly works with men and that some of them had been disrespectful but none of them had been threatening and caused her harm. She said she knows that is not everybody's experience but it was hers. She had met women who were forced into doing sex work, which is utterly awful, who want to leave but cannot. That should be examined. Bringing in this measure and criminalising what they do will not help them. She said those women would still be desperate and in need of money but they would be driven underground to get it. Her view was that supports are needed for those who want to leave the industry and safe working environments. She said the Bill would not do either. That statement is important.

The work by the barrister, Michael Lynn, and commissioned by Sex Workers Alliance Ireland, SWAI, is an incredibly well-grounded, academic and research-based piece of work in this area. He evolved into a position of coming to the conclusion that the Bill would violate the hu-

man rights of sex workers. His key points on that were, first, the lack of assessment of the real impact of the Swedish model, the fact that the penalties against brothel keeping and so on are likely to contravene the human rights of sex workers, and he was very critical of the fact that there is no review in the legislation.

There has been much talk about the Nordic or Swedish model but the reality is that this is really the American model, namely, to outlaw prostitution, criminalise the purchase of sex and it will all go away and we will not need to trouble ourselves about it. Sadly, there is no model, shortcut or magic formula to do that. The idea that by criminalising the purchase of sex one will minimise demand, that people will not want to engage the services of sex workers and that will in turn reduce the market for trafficking is utter nonsense and does not stand up to any serious examination of the research.

The points relating to Sweden are at best ambiguous. A report by the British Society of Criminology into the effects of Swedish laws on sex work published in 2014 found there were no reliable data to the effect that there was any overall decline in people selling sex and that the law had increased the dangers. The report said it made it harder for people to access harm reduction services, that people were not able to carry condoms in case they were caught and that buyers had more power, thus forcing sex workers to negotiate and go to an area in which they did not feel safe. The initial decline that was evident in street prostitution in Sweden is not unique to that country and it has been shown to be a correlating trend in other countries where new technology has been introduced and people do not go on the streets as much because they use the Internet among other changes. Bringing in this measure does not end prostitution or sex work. It just hides it better and that makes it more dangerous for the sex worker.

The most comprehensive report, which I will not have time to deal with in detail, carried out by Amnesty International on Norway, clearly stresses the lack of evidence to support any claim that the laws there have decreased prostitution at all. In Sweden it is said that at best they have not increased prostitution. The Nordic model in Norway has certainly not reduced prostitution. The Minister of State, Deputy Stanton, will be aware that Amnesty International has called on the Government to refrain from the criminalisation of any aspect of the transaction and instead to look at the 1993 Act and distinguish between the exploitation and coercion of a third party rather than third parties who do not cause harm. That has been a recurring theme of some of the other speakers. Everybody knows that pimps and people who profit off women, using violence and emotional abuse, are reprehensible and should be dealt with, but often working with another person is one's best protection, be that two sex workers working together or a friend a person might employ as security to watch his or her back. However, if a person wants to take those measures, under existing legislation that third party could lead the person to come under the umbrella of the Act. In that sense, I think all the evidence suggests that the criminalisation of any aspect of consensual adult sex makes sex workers more vulnerable rather than less vulnerable. Sadly, that is the unfortunate reality of it.

Deputies have referred to the case in Galway yesterday. I thought it was interesting that the sergeant in court referred to women between the ages of 20 and 30 as "little girls" who would not have "the wherewithal" to organise things for themselves. The State claimed that these women were trafficked, but they denied this. What does it say about our laws if the State is bringing to court and prosecuting women it considers to be victims of trafficking? If we fine them and thereby take from them what limited money they have, how do we expect them to pay? The only experience these sex workers have to draw on as they seek to pay these fines is to engage in more sex work. Even though this type of approach was adopted for the best reasons

when measures were pursued by previous Governments in other jurisdictions - they thought they were doing the right thing for their societies by distinguishing between the third parties who were violating people and the women who were involved in that activity - sadly, those laws have already been used to undermine the position of the women everyone wants to protect. I do not think anybody wants sex workers to be injured as a result of this legislation. We have to step back and look at what has happened in other jurisdictions. We need to be aware that if we go down this road, it is likely that our actions will have unintended consequences.

It is very important that we consider amendments on Committee and Report Stages. I know there has been a move to provide for the legislation to be reviewed after 12 months. I suggest the benefits of doing that would be negated by the continuing inclusion of the clause I have mentioned in the interim. If we include this clause, as night follows day sex work in Ireland will be driven even further underground than it is now. As the Minister has said previously, this would make it even more difficult to get the evidence - not the emotion - to achieve what I think all of us want to achieve, which is a society in which women are respected and the human rights of sex workers are respected rather than undermined. All the research shows that we are going in the wrong direction. I urge the Minister to consider that this debate is now very different from how it was when it started three or four years ago. Many organisations with a long history of protecting women's rights and human rights have changed their positions in light of experience. We are lucky in the sense that the delay in introducing legislation in this country has allowed us to catch up with the changed debate and to introduce the best practice model rather than a model that has proven not to have the impact that other countries and jurisdictions thought it would have.

**Acting Chairman (Deputy Catherine Connolly):** Ós rud é nach bhfuil cainteoirí ó aon ghrúpa eile ag iarraidh labhairt, leanfaidh mé ar aghaidh leis an ngrúpa Independents 4 Change. Is mian liom cur in iúl don Teach go gcuirfean an díospóireacht seo ar atráth ag a hocht a chlog. An bhfuil an Teachta O'Sullivan agus an Teachta Pringle ag roinnt a gcuid ama?

**Deputy Maureen O'Sullivan:** Más rud é go mbeidh mé críochnaithe roimh a hocht a chlog, beidh an Teachta Pringle réidh chun tosnú. I acknowledge the work that has gone into this Bill and what it is trying to accomplish, especially in the protection of children. Ireland has failed very dismally in this area in the past. Like others, I want to concentrate on Part 4 which is causing a great deal of concern. I honestly admit that I find the whole idea of sex work disturbing. While I would not like my daughter, if I had one, or my sister or niece to make such a career choice, I accept that such choices are made. It is a sad reflection on our society that people buy sex and that so many young people, especially men, turn to prostitution rather than forming relationships and getting to know people before having sex with them. I suppose it is part of the culture of instant gratification of the society we live in.

I have met sex workers and I have listened to their well-articulated views and opinions. I have also listened to the various groups and organisations involved with sex workers and their rights. They make the point that consenting adults have the right to sell or purchase sexual services from other consenting adults and that all adult sex workers have the right to determine whether to stay in that work. These sex workers say they are in control and their circumstances are totally different from those of girls, women and boys who are forced or trafficked into prostitution. Those who have to sell their bodies for sex to make money for traffickers often live in appalling conditions with little or no money and poor access to health services. Many of those who had passports in the first place have had them taken away. There are sex workers who have been forced into prostitution because of their particular social circumstances. Some people are

working in the sex industry as a means of feeding their addiction to alcohol, drugs or gambling. Sex workers who have been forced or trafficked into the sex industry or who have got involved in it through poverty or addiction need our support to get out of the sex industry. I have to ask what the Bill will do to facilitate that.

I understand what the Bill is trying to do. I would like to see an end to the buying and selling of sex, but I have to accept the reality that sex work happens and that there are sex workers who have decided that this is their work and that they want to be sex workers. Any sex workers I have met are totally and utterly against trafficking and forced prostitution. What will this Bill do for them and for the members of organisations like Sex Workers Alliance Ireland? They are adamant that this Bill, by criminalising those who buy their services, will be “detrimental” to their safety and “will increase risk of abuse and violence”. They feel that the Bill is saying their rights and safety are worthless. They claim that the proposed legislation goes against international best practice and the advice of organisations like Amnesty International, the World Health Organization, UNAIDS, the UN special rapporteur on the right to health and the Global Commission on HIV and the Law, which is that the decriminalisation of sex work is “the preferable approach in securing, as far as possible, the safety, physical security, health and equal treatment of sex workers”. That is what the various organisations are saying. This is echoed by Irish non-governmental organisations that are working with sex workers in Ireland. They are advocating for a human rights-based approach and for harm reduction measures. They are convinced that if this legislation is passed, it will lead to more attacks and violence against sex workers. They also believe it would have implications for the Garda, which is already under-resourced, in its fight against trafficking. Is the Bill considering these unintended consequences? Is it considering the concerns of sex workers who choose to be sex workers?

I would like to refer to a three-year study that was conducted by Amnesty International in four countries - Papua New Guinea, Argentina, Hong Kong and Norway - that covers a range of low, middle and high incomes. The study found that criminalisation means a rise in HIV and sexually transmitted illnesses. It means the industry goes underground, thereby pushing sex workers into dangerous situations, forcing them to work in isolation and affecting the relationship between the sex workers and the law enforcement agencies. It is considered that this proposal follows the Nordic model, but according to the Amnesty study it is more similar to the American and South African models, which criminalise everything. According to an analysis of whether the Nordic model keeps sex workers safe, the Nordic model is not as efficient as claimed and there are serious issues around the criminalising of the purchase of sex.

The Bill seems to suggest that criminalising the buyer will provide safety for the sex workers, but the sex workers say this is not so. The Bill will make the prosecution of sex workers possible in new ways. There will be more risks for street-based sex workers who are already in vulnerable positions. There will be increased penalties for loitering, so sex workers will go into more secretive and dangerous locations. Therefore, sex workers will not have control over venues. They will be forced into even more vulnerable situations because they will have to work alone.

According to a report from Sweden, which criminalised the purchase of sex in 1999, there has been an increase in the number of migrant women in sex work there. The report acknowledges that it is difficult to conclude whether the legislation has had any real impact and suggests very seriously that the legislation is opening sex workers even further to traffickers. The Norwegian Government’s own evaluation of the legislation in that country found that the law is leading sex workers to be increasingly dependent on traffickers. It has seen no appreciable

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difference in the number of cases of trafficking for the purposes of sex since the legislation was introduced.

I refer also to the work of HIV Ireland. Last year the organisation produced a report with overwhelming evidence that criminalisation of sex work leads to the further spread of HIV and AIDS. Separately, a survey of sex workers in Northern Ireland showed 98% of those surveyed opposed the new law criminalising clients - this was one and a half years ago - while 61% of local sex workers thought the Swedish model directed at those who buy sex would make them less safe.

Debate adjourned.

*8 o'clock*

### **Calais Migrant Camp: Statements**

**Minister for Foreign Affairs and Trade (Deputy Charles Flanagan):** With the approval of the House, it is my intention to share my time with my colleagues, the Minister for Justice and Equality, Deputy Frances Fitzgerald, and the Minister for Children and Youth Affairs, Deputy Katherine Zappone.

The situation in Calais has become a matter of great and understandable concern. I know that many members of the public and many Deputies are genuinely motivated by a wish to reach out and provide assistance. It is a sad reality that today across the globe there are some 60 million migrants and refugees. Many are in even more distressing circumstances than the circumstances of those witnessed in Calais in recent days. My role as Minister for Foreign Affairs and Trade is to act on behalf of the people to provide as much humanitarian and development assistance as possible to respond to those in need. I will update the House on my efforts in that regard.

I will set out briefly the current state of affairs on Calais in what has been a quickly evolving situation. On a recent visit to Calais the French President, Mr. Hollande, announced the closure of the camp and the resettlement of those living there. In the days following that decision, the adult inhabitants of the camp were relocated to centres across France. As we speak the French authorities are relocating over 1,500 unaccompanied minors to centres around France.

All migrants in Calais, including unaccompanied minors, are entitled to apply for asylum in France. The decision of the French Government to close the camp has resulted in many of the residents in the camp finally agreeing to do so. It should be recalled that the basic objective and strong desire of the people in the camp in Calais, including unaccompanied minors, has been to go to the United Kingdom as an ultimate destination. The very existence of the camp stems from their efforts to travel to the United Kingdom.

France and the UK have a long history of trying to manage this situation. In 2003 they signed the Le Touquet agreement to facilitate UK border controls in France. Under EU asylum procedures and bilateral arrangements, France and the United Kingdom are working closely together to assess the needs and destinations of the remaining unaccompanied minors from the camp at Calais. The UK has already accepted over 300 unaccompanied minors from Calais. It appears that the UK will be accepting more over the coming days, in particular, those who

have family members already in the United Kingdom. We understand that 60 UK Home Office officials are on the buses with them as they are relocated in France to reassure them that their applications to be accepted in the United Kingdom will still be processed in spite of their move from Calais.

President Hollande has publicly stated that the welfare of the unaccompanied minors is the priority. Today, the French Prime Minister, Mr. Valls, chaired a meeting of key French Ministers and officials to co-ordinate the response of the French Government. In a statement after the meeting, Mr. Valls confirmed that the move of the unaccompanied minors from Calais to the new centres in other parts of France is to facilitate the processing of their applications for asylum in the United Kingdom.

The impulse to reach out and help these vulnerable young people is entirely understandable and one that I sympathise with and share entirely. At this point, two EU Governments with far larger administrations and more substantial resources in place are already dealing with this situation in accordance with rules of the European Union and their bilateral arrangements. To date neither French nor British authorities have asked EU partners to intervene in any way or assist them with the situation at Calais.

Before giving the floor to the Tánaiste, I wish to recall the substantial contribution that Ireland is making in response to the migrant crisis. The Tánaiste will update the House on our commitments under EU relocation and resettlement programmes.

Ireland provides development and humanitarian assistance to some of the most vulnerable countries in the world. We focus our aid in particular on sub-Saharan Africa, but have scaled up our assistance for crisis situations elsewhere, especially in the Middle East. We are recognised for maintaining attention on forgotten emergencies, including those in northern Nigeria, and the Great Lakes region of Africa. The Government has allocated a total of €651 million in official development assistance for 2017. We have increased our funding for humanitarian emergencies in recent years. Last year it amounted to over €140 million in total, and, because of the dire need, funding is expected to exceed this in 2016. This funding makes a difference to millions of individual lives daily. We need to remember that essential fact. We take a people-centred approach to our development and aid funding and improving the lives of individuals is foremost in our policy planning and execution.

Ireland has provided €62 million in humanitarian assistance to Syria and the region since 2012. This is our largest ever response to a single crisis. Ireland places a priority on ensuring that our humanitarian funding reaches those who are most in need. Irish funding has been used to address the needs of those affected by the crisis by meeting their most urgent needs for food, shelter and health care, but we have also worked with our partners to ensure that the wider needs of vulnerable persons, like women and children, are fully met.

Many of those displaced by the crisis are families and children, who have specific needs. Children displaced by crises like that in Syria are often excluded from education, sometimes for many years, and this can affect the rest of their lives. Several of our humanitarian aid partners, including the Red Cross and NGO partners, are engaged in supporting and protecting displaced children and their families. We have provided funding specifically for the provision of education to children who would not otherwise have access to that funding, shelter or other needs.

In addition, through the rapid response initiative Ireland has deployed individuals within

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Europe and the region to assist UN agencies in addressing the particular vulnerabilities of women and children who have been displaced by the crisis. Our Naval Service continues to do superb work and has had an ongoing presence in the Mediterranean since the middle of last year. Working closely with the Italian navy, our ships have rescued over 14,000 people. We can all be very proud of this excellent work done by our brave men and women and we salute them.

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I intend to share time. I understand I have eight minutes.

I welcome this opportunity to again address the challenges that have arisen from the biggest displacement of migrants in modern times. An estimated 65 million vulnerable people are on the move at the moment. I welcome the recent focus by the UN on the issue of refugees and migrants and the national and international focus on this issue.

Conflict is especially cruel to children. They are not only robbed of their homes and sometimes their families; they are also deprived of their futures. Sustainable solutions are needed for refugees worldwide. It is not only a matter of food and shelter. That is simply the beginning. Although this is an important beginning, we must move on quickly to medium and longer-term needs like integration policies and education. Ireland's humanitarian response is focused on where needs are greatest, especially on those affected by the most severe crises and those affected by protracted and forgotten emergencies.

Since the migration crisis began the actions of this Government and the previous Government reflect the goodwill and concern of the Irish people to reach out and respond to those fleeing conflict and exploitation. A total of 101 unaccompanied minors have sought asylum in Ireland since January of this year and 59 are currently in the care of Tusla.

The witnessing of such a plight evokes sincere emotion, but we also have a duty to ensure the highest standards in responding to children in need of international protection. In recent years we have offered them foster homes instead of the arrangements offered previously, that is to say, hostels. I have met the children who were in those hostels and I saw their plight. They were extremely vulnerable and were exploited because of the lack of protection we gave to them in those hostels.

My priority in establishing the Irish refugee protection programme in 2015 has always been to protect children and families. In this regard I have worked with EU colleagues and through European programmes. Ireland has already met and surpassed its resettlement commitments in respect of children coming from refugee camps under the two-year EU programme. To date, 500 of the 520 programme refugees have arrived in Ireland. The figure includes 231 adults and 269 children. I have recently pledged to accept an additional 260 refugees from the refugee camps in 2017 with a significant further commitment to be confirmed in 2017. Under the EU relocation programme a total of 58 adults and 51 children have arrived to date. We have confirmed pledges for another 124 adults and 91 children to arrive here by year end. In total 320 children have arrived in Ireland with a further 91 *en route* under the Irish refugee protection programme, IRPP. As a result of the ongoing work of our teams in Greece, hundreds more will arrive next year. I am proud that Ireland opted in voluntarily, with the approval of this House to the EU decisions offering resettlement and relocation. Although there have been delays in the implementation of the programme to begin with because most refugees were going on to Sweden and Germany, that programme is accelerating and we will meet our commitment of 4,000.

The situation in Calais is developing on a daily basis. Like many in this House I have watched the distressing and disturbing pictures on television over recent months. I have also seen the determination of the people there, in grave circumstances, to form a community. It is an indication of the natural human desire for a community and a place where we can root ourselves. We will continue with our efforts to increase the intake from the relocation countries of unaccompanied minors who are in similar circumstances to those in Calais. If it emerges from Calais over the coming weeks that Ireland is a genuine location of choice for some of these young people, and our assistance is requested, we can of course respond in a humanitarian and proactive way.

The wishes of the children must also be respected. A defining characteristic of the refugees who have gathered in Calais, including unaccompanied minors, has been their very strong desire to go to the UK as their ultimate destination. In our sincere efforts to respond to the migrant crisis, it is essential that we do not impose our perspectives or solutions upon them. The Minister for Foreign Affairs has already spoken about the serious engagement between the UK and France. I do not have time, unfortunately, to go into further detail but I am encouraged by the current humanitarian co-operation between the French and UK Governments. We will continue to monitor the situation in Calais and if our assistance is requested we can respond in a humanitarian and proactive way.

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** Children are in the front line of Europe's migrant crisis. They have been bombed, placed in flimsy boats by ruthless people smugglers or sold into human trafficking and too often Europe responds with indifference or even worse blocks their passage to safety with police dogs, tear gas and barbed wire fences. It is only those with the coldest of hearts who would not be moved. The Irish people are deeply concerned and want action. As elected representatives we have a duty to act on the calls of our people but more importantly we also have a moral duty to those fleeing thugs, terrorists and tyrants. I share the concern of those behind the campaign highlighting the plight of children in Calais and note the calls by groups such as the Congress of Trade Unions, the Immigrant Council of Ireland and the Irish Association of Social Workers.

For too long children have been left living under bridges, in shacks or even 40 foot containers. Reports today that the French authorities are finally acting are welcome but the situation must be kept under review. Experience tells us that there will be more examples of Calais, there will be more fences on our borders and there will be more mass drownings.

As Minister for Children and Youth Affairs I am keenly aware of the need for resources to accommodate lone children who make it to the safety of our shores. Today I met with the leadership of the Child and Family Agency, Tusla as well as the Immigrant Council of Ireland and Cabinet colleagues to review Ireland's response to the overall crisis and indeed events in Calais. Tusla has a team for separated children seeking asylum which supports all those arriving alone in Ireland and so far this year there have been 101 children referred to its services of whom 59 remain in care. Tusla has dealt with an average of 100 unaccompanied children every year for the past five years. Approximately 30% are not received into care as they are reunited, following proper checks, with their families or are deemed to be over 18 years of age.

In addition, Tusla staff have visited centres in Greece. A team will return later this month and continue the intake process for 20 unaccompanied children to come to Ireland by the end of 2017. To date we have prioritised children younger than 15 years who wish to come to Ireland. I anticipate the process of receiving unaccompanied children in Tusla care will accelerate as we

are now going to offer places to older children. Resources of €2.4 million have been set aside to look after their needs.

Today I also asked Tusla to review capacity to provide safety, protection and hope to greater numbers of children. That work is being carried out. Options and models for an emergency or humanitarian intake of children form part of that review. While our Navy carries out heroic efforts to save men, women and children in the seas off Italy the process of giving the same people a chance to restart their lives is slow and bureaucratic. It is wrong that those who make it to European shores face chaos often because the authorities have not made proper preparations. I share the concern, frustration and anger of the Irish people at the slow pace of the EU response to this crisis. As an Independent Minister for Children and Youth Affairs it is my firm determination that no child wishing to reach the safety of our communities should be confronted with barriers.

**Deputy Darragh O'Brien:** I wish to share time Deputies Brassil, O'Loughlin, Cahill and Casey.

We are extremely concerned about the situation in Calais and the purpose of this debate was to give our response as a country to the clearing of the Jungle and the 1,500 unaccompanied minors in Calais. I am confused by the figures given by the Minister for Justice and Equality because the Migrant Rights Council of Ireland has informed us that under the current crisis we have taken one unaccompanied child. If we are to proceed in this manner it will take ten years to meet our commitment to take 4,000 refugees. The Minister stated: "If it emerges from Calais over the coming weeks that Ireland is a genuine location of choice for some of these young people, and our assistance is requested, we can of course respond in a humanitarian and proactive way". That leaves it as loose as she wants it to be. We are requesting that Ireland steps up and says to the French authorities that we are willing to help in this regard, not that we are waiting to be requested. The Minister said the Irish people are looking for a better response. I put it to her that the Irish people are well ahead of this Government. I am tired of hearing reasons and excuses as to why our record in relocating and resettling is so poor. It is time that instead of saying why we cannot do anything the Government told us what we can do and when. The timeframes keep moving out but we have a moral obligation as a country.

The Minister for Children and Youth Affairs, Deputy Zappone, who I know very well and respect, is concerned with the slow EU response to this crisis but we are part of the European Union. What is wrong with Ireland taking a lead? What is the point in a Minister saying, as the Tánaiste did, if we are requested we will react in a proactive, humanitarian and caring way? What happens to the 150 or 200 children who are unaccounted for now? I take her point that the UK and France have their own responsibilities under the Dublin treaty for relocation and reunification with their families. We have to start now by committing to help these kids, many of whom have gone through so much trauma and seen things I would not wish on anyone in a whole lifetime, children like Sameer who said nothing could be worse than the experience he had, the problems everyone has had. Nobody if they had a choice would live in the Jungle. The Ministers say if they want to come to Ireland they will consider that. I tabled a question as recently as 4 October specifically about Calais. I have raised it consistently with the Minister for Foreign Affairs. We need to do much more than we are doing.

In terms of the purpose of this debate, we have three senior Ministers present but they have not given any commitment. I agree with some of the comments the Minister, Deputy Flanagan, made about the work of our Naval Service. I and my party are proud of the work it is doing but

the Minister cannot stand over what he said earlier. I have met migrants. Sixty-nine Syrians are living here under the resettlement programme. That is the figure. The figures may have changed, and the Minister has given a further commitment up to 2017. The purpose of this debate is to try to deal with a crisis as a result of a camp in France having been cleared. It is up to us, as an Oireachtas and a Government, to say that we will be proactive as opposed to reactive and to tell the French that we are open to taking in these children. We have a good system with Tusla to be able to do that.

The responses we have received from the Ministers are gravely disappointing. They were non-committal. We have a cross-party motion that was agreed. Another motion has been circulated which I believe should be moved next week. We should not merely have statements. The Oireachtas, the Dáil and the Seanad, should vote on this issue. It is not within the gift of the triumvirate of Ministers to say we are doing enough because I and the people know we are not doing enough. We should step up once and for all, show just cause and act firmly on our moral and humanitarian obligations.

**Deputy Anne Rabbitte:** Not On Our Watch is a great name for a campaign. Not On Our Watch has highlighted for the people in the Chamber and the greater public what this issue is all about, namely, there are 1,500 unaccompanied children in Calais. Those unaccompanied children do not have parents or relatives. They were left in the camp, but their homes burned down in the past week and they have dispersed. Not On Our Watch has highlighted the fact, through the action of many people on the ground, that Ireland is open to taking 200 children. They do not want the 1,500. They want to open their arms and say they are available to take 200 children.

When I sat in the briefing room in Buswells Hotel last week, I could not believe what I heard. They said that 800 families had communicated through the Irish Red Cross their willingness and availability to take in children. We have the capacity, the families and the support of Tusla. We can do it. For once, let us not be reactive politicians. Let us be visionaries and proactive. Let us demonstrate what the people are asking us to do. If any of our children or our brother or sister were abandoned, where would our heart be on it? We would want to support them, care for them and foster them. We should extend our hand to those in France and tell them we are prepared to help by bringing people to this country. These are young children with an education and who are well able to speak English. They have never said they do not want to come to Ireland.

**Deputy John Brassil:** There are Irish Aid workers in these camps and they are telling us clearly that Ireland is a location of choice. It is because their second language is English that these children want to resettle in an English speaking country. If a family in Ireland wanted to help now, is there a point of contact where they can make their interest known that they would be willing to foster a family? If there is not, one should be set up immediately. If it was publicised I imagine that in a very short time we would see the humanity of Irish people and the interest they would show in helping the Minister in the job of relocating these unaccompanied children.

I was aware of this issue but when I went to the briefing last week and saw the gravity of the situation, my immediate reaction was that I wanted to help. I want to do something. The Government has to do something. If the Minister gives me a point of contact, I will make my interest known that I will take one of these children into my family, with a heart and a half. I have a young family and the only question that went through my mind in the past week was that

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if my 18 year old, 15 year old or 14 year old was unaccompanied in a dangerous country, would I want to help? Of course I would.

I ask the Minister to initiate an immediate response to this crisis. All I can think of is that I want to help. I want to cut through the red tape. We should liaise with the French Government, make things happen, and let the people of Ireland show that we are a humanitarian society, that we care and we want to give these unaccompanied children a future and a life in this country.

**Deputy Fiona O'Loughlin:** As we speak here tonight we should remember the face of Omran Daqneesh, the three year old left bloodied and distraught after an air strike on his home in Aleppo. We should remember the face of Aylan Kurdi, a three year old Syrian child found drowned on a beach. There have been many other Omrans and Aylans, but their faces and their names will never be known to us.

This Government and the Ministers must stop stalling on this issue and focus on what we can and should do. Ireland has a proud history of humanitarian action. As a nation we have always responded generously to the suffering of others. We must live up to that reputation now. We need to play our part, and a leading role, in helping our European neighbours cope with the humanitarian crisis they face, and a good start would be to welcome 200 children to our shores.

The famous political theorist, Hannah Arendt, a refugee from Nazi Germany, wrote about what it felt like to be stateless and unwanted. She reminded us that we are not born free. It is our institutions that make people equal and our organisations that enable us to live in freedom. We should give these 200 children the equality, freedom and dignity they deserve. They have fled from homelands rich in history and culture which have been destroyed in their wake. They have talents and dreams, and they now want to be part of a new society.

**Deputy Jackie Cahill:** I come from a provincial town in rural Ireland and a year and a half ago, we took in 12 Syrian families. I believe we were the first town in Ireland to do that. Those families have blended in perfectly with the local community. The other morning, as I was making my way to Dublin, I saw two Syrian youngsters coming up the street with hurleys under their arms. If ever we wanted an indication that this process can work, that was it.

There are two local people from my area in the Public Gallery who have worked in the camps in Calais. I have been speaking to them throughout the day and they told me of the hardship and inhumanity these unaccompanied minors have come from.

We have to remember our history and where we have come from as a country. We should remember the coffin ships that left these shores. There are 21.3 million refugees as a result of this conflict. We are being asked to take in 200 unaccompanied minors. We need to make up our minds tonight that this will be done. We cannot delay. There is no point in doing it in three weeks, a month or six weeks' time when we bow to public pressure. This needs to be done immediately. Those minors have to have somewhere to go and as Deputy Brassil said, there are many homes in this country that would welcome these minors, and it can be done successfully as I have seen in my home town.

I appeal to the Government not to dilly-dally on this issue. It is too important. We have to lead, not be led. We must do what Ireland always did and show compassion for others worse off than us.

**Deputy Pat Casey:** While I appreciate the unaccompanied minors are being taken from the

camp in Calais today and that their first preference would seem to be the United Kingdom, I cannot accept the Government's passive attitude towards this appalling situation. We are good at finding words that lessen the emotional impact a situation can have on us, so can we start using language that actually reflects the truth? Unaccompanied minors are children and teenagers. It is as simple as that. Ireland has a proud record in humanitarian assistance, and I give credit to successive Governments and Department officials who have worked to reflect our values as people. While everyone hopes that the UK will be generous in its response, it is unlikely at this stage that all of these children will be taken into Britain. The diplomatic stand-off between the UK and French Governments over these refugees is shameful and does a disservice to the better values of these people. The camp in Calais stands out as a monument to the disgrace and shame that should be felt by all of us. Irish officials should be in France tonight to offer immediate accommodation to children who will not be taken in by Britain.

The camp in Calais is the size of a small town in Wicklow such as Blessington and if there were 1,500 children sleeping in containers in Blessington tonight, there would be action taken. These children have suffered a lot in their journey to reach shelter. Our values, as Europeans, as Irish citizens and as human beings, must be reflected in concrete actions. Even the Government Chief Whip said today that we need to put our money where our mouths are, and I agree with her. We await the detail from the Government to support that stance.

**An Leas-Cheann Comhairle:** The Sinn Féin slot is 15 minutes. Does Deputy Crowe, who is sharing time, want to indicate how many minutes each?

**Deputy Seán Crowe:** Four, four, four and three.

**Deputy Bríd Smith:** That is complicated.

**Deputy Seán Crowe:** First, I am disappointed with the Ministers' speeches tonight. They have not captured the mood in the country. They certainly have not captured the mood of the view of Deputies on all sides of the House. We do not want to hear that, as a small country, we cannot do this. What people want to hear tonight is what we can do and we want to hear it from the Ministers before the end of this debate.

One of the most positive things that we can bring to this debate is the generosity of the Irish people, and it is clearly evident. One Deputy stated there was a huge outpouring of support from Irish people who wanted to open up their homes to Syrian children after the death of a young child, and I heard the same. That feeling is still evident right across the country, in fact, it has grown, and the Government has not reflected that.

I am conscious that tonight in the Public Gallery there are volunteers who have done amazing work in assisting destitute human beings, including children, in Calais. I have never met Ms Karen Moynihan of the Refugee Youth Service in Calais but from what I have heard, she is a phenomenal person doing priceless day-to-day work to assist hundreds of vulnerable children in that camp. Ireland is in such a unique and opportune position in that it has such amazing volunteers who now have biographical files and have built trusting relationships with many of these children. We are in a perfect position to take a small proportion of these children and help reshape and bring hope back into their lives. The big positive, as they say, is that this House wants to get this done.

Over 800 people contacted the Irish Red Cross. Let us act on that. There is no legal impediment to relocating these children and there is no shortage of public and political support for

it. The excuses are worn out and not credible. It is time for action. Can you imagine, just for one second, the journey of those children and the experiences that they went through coming to Europe? Can you imagine what they have seen and experienced on that journey?

The children are aware of what is being said about them. They are being told. They are listening to the media and listening to social media. They are being labelled as a threat, a burden and something to be afraid of. Why can we not be the first country to say, “You are wanted. You are welcome. There is room for you here on our shores.”?

That is the message. It is quite simple. It comes from the heart. One need only listen to some of the stories of what is happening in Calais. One would want a heart of stone not to be moved. It is not a case where we want to see action 12 months or 16 months down the line. We want to see it happening now. That is what this debate is about. It is about action happening now.

**Deputy Donnchadh Ó Laoghaire:** The discussion around migrants generally has sometimes - I suppose I particularly look at some neighbouring countries - arrived at a negative, spiteful and even hateful conclusion. It occasionally arrives at the statement that, “we should look after our own first”, as if these refugees were cattle, were something other than human, something other than human flesh and blood, something unworthy of mercy, help or humanity in their hour of greatest need. We must take that on directly. The truth is that they are our own. They, like us, are human flesh and blood.

What is more, as an emigrant people, who fled misery and oppression for generations, we should understand. Ba chóir go dtuigfimis cad a chiallaíonn sé gan aon todhchaí a fheiceáil inár dtír dúchais féin ach anró agus pian, agus an gá le bogadh go dtí an taobh eile den domhan.

The purpose of this debate is primarily to discuss what the Irish State can and should do to assist the unattached minors in Calais, and specifically on the need to take on 200 unaccompanied minors. In my opening, I mentioned that so often the debate can end up on a mean-spirited note. It does not have to be that way. This issue, and the action the Government takes on the issue of unaccompanied minors, can be a source of pride to the Irish people, go mbeadh sé mar ábhar bróid go léireodh an tír seo ceannaireacht os comhair an domhain. If Ireland takes up the mantle, it can send a message to the world that Ireland is willing to stand up to its humanitarian responsibilities and display compassion and solidarity with those who are fleeing the most abject misery, the most brutal violence and the most hopeless situations that we here tonight can hardly imagine. I believe the Irish people will respond.

What is being sought by campaigners here tonight, at the rally outside and in the Public Gallery, is modest indeed. Two hundred children is a small number. It is an amount that could fit in this Chamber with some comfort, an amount that we are so easily capable of accommodating in this State. Ba mhaith a chlos ón Rialtas anocht go ndéanfaidh siad an méid sin.

The Government can seek all sorts of reasons, if it wants to, why it cannot do it. There is a film in the cinema at present, “I, Daniel Blake”, by Ken Loach, and at the heart of the narrative is that bureaucracy is not simply an accident, bureaucracy can be part of a policy and it can often be deliberately constructed to block, obstruct and delay. The Government should not use bureaucracy to delay or frustrate an action that it knows is perfectly possible and perfectly within its grasp. References may be made to Tusla and its capacity. There is a team for separated children seeking asylum and while it dealt with 1,085 referrals in 2001, it only dealt

with 97 in 2014. Tá an fios agus an cumas ann. Na rudaí atá uainn ná maoiniú agus tosaíocht. References may be made to the fact that the camp at Calais is not an official camp, when the Government knows perfectly well that Ireland has broad legal discretion and has unilaterally taken refugees from all kinds of situations in the past. Two hundred children willing to come here can be identified at the stroke of a pen - that work has been done.

I hasten to add that this cannot be the be-all and end-all of our contribution, and my party will hold this Government to its commitment to take 4,000 refugees. Our obligations go much further than these children but this is important now because it is urgent and it is an emergency. I ask the Government to take that on board and treat it with the required urgency.

The camp at Calais is being broken up - a harrowing and worrying time for those living there. They are being dispersed across France and it is widely known that this is when those children are most at risk. There are 10,000 refugee children missing across Europe, and largely from situations of transit, dispersal and forced movement of refugees such as this. We cannot allow the number to be increased through our inaction. The Government can do this with ease and can transform, and perhaps save, the lives of hundreds of children who would cherish the opportunity of a new life here more than any of us can imagine.

**Deputy Kathleen Funchion:** When one thinks about this situation one thinks about one's own children and families, and that is actually what we really need to do - some Deputies have already made reference to this. As a mother, I think about my own two boys and how one of my greatest fears is not being able to protect them or not being able to be there for them but I know that I am lucky enough to have family and friends around me who, if something were to happen, would step up to the mark and step into that role. It makes we wonder who is there for the children in Calais and why can that not be the Irish people. As my colleague, Deputy Crowe said, why can we not be the welcoming country that opens its arms and welcomes these children?

I had a conversation about this issue with my nine year old son last night when I was considering what I would say about the situation in Calais in such a short space of time. He summed up the whole situation. I tried to explain as best I could to a child about the horrible situation in Calais, where children were living in temporary camps without their parents and that they are waiting for countries like Ireland to step up to the mark, accept them and give them a new home where they can start a new, safe life. He responded in a matter of fact way, as many children do - I sometimes believe we can learn a great deal from listening to our children - and said that if they need a home and did not have parents to look after them, why can they not come and stay with us? It is as simple as that. Some people believe that might be too simplistic but that is at the heart of the matter. At its most basic and uncomplicated, that is what this is about.

As other speakers outlined earlier, we have the infrastructure here via Tusla. I accept that more resources may need to be provided in terms of social workers but we have the expertise and the blueprint for transferring these children, who are at huge risk now. The question is whether we have the political will and the political leadership to make it happen. Is this an issue on which we will step up to the mark?. This is something we were elected to do, and it is something to which I made reference in a speech last week on repealing the eighth amendment. We cannot pick and choose the issues we want to discuss and those we believe are popular. We have a responsibility not only to our own people here but to these children.

Many of us attended the briefing earlier, which was excellent, with the group Not on Our Watch. It is calling on the Government to urgently negotiate with the French authorities and of-

fer assistance by offering a direct transfer to 200 of these unaccompanied minors from France. I am happy to say there has been cross-party support for this issue.

There are many times when we disagree completely in this Chamber but I am sure not one person here this evening would not agree that these children in Calais, who are now being dispersed to centres across France, deserve the opportunity to rebuild their lives. That is an opportunity that we are in a position to offer. I stress to the Minister that we should not let this opportunity go. Let us stand up to the mark and do what is right by these children.

**Deputy Martin Kenny:** A refugee centre was opened in the town of Ballinamore 15 years ago near where I live and families came there from Africa, different parts of eastern Europe and other places. They came to a small old hotel, which was condemned at the time, and families lived in one room. It caused me to question how we treat people who come here seeking refuge and looking for a safe place to live. I dealt with those people over a few years and they were people of huge ability and intellect. They were given €19 a week and spent their day sitting in a room with nothing in it, feeling isolated and alone. The Ireland of a thousand welcomes certainly did not display that welcome to those people. The same happened in Butlins and in many other such centres throughout the country. If that is how we treat people who come here, we have a problem.

We sent millions of our people to every corner of the earth. Our people are scattered everywhere. Some people left because of conflict but poverty is the main reason people left down the centuries. Yet when people come here seeking the kind of refuge and sanctuary that so many places offered our people, we treat them very badly. That is one of the points that needs to be made in this debate. While we are looking at the crisis in Calais and talking about taking 200 children into this country, we have to do it with a heart and a half. As was said earlier, the 800 families who have already registered with the Irish Red Cross have a heart and a half. It is my belief that 8,000 more families would have it if they were asked would they do it. They certainly would.

The Irish people are generous. They want to do something for these children. They want to do something for these people, many of whom have travelled the length and breadth of continents to find safety and refuge. We as a Government and an assembly have the opportunity to represent those people and to represent the people that elect us and to do the right thing by them. The right thing to do by them in the context of this crisis is to take these 200 children into Ireland and ensure they are properly looked after and that they are given the opportunity to flourish and to cherish the great county we have. All of those people will be an asset to Ireland. They are not a burden but an asset. They are what we need. Ireland, above all other countries in the world, has had its people scattered around the globe. Let us do something now to pay back. Let us stand up and say that we will not be found wanting, that we will ensure the Irish people will not be let down by the Government.

I acknowledge the work of the people in the Gallery, one of whom is Mary who spent time in Calais and I have great respect for the work she did with those children. There are also many others - ordinary people from Ireland who went there and did their best. They need us to step up to the mark. The one thing that is stopping this from happening is the Cabinet. The members of Cabinet are the ones who have to make this decision. While we can come in here and talk about it, I put it to the Ministers before us that they are the people who can make this happen. They have the choice to ensure that they put it to the French Government that we will take these people now. While many of these people say that they want to go to Britain because they are

English speaking, they want to go to any English speaking country. They will come here if we make it open and welcome for them to come here.

I started my contribution by referring to the past and what happened during the past few decades when we have taken refugees into Ireland, but we have to look past that. We can deal with this crisis but there is no point in dealing with it if over the next few years we do not ensure that refugees who come to this country are dealt with in a much more appropriate manner than they have been dealt with up to now.

**An Leas-Cheann Comhairle:** The Labour Party has a 15 minute time slot.

**Deputy Brendan Howlin:** I propose to share my time equally with Deputy Jan O’Sullivan. I very much welcome the initiative and the spirit of this debate. I applaud the motive and the actions of those who have been seeking to build cross-party, all-party and no-party support for a motion on this truly important matter, a motion my party is certainly enthusiastic to endorse. I am sure the supporters of the motion will understand and share my concern when I say that this should not be a simple once-off gesture, a visceral response to a crisis we see on our television screens which affects and motivates everybody in our country. The situation is far too serious to think it can be dealt with by way of a single spontaneous act, no matter how important doing that single act is, but we need to act.

I have to agree with other speakers, and I do not say this in a divisive sense, that the three Government speakers tonight have failed to appreciate the mood of this House and nation, including that of their Deputies, regarding this matter. I listened with care to the Government speakers. For the Minister for Foreign Affairs and Trade to say that to date neither the French nor British authorities have asked EU partners to intervene or assist them in relation to the Calais situation and that as we have not been asked we do not need to do much is not what the Irish people want and it is not what this Parliament, unanimously I believe, would want.

Mr. Fred McBride, the chief executive officer of Tusla, pointed out a few days ago that his agency receives referrals of about 100 unaccompanied minors each and every year. Thankfully, as the Tánaiste said, we are dealing with these children more humanely now than we did in the past. Tusla now attempts to treat unaccompanied minors equally to all other children who fall within its care without differentiation. They are no longer housed in hostels and are instead housed, if possible, in foster care, or supported lodgings or proper residential placements. Most of them are now allocated a social worker. There has been a very marked decrease in the number of unaccompanied minors who simply go missing, which was a shocking situation for so long.

However, one major problem remains and it is what to do with unaccompanied minors when they reach the age of majority at 18. Some of them if they have applied for asylum must then enter the direct provision system and they face other challenges. Despite what Ministers say, we do not have a targeted national policy. We do not have a clear strategy for unaccompanied minors. No matter how important and welcome the agreement to take 200 from Calais next week is, it is not a substitute for a comprehensive strategy for the future. The Department of Justice and Equality has responded to queries about accepting children from the so-called Calais Jungle by highlighting our commitments to children coming from the Greek programme and the Tánaiste did so again tonight. That would make sense if, in fact, we were receiving an enormous stream of unaccompanied children in need of resettlement under the Greek programme. The last Government set up the Irish refugee protection programme as a response to the refugee

crisis that was unfolding before our eyes. We pledged to accept 4,000 migrants by the end of 2017. There were two channels by which that was to happen. First, there was the EU relocation mechanism established to assist with the pressure on Italy and Greece. Second, there was the UNHCR-led refugee resettlement programme which is focused on resettling refugees from Jordan and Lebanon. I visited the refugee camps in Jordan and I saw the dreadful situation of people who had been wrenched from normal life a matter of months earlier and had their lives shredded and were now in tents. The UNHCR resettlement programme seems to be working in so far as this State is concerned but the EU relocation mechanism is painfully slow. We will be lucky to have accepted 350 or so people by the end of year. We are told that Ireland told Greece that we want to accept unaccompanied minors under this programme but that message does not seem to have gotten through. We are told there are inevitable administration difficulties and inevitable delays. First the Greek authorities must find case files for the minors they wish to relocate here. Then officials from Tusla must travel to Greece to assess the needs of those particular minors and so on. The Department has said it does not know how many unaccompanied minors will be accepted by this route but it is, in large part, up to the Greek authorities. We must say that our will is to prioritise our commitments to vulnerable children and provide them with shelter. The *Irish Examiner* gave us some hard facts yesterday. Perhaps they are disputed by the Tánaiste. Ireland, according to the *Irish Examiner* yesterday, had accepted one unaccompanied minor under the relocation programme. That is what our prioritised commitment has achieved to date, bearing in mind that an estimated 2,500 children in Greece await relocation, one sixth of them under the age of 14. By the end of October, 75 of these children were to be relocated - 39 in Finland, 18 in Spain, nine in Luxembourg, four in Germany, three in Holland and two in Portugal, and we were to take one. We cannot use our commitments to the Greek process as grounds for turning our back on Calais.

Approximately 1,500 children and young people are directly affected by the closure of the Calais Jungle. A generous and humanitarian response to that situation is required immediately. As everybody who has had any discussion about this knows, 800 families have volunteered. I have been approached and I would say there is nobody in this House who has not had conversations with individuals who say they will take somebody into their family. We all know those people. They offer a welcome, a home and an opportunity to have a proper life in an English speaking country, which above all is what they want and it is within our ability to do it. It is the right thing to do for the children in Calais. On an ongoing basis we need to develop a clear strategy for the future. We need to redouble our efforts with Greece to get that programme effectively up and running. We need to demonstrate that when Ireland makes unaccompanied minors our priority, it means we are willing to accept a set number on an ongoing basis.

If we are to make a contribution to addressing this global tragedy on what I have described as an ambitious, coherent and sustained basis, which is the will of the House, we need a properly resourced and managed foster care system. What we have pledged to do is but a small start. This House will unite if the Tánaiste and Ministers, Deputies Flanagan and Zappone, put forward an ambitious policy programme.

**Deputy Jan O’Sullivan:** There was something very deeply disturbing about the sight we all saw on our television screens of the 1,500 young people who were left to fend for themselves and abandoned after the dismantling of the Jungle camp. It was more reminiscent of a futuristic movie about the collapse of civilisation, with people being left to fend for themselves in that situation, than a Europe that has been proud of its civilisation for centuries and has among its basic values social solidarity and social justice. The idea that we, as Europeans, are not responding

to these young people, many of whom have gone through hugely traumatic experiences, in a caring way is very disturbing. It is not just an issue for France and Britain. I take issue with the Minister for Foreign Affairs and Trade on that. Perhaps we have not been asked officially by the European authorities but we have been asked by our own people to take at least 200 of these young people. The most important thing we can take from this debate tonight, which has been said by many speakers already, is that we can do this and we can do it quickly. We need to show collective political will. I hope the Government will join with everyone else in the House in showing that collective political will. A number of us who have spoken here were at the briefings. One of the things that came out of it was that it is simply not true to say they all want to go to England. They want to go to an English speaking country. We heard from people today who have direct experience, who have been in the camp, have gotten to know a lot of these young people and have won their trust. In turn, that trust has made those young people trust in the idea that the Irish people will be welcoming and can give them a home and a safe place to live. One of the things we need to put on the record here tonight is that while some of them say they want to go to England, what they really want is to go to an English speaking country where they will feel safe. Ireland is one of those countries and we need to open our arms to them.

The people we met today also told us there are individual files on many of these young people in which it can be clarified that they are willing to go to Ireland. That is the first thing I want to put on the record with regard to ensuring that we have accurate information about all of this. They described to us today young boys and girls who are extraordinarily resilient and determined. Many of them have seen the horror of family members killed and have travelled across north Africa or parts of Asia and the Middle East from countries like Sudan, Syria, Iraq and Iran fleeing life-threatening situations. They are looking for some kind of a future where they can start their lives all over again. The people we met today described those young people as people that any country would want to come and have in their presence. That was one of the facts.

The other thing, which Deputy Howlin and two of the Ministers referred to, is that there is a special team in Tusla that has expertise and experience in dealing with unaccompanied minors who are highly vulnerable, alone and traumatised. As the Ministers, Deputies Fitzgerald and Zappone, both said, 59 young people are already in that programme so that team is expert. It is ready and can be mobilised so we have the capacity to deal with the trauma, difficulties and vulnerability of these young people.

The third area that has been referred to is the fact that the Irish Red Cross has a list of 800 families who were willing to become foster families in response to the migrant crisis when that call was put out last year. It has been said by many people, including my colleague, Deputy Brendan Howlin, that those families are willing and there are probably a lot more families out there who are willing to open their doors. I have no doubt they would respond again.

It is clear that we have the structures and personnel to provide a new start for 200 or more young people who are in such desperate circumstances. I hope we will have that kind of response from Government. I welcome the reaction of the Government Chief Whip, Deputy Regina Doherty.

*9 o'clock*

However, there must be a whole-of-Government determination to make this happen. The chief executive of the Immigrant Council of Ireland, Brian Killoran, said that the statements

made today must lead to action to help these children. That is the wish of this House and of the Irish people. I do not know what discussions the Government has held. However, it must return to the table and listen to its members who have responded in the humane way in which many of us have responded to the plight of these young people.

The most important matter is that we must get over the idea that we have to wait to be asked and that, somehow or other, they do not wish to come here. They do wish to come here and they will come here. They are in need and we have the capacity to respond to their need. The Irish people know what migration is about and what it is like to have to reach out to another country. These young people are in a situation most of us cannot even imagine. They have gone through horrific situations in their native countries and have been able to travel huge distances through all kinds of dangers. As somebody said today, they are survivors and they are strong. They are so determined to have a future for themselves that they have been able to make their way across to Calais. We must open our hearts to them. I believe that is the wish of the Irish people. I hope there will be a response not just from this side of the House but also from the Government.

**Deputy Mick Barry:** I am sharing time with Deputy Brid Smith. First, I welcome the campaigners in the Visitors Gallery who have put this issue on the agenda.

In an article in *The Guardian* on 2 August last, journalist Amelia Gentleman wrote:

What does a 10-year-old living alone in the migrant camp in Calais worry about most? Abdul is bothered by the rats that rustle around him while he sleeps and by the effort involved in getting enough food, in the wake of a decision last month by the French authorities to close down the cafe that fed children for free.

He is frightened of the local police who often spray teargas at him. Most of all he worries about his nine-year-old nephew, who is solely his responsibility, and who is struggling to cope with their five-month flight from violence in Afghanistan.

Mohammed, nine, worries about how he is going to find a pair of shoes. His cousin Ahmed, 12, worries about Mohammed and about a third cousin, nine, who went missing last week. He is also anxious about how to conceal his unhappiness from his parents, when he speaks to them on the phone in Afghanistan. They sold half their land to send him, the oldest child, away from Isis to safety in England.

A total of 1,300 unaccompanied minors have been sleeping in shipping containers. Dozens have been sleeping rough in the fields and roads around the camp, with no education and inadequate food. There are 70,000 unaccompanied children in Europe, according to the UNHCR. They are at extreme risk of exploitation and trafficking, and 10,000 of them have been reported missing.

The Irish State bears a degree of responsibility for this situation. Many of these children are fleeing imperialist wars. Successive Irish Governments, with members from this and the other side of the House, have facilitated these wars by providing Shannon Airport to the US military. Allowing 200 of these children to come to Ireland does not even begin to make up for the crimes that Irish Governments have committed against the people of some of these countries. The Chief Whip has appeared on news bulletins in recent days saying it is a no-brainer that this country should take 200 of the children. If it is a no-brainer, what does that say about the foot-dragging, kick-the-can-down-the-road comments of the three Ministers this evening? I am not surprised by the comments of the Tánaiste and Minister for Justice and Equality, Deputy

Fitzgerald, and the Minister for Foreign Affairs and Trade, Deputy Flanagan. They are Tories. However, the Minister for Children and Youth Affairs, Deputy Zappone, was elected on a radical, supposedly progressive, ticket. Her comments this evening, in joining that approach, are deeply disappointing.

The Irish capitalist State owes a debt not just to the people and children of these countries but, on the refugee issue, to history itself. In the 1930s and for most of the 1940s, the doors of this State were effectively kept shut to those who most needed refuge, the fleeing and persecuted Jews. Ireland's ambassador to Berlin in the 1930s, Charles Bewley, said that Jewish refugees in Ireland would represent a contamination. In addition, the Department of Justice at the time said, "It has always been the policy of the Minister for Justice to restrict the admission of Jewish aliens, for the reason that any substantial increase in our Jewish population might give rise to an anti-Semitic problem". It was only in 1948 that a mere 150 Jewish children were taken in by the State. We say "No" to a repeat of this shameful episode. The State must be forced to take a far more urgent and different response today.

In addition, the State has not covered itself in glory when refugees and asylum seekers have relocated to this country. According to the UNHCR, Ireland hosted 1.4 asylum seekers per 1,000 of population between 2010 and 2014, compared to a European average of 3.5 per 1,000 of population. In other words, Europe has done two and half times more than Ireland. What do we do to asylum seekers when they arrive here? They have been forced into the direct provision system, prohibited from working and forced to live on a pittance. They have very restricted access to third level education. People who were told direct provision was a temporary solution for six months have been forced to live in these centres for five years - for almost ten years in some cases - with a severe toll on the mental health of some of them. In fact, 16 children under the age of five years have died in the State while living in direct provision centres. The chief executive of the Irish Refugee Council, Sue Conlan, is on record as saying:

It is known that poverty is a contributory factor in childhood deaths. It is state policy to keep children of asylum seekers in poverty and therefore we cannot rule out the possibility that the policy of direct provision is a factor in these deaths.

I do not have the figures for this week but 8,000 people - one third of whom were children - were forced into that system at this time last year.

Studies have found that immigrants around the world are more likely to start businesses than the native born, less likely to commit serious crime and are net contributors to the public purse. Despite this, racism is a problem in all capitalist societies, including in Ireland. It is not easy to grow a cactus in a rose garden and it is even more difficult to grow a rose in the desert. Particular plants flourish in particular soils. The ugly plant of racism flourishes best in a society of inequality and shortages, such as shortages of jobs, school places and housing, and in a crisis of homelessness. Welcoming asylum seekers to this country will be linked by the Anti-Austerity Alliance to a stepping up of our campaign against inequality and shortages, and the profit system which causes them. We support this motion and we will do whatever we can to put pressure on the Ministers and the Government to change their shameful position. We support the right to asylum and the closure of the direct provision centres. We seek education, jobs, housing and shelter for all. We also say, and it is an important point in this debate about racism and the rights of asylum seekers and refugees, "No" to capitalism and its wars, inequality and racism.

**Deputy Bríd Smith:** Like my colleague, I thank the campaigners in the Visitors Gallery.

2 November 2016

We owe them a debt. We would not be discussing this tonight were it not for the hard work they have done and their insistence on ensuring this matter was brought before the House. We will do our best to support it and to argue with the other side of the House to take this issue very seriously. I also salute the courage and determination of the young people in Calais and, indeed, of all refugees who have managed to make their way to Europe. They have resisted and struggled against the most appalling conditions. Against incredible, inhumane odds they have made it to Europe and are seeking our humanitarian assistance. Given the scale of the crisis in Calais and across Europe, the figure of 200 minors is more symbolic than anything else. We should take these unaccompanied minors, after the French Government has destroyed the camp. However, we need to do much more on all the associated issues around the devastation and humanitarian crisis for refugees across Europe. Tonight's discussion has highlighted one simple truth, namely, that the record of this and past Governments on refugees is simply appalling and an eternal shame to the country. Time after time, we have witnessed Government Ministers hiding behind various excuses and administrative devices to justify a callous and inhumane policy.

Although I was not in the House for the Minister for Justice and Equality's statement, I read it. She said:

We will continue with our efforts to increase the intake from the relocation countries of unaccompanied minors... If it emerges from Calais over the coming weeks that Ireland is a genuine location of choice for some of these young people, and our assistance is requested, we can of course respond in a humanitarian and proactive way.

It has emerged that there are hundreds of minors in Calais. It has emerged via the workers in the Gallery who have given up their personal lives and sometimes their professional lives to work with those children, that Ireland is indeed a country of choice and the Minister's statement should have said it had emerged that people want to come here and the Government would work with those who are conduits to those young people to ensure they come here and are protected.

The facts speak for themselves. In the face of an unprecedented humanitarian crisis, we have accepted very few refugees. Although we promised to take 4,000, we have accepted 500 under the resettlement programme and 69 under the relocation programme. More than 600 children have died making the crossing over the Mediterranean this year alone. In 2015, more than 1 million people, many of whom are fleeing the conflict in Syria, risked their lives in the hope of finding safety. Children make up 40% of people forcibly displaced worldwide and most of them are unaccompanied. Since 2015, 10,000 unaccompanied children have disappeared in Europe and between January and August of this year, 16,000 unaccompanied children arrived on the shores of Italy. This is not an accident or a complex set of issues. It is due to a policy on the part of the EU, which we eulogise for its free movement of labour - people were at this morning's discussion on Brexit - to implement a fortress Europe policed by FRONTEX, often with horrendous cruelty to immigrants. There is a contradiction in how we treat human beings.

Everybody is hoping we will take in this meagre 200 minors. As previous speakers said, the Government must guarantee that no minor we take in will be placed in direct provision. The system has driven people to suicide. Families live in one room on €19 per week and with no ability to cook for themselves. The system is labelled by the United Nations Human Rights Commission as a violation of human rights. Throughout Europe and Britain, we have witnessed the most shameful abuse and racist lies directed at refugees, specifically those from Islamic backgrounds, from the appalling racism of Theresa May's Government across the water to the smears and lies of the Tory Government to the state-sponsored racism in France. When

history is written, it will record that when Europe faced one of the greatest humanitarian crises since the Second World War, it completely failed with indifference and hand wringing. The crisis was caused by Western powers and an imperial game played around the world. The Irish State will be complicit in it unless we begin to open our borders and let them in. This contrasts very strongly with the response of ordinary people after the death of the young Kurdish boy on the Turkish coast a year ago. Hundreds of people indicated a strong willingness to open their homes and are doing so again. We must listen to the people instead of listening to bureaucracy.

I will address the argument often heard within and outside the House, and which some Deputies referred to earlier, namely, that we need to look after our own, that we cannot look after the Irish homeless, jobless and poor. This is not a poor country. What is wrong with the country is that it is grossly unequal. Our record on accepting refugees is appalling. Our record on looking after our own is also appalling. Our health and housing crises are not due to refugees but to the inequality that lies at the heart of our economic and social model. Our Government is incapable of providing social housing for over 140,000 families. This figure has increased in the latest figures released. Funding cannot be found because there is no political will to find it. Instead, we have an ideological reliance on the free market. Refugees are not and will not be the cause of any flaws or failings in how we provide for what we call “our own”. In light of this and many other crises we face in the next decade or so, we will see many more refugees and must challenge the kind of racism and indifference we have witnessed, refugees fleeing war, climate change, imperial aggression and, above all, a worldwide economic system that breeds war and inequality. This is the same system that cannot and will not look after “our own”.

Refugees are our own. I, and tens of thousands of ordinary people in Ireland, have more in common with the refugees in Calais, those fleeing ISIS across Iraq or the US or Russian bombings in Syria, than we have with a small, wealthy cabal at the top of our society. Refugees do not just bring empty bellies; they bring hands, brains, ability and talent which will make our society much richer for having them. I welcome the discussion. We need to have more of this debate. At the start of the campaign, we want the Government to fulfil its commitment and acknowledge that it, too, has a responsibility to refugees today and in the future.

**Deputy Clare Daly:** I wish the Government had lost the knack of surprising me. Sadly, it is not the case. I was appalled by the contributions of the three Ministers. All of us have gathered here in the reasonable expectation and belief that this was a cross-party motion symbolically to respond to a humanitarian crisis on our doorstep by taking 200 unaccompanied minors. I hope, because of the discussion, the Ministers realise they are outnumbered and reconsider, and that when the motion is put next week, they will be on the side of everybody else. Their contributions should shame them.

For months since Deputy Mick Wallace and I visited the camp in Calais earlier this year, we have repeatedly addressed the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, and the Minister for Justice and Equality, Deputy Frances Fitzgerald, in the Chamber, in personal letters, parliamentary questions and Topical Issue debates. We have sent the Ministers reports of Irish volunteer workers. Two months ago, when we knew the camp was to be destroyed and children were going to be vulnerable, we sent a document outlining practical steps Ireland could take to bring unaccompanied minors to our shores. Yet tonight the Minister, Deputy Frances Fitzgerald, came here and said “if” people wanted to come here the Government would examine it. The Minister knows people want to come here. Irish volunteers have told her and we have told her. They are in dire need and there must be an urgent response from the Chamber, given the hardship suffered by those young people whose parents have sacrificed

everything to send them half way around the world in the hope of a better life only to be caught on the periphery of getting across to these islands. It is utterly reprehensible and the actions of the French and British Governments are utterly sickening.

More than two months ago we put it to the Minister, Deputy Charles Flanagan, that his Department should contact the French and let them know Ireland was willing to take unaccompanied minors, would work with volunteers on the ground and resource Tusla, which has 18 short-term spaces for unaccompanied minors. We are not equipped. Although the Government was warned, it did not put the measures in place. We have applied to take some of these children into our various homes and it takes four months to vet people to take foster children. We need the resources to fast-track it. There should be public advertising to let people know they can take these children. They would not be found wanting. It has now gone past excuses for what we cannot do. This is coming back next week and I strongly urge the Government to take on board the points we have been making.

**Deputy Mick Wallace:** A freedom of information document obtained by Shannonwatch relating to permits for landings and flyovers in 2014 revealed that a total of 272 flights were given permits to take weapons or explosives through Shannon Airport. Machine guns, troops, missiles, rockets, mortars, explosives and other war material were routinely given permission to fly through Irish airspace. On six flights alone, 190 tonnes of bullets passed through our borders on the way to Afghanistan from the US. How many refugees did we help to create? The unaccompanied minors in Calais did not choose to be refugees. They would rather be living in their communities in their own countries.

On 15 and 16 November 2014, cluster bombs - a brutal instrument of war that Ireland helped to get banned years ago - were given permission to go to our trade partners, Saudi Arabia. The Saudis, supported by the US, have been committing war crimes in Yemen for 19 months, directly targeting civilians using cluster bombs sold to them by the US, some of which passed through Shannon. They have been bombing markets, hospitals, public gatherings and housing. More than 10,000 civilians have been killed in Yemen and 2.8 million Yemenis have had to flee their homes due to war. There are 7.6 million Yemenis suffering from malnutrition and 3 million of these are women and children. The Government's friend, President Obama, has completed \$110 billion of arms deals with the Saudis.

We have been raising the Calais issue since April and Deputy Daly and I have raised it more than ten times each in here. We have been given many different reasons for the Irish Government not helping. We were told the refugees in Calais did not want to come to Ireland and they only wanted to go to the UK. We were told it was not an official camp so we cannot do anything. We were told any unilateral initiative from Ireland would be wholly inappropriate and it is outside our European Union remit. I will not even mention some of the worst responses we got. You know what is inappropriate? It is inappropriate that our Government does not give a damn. That is inappropriate. Society only functions when we give a damn about the other people who live on the planet. They are only across the water. They might have wanted to go to the UK but it will not take all of them. There will be many left. We should not stop at 200. We should take 500. We are not ready for them yet because Tusla has not been funded but let us start getting it right. Let us speak to the French and say we will take approximately 500 of them. We should do what is appropriate.

**Deputy Maureen O'Sullivan:** It is very hard to believe the French authorities could dismantle the "Jungle" camp in Calais, move people on and yet leave 1,000 to 1,500 young people

there, many of whom are unaccompanied minors. Some of them may have set out with their parents but became separated when their parents died en route, and some may have come because their families took the opportunity to get their children out of a war zone. We also know figures from February indicate either 129 or 200 young people have gone missing. We were talking about sexual offences earlier and we know that group of unaccompanied young minors are at most risk of exploitation and not being safe.

We know we have been less than generous in the past, particularly at the time of the Holocaust, in welcoming Jewish and other families fleeing Hitler's Germany. Nevertheless, Irish people are generous and we know the numbers of Irish families have offered homes for these children through the Red Cross. Clearly, vetting and child safety laws must be followed, and that will take time, but Irish workers and social workers in Calais would be very good sources of information in this regard.

We are a migrant nation and our children and teenagers have gone to Australia, the United States and the European Union. We know what the difficulties have been like for them but we also know the contribution they made to those societies. We could give these refugees the chance to make that contribution here. There is a bigger picture. Nobody should have to leave a home or country of origin because of war, lack of food or human rights abuses. Nevertheless, our so-called developed world allows, contributes to and creates war. This developed world includes Saudi Arabia, Israel, Iran, Russia, the United States, the EU and NATO countries. It is our policies on tax, economics and the environment that are creating food insecurity that can cause migration. It is our world that trades in arms that keeps the conflicts going. It is our world that is responsible for the continuing destruction and chaos in Syria, not to mention Yemen, Libya, Iraq, Sudan and Eritrea. It is bodies like the EU and the United Nations that talk the talk about human rights. We can see the far right in certain countries that is using the chaos of the refugee issue as a means of progressing anti-migrant and anti-migration agendas.

What could have been a safe and orderly evacuation of civilians from Syria has descended into the chaos that we are seeing, with people putting their lives at risk. I know the effect of our overseas development aid as I have seen it. I know the work of our non-governmental organisations, our missionaries and embassies on the ground. That is why it is all the more disappointing that we are not doing more with refugees. The Tánaiste gave some figures but progress is very slow. The Nasc organisation is advocating a Safe Passage campaign and we should look at it as a humanitarian assistance programme.

**Deputy Thomas Pringle:** What has been shocking for us on this side of the House tonight is the lack of will evident on the Government side to assist in this issue or take 200 unaccompanied children from France and offer them refuge in our country. That could be done very simply and it would send a very strong message to the rest of the world, particularly Europe, that Ireland is willing to do its part.

I know the individual Ministers on the other side of the House are not without compassion. I know from dealing with the Minister for Justice and Equality on individual cases that she has acted in a very compassionate way in the past. Nevertheless, there is something badly wrong with our system when it only responds in such a negative and mealy-mouthed way in dealing with this refugee crisis across Europe. It is mind-boggling as to why this is the case. It can only be that the officials within the Department of Justice and Equality or the immigration services are saying that we cannot do this because it will open the floodgates and we will not be able to resist if thousands more come. That is not how we should deal with the issue.

The politicians charged with running the country and responding to the citizens should say we will take these 200 children from France. It is as simple as that. They can ring the French Government and say we are willing to help as we have the ability to take 200 children. That is all it takes. That message could be sent or the phone call could be made in the morning. Everybody in the House and the Irish people would support the Ministers in doing that.

There are questions about why this has happened after the response last year to the tragic drownings in the Mediterranean. The Irish people responded in their thousands to that, delivering food, blankets and goods to Greece to assist asylum seekers and refugees. They volunteered through the Red Cross and offered their homes to help people. The Government did nothing. It did not start the ball rolling. We have been told it takes four months to be vetted or approved for accepting a family. We are 12 months down the road from that outpouring of support but nothing has happened in the vetting of people and making them ready to accept the minors who are unaccounted for into this country. We must really get a grip and decide that we want to send out a strong message. We need political will and, unfortunately, it is not there. We must find it.

**Deputy Catherine Connolly:** I have just two minutes and 50 seconds so I will be blunt, brief and to the point. I am not sure if the Ministers do shame but I certainly felt shame listening to their speeches and reading them again as I sit here. They have been asked to lead and the country is begging us to join together, stand with an act of solidarity and take in at least 200 children.

There is hypocrisy in this Chamber. Earlier we spoke for two hours about the protection of children against all types of abuse. There has been a disingenuous use of language by the three Ministers. It is a trinity of Ministers without a sign, really, of Trinity and Christianity. There was no mention of the 200 children in their contributions just as a symbol. As Deputy Howlin said, there is a huge problem and this will not sort it out but it would be a symbolic gesture if we did that much. Instead of that, they have stood idly by and watched 10,000 unaccompanied minors disappear in Europe. The number of unaccompanied minors who have not disappeared is in excess of 100,000 in Europe.

We, and the Government, in particular, have stood by and watched people live in what is called a jungle and Ministers did not think that word was unacceptable. We had weasel words about France and England not asking us to do anything and about this not being an official camp. Can they just sit there and look at the people in the Visitors Gallery or read the e-mails reaching us on a daily basis begging us to show leadership, to stand up and adopt an independent foreign policy, and to be a proud small nation that will show the way forward when ongoing war and the arms trade is not the way? Can we say that we will not in this Chamber tolerate unaccompanied minors sitting in shipping containers? We should all be ashamed in this Chamber but, fortunately, the people of Ireland are saying, "Enough with shame. Stand up and be counted and take in at a minimum 200 children and follow that with a proper, open and intelligent debate in this Chamber with a view to taking action as an independent sovereign State."

**Deputy Mattie McGrath:** I wish to share time with Deputies Aindrias Moynihan and Eugene Murphy.

It is easy for us all to be critical and say we must have compassion and see what is going on worldwide but it is more complex when we see all the people we have taken in over the years and they are all still incarcerated in homes because the system was unable to deal with them. I signed the motion and believe we should take in the 200 people but it is a more complex is-

sue than we care to even dream of. Some people might not agree but I was privileged to meet the American Secretary of State last Sunday with the Minister for Foreign Affairs and Trade, Deputy Flanagan. We listened to him. The Tipperary Peace Convention honoured him for his role and I compliment the convention. They do not give this award lightly. They have been doing this since 1983 and when he addressed us humanely and intently, he told us how difficult the situation is. We had some idea of that beforehand so it is not as simple as rabble-rousing and saying we will do this, that or the other.

I compliment all the NGOs, the Red Cross, the Naval Service and the many people who have done so much over the past number of years rescuing innocent people from the Mediterranean Sea. We must think of the fear felt by those people that would lead them into dinghies and to pay people on the black market to bring them to Europe aboard ramshackle boats with many of them drowning. I salute the Naval Service personnel. They reflect nothing but the spirit of the Irish missionaries who have been recognised all over the world as caring and helpful, we having suffered ourselves before and since the Famine and having our own issues in this country. It is not as simple as opening the floodgates because we have not been able to deal with the people who have come in over recent years. They are in Carrick-on-Suir in my native county and other places. I witnessed the distress when Clonea Strand Hotel in Dungarvan was used last year. It is complex and difficult with all kinds of emotions.

I am in favour of taking in children, certainly aged under six. I have concerns about 14, 15, 16 and 17 year olds and I might be slagged off for that. I visited the Syrian camps in Lebanon with Deputy Grealish and Senator Rónán Mullen and I met young children and their grannies. I saw the fear in their eyes. They put on a welcome for us. We visited at 10 o'clock at night and they had a little cake. These little children were given hours to leave their homes or be slaughtered. We saw how difficult it is to deal with that. I looked for a debate several times with the previous Government over the past number of years about what is going on in the Middle East. There is persecution of all Christians and, indeed, all minority Muslim sects. Those denominations had the freedom to practise their own religion or whatever they believed in under the dictators, bad and all as the dictators were and they were bad enough. All hell has broken loose since the invasions and the so-called quest for stability. The Secretary of State acknowledged last Sunday that it is not simple. The people there have to want them to come in and help as well. It is, therefore, complex and it is easy to generalise.

While I am a fierce critic of Tusla, it has said it does not have the expertise or the finances to look after the children in the homes. These children are severely traumatised and I want to take them. My own family is willing to take a child and I have met such an outpouring from people who say they want to take in children and help them in whatever way they can because that is a normal sense of humanity and common decency. If the children are so traumatised, they will need specialised and highly-qualified personnel to deal with them and we must look at that as well. Our State seems to be unable to deal with issues like this when it is asked. There are people we have incarcerated for ten or 15 years in parts of the country and we have to ask why.

There are many complex issues. I have been speaking to the Irish Road Haulage Association over the past 15 months and we have to listen to the truck drivers who have been in Calais about the awful terror they have experienced at times. The fines imposed on them by the French and the British have cost Irish hauliers at least €250,000. Drivers are dealing with huge issues as they go about a fair day's work for a fair day's pay. They are fined €2,000 on the spot if a migrant is found on their vehicle. Most of these are there unknown to them and there is the odd case relating to the black market but that involves a small minority. I know of a truck driver

who had a load of 24,000 apples and migrants broke in. Drivers are fined for not securing their vehicles. How can a curtainside trailer be secured? A simple knife will cut it open; it cannot be secured. We must be realistic. The drivers are fined €2,000 and then the insurance companies will not give them cover because the vehicles were not secure. This is an enormous cost to the road haulage industry, which is a vital cog in our export markets. We must support them. Insurance has been loaded against them and many claims are outstanding because the insurance companies are claiming the lorries were not secure. There are many complex issues and we have to protect that industry as well while trying to be compassionate by taking in these people.

Millions of people are displaced and 40% of them are children. Why are some of them there? Why are some of the papers missing? The camp was set up - and it could happen here if a hard border is imposed - from a small beginning and the next thing we had a huge place with an awful name, the "Jungle". Now it is being dismantled and the children have been sent to hell or to Connacht with many gone missing. You have to ask: are they being manipulated or being used as well?

**Deputy Aengus Ó Snodaigh:** Mattie, come on. You are talking shite.

**Deputy Mattie McGrath:** I did not interrupt the experts-----

**Deputy Aengus Ó Snodaigh:** You are talking shite.

**Deputy Mattie McGrath:** It is not hypocrisy. I did not interrupt the experts who know everything about everything.

**An Leas-Cheann Comhairle:** Deputy McGrath without interruption.

**Deputy Mattie McGrath:** I thank the Leas-Cheann Comhairle. They are being manipulated and being indoctrinated as well by ISIS and we have to consider that as well.

**Deputy Aengus Ó Snodaigh:** And the apples and the trucks. Come on, Mattie

**Deputy Mattie McGrath:** Are we going to rub our hands here in ten years' time and find that we have our own problems in this country? Some people like to bury their heads in the sand, say everything is rosy, and we have heaps of money for everything and we can do everything in their ideology.

**Deputy Aengus Ó Snodaigh:** Ask John Kerry. The Deputy was talking to him last Sunday.

**An Leas-Cheann Comhairle:** Deputy McGrath without interruption.

**Deputy Mattie McGrath:** I thank the Leas-Cheann Comhairle. We have to be careful that we do not sleepwalk into something. They are indoctrinated from as young as five or six. I am all for taking children younger than that certainly and after that we have to be very prudent and careful as to who we take. Let us not open the gates to all kinds of issues. I have considered this carefully. I have visited Rome for the past two years with 120 other international politicians to discuss the issue of what is going on in the Middle East. We were asked this year and last year by his Holiness, the Pope, to go back to our parliaments and have proper debates on what is going on out there. Civilisation is being turned upside down because of the displacement of Christians and Muslim sects. It is not as simple as saying we will solve all these things. We are a small, neutral country and we have to do our best. I agree with the sentiments expressed by Members about what is happening in Shannon Airport but it is not simple. I am touched by the

people who want to take them in. They have genuinely offered their homes to the Red Cross and others. I am a bit bewildered that the system says we cannot cope. The system should be able to cope but it is not, so we need to be proactive and to be able to react as well.

The pictures of the child washed up on the strand and the little boy in the ambulance at war also touched the American Secretary of State who told us as much and in the most humane terms last week. He is a human being as well. I lived through a war. These people are not all monsters or people wearing alien masks. They are humans as well. It is a complex, difficult issue. I support the efforts of the Ministers, Deputies Fitzgerald and Flanagan, and others who are trying to deal with this, and we should try to help in any way we can to deal with this crisis. I want to be responsible about it and I would like to be able to say what I have to say in this Chamber without interruption. I do not interrupt other people when they speak. I have been told by the truck drivers themselves about the hassle they get from the bigger people there. It is not all one-way traffic. Some people like to pack the Gallery every night with supporters who will cheer and heckle and do not like to hear what Deputies say. I have been elected to this Parliament, thankfully, and while I am here, I will speak the truth and in accordance with my conscience and will do so without fear or favour to anybody else.

The road haulage industry must be supported. It is being penalised. No one interfered or got involved before the Brexit vote because they thought it might upset the British Government, but now we are long past the Brexit vote and the road hauliers need to be supported. They are our own workers, about whom some Deputies shout so much. They work very long and hard hours and they need the protection of our State and the French state. We need to support this industry because it is a vital cog, and the hauliers will be the people who will volunteer to bring food and clothes and everything else - volunteer drivers as well - and bring it out when it is collected by the people and donated by the people here.

**Deputy Aindrias Moynihan:** Like so many other of my colleagues this evening, I agree that we must prioritise bringing these children to safety and making them safe and secure. The situation in Calais is unacceptable. Unaccompanied children are so vulnerable. On humanitarian grounds the Government should signify tonight that it will accept the 200 children into this country. We need to do more on behalf of these children and to provide them with a safe place where they can live, have clean drinking water, food, shelter and so many other basic needs.

Along with a number of my colleagues, I was able to take the opportunity last week to attend the briefing. For anybody unfamiliar with the situation there, it would have been a real eye-opener to learn of the distress and horror that everybody, but particularly the children, are experiencing there. I understand there are also up to 800 families who have already volunteered to take these children into their homes. It should be possible for agencies such as Tusla simply to join the dots here with regard to children and volunteer families. It should be possible to make it happen and to bring them to some place where they are safe and secure.

The Tánaiste in her contribution outlined how Ireland, if requested, would be proactive. I understand “proactive” to mean taking the lead, showing leadership, going out and making it happen. We need to be proactive. The Government should respond immediately and with compassion and provide these children with suitable accommodation and make them safe. Yes, accommodation, education and integration and so many other issues may become challenges, but we should do it because it is the right thing to do. The Government should make it known immediately to the French authorities that it is willing to accept the 200 children and more if needed. It is unacceptable that the situation as it stands should continue.

2 November 2016

Mar fhocal scoir, níl íseal ná uasal ach thíos seal is thuas seal. Bhí tréimhse ann cheana nuair a bhí ar mhuintir na hÉireann taisteal. Níl sé ann anois faoi láthair. Tá na daoine seo i ngátar agus ba chóir dúinn a bheith gníomhach agus cabhair a thabhairt dóibh.

**An Leas-Cheann Comhairle:** Tá dhá bhomaite fágtha don Teachta Murphy.

**Deputy Eugene Murphy:** Is tamall beag é, ach mar sin féin, I will say my cúpla focal.

I thank Deputy McGrath for sharing his time with me but I certainly do not agree with him. These people, these children, are in a desperate situation. I sum it up by looking at the two children in our family, one aged 18 and a half, the other 13 and a half, and every time I hear or watch what is going on in Calais, whether it is Aleppo or Mosul, I look into the faces of our two children and say that those children could be ours. These people are not all terrorists. I know there are complexities involved but they are innocent people. The House should remember that there were many good, steady Syrian families - great families. They have been destroyed by this terrible war.

It is up to us to take in those 200 children. I believe - I stood outside with the people in the Gallery tonight at one of the sincerest protests I ever attended - that the Irish people, as Deputy Darragh O'Brien, our foreign affairs spokesman, has said, are way ahead of the Government on this. I do not believe that the Ministers, Deputies Flanagan, Zappone or Stanton, or the Tánaiste are without compassion. We all deal with them. We know they are compassionate people. However, their case on this is weak. There is something terribly wrong in the way it is being handled, and I firmly believe that the Irish people would take thousands of these children in without delay. I know in my constituency of Galway-Roscommon, 50 families who would love to take them in. People approach me and ask how they can help and what they can do. Let us all do everything we can in this Chamber to alleviate the suffering of this small group of children, and let us be proud of it.

I will finish on this. The House should remember, as Deputy Casey reminded us, that we took in German children after the Second World War and took in families from the Congo in the past. We can do it so let us do it again.

**Deputy Róisín Shortall:** I want to express disappointment with the content and tone of the comments made by Deputy Mattie McGrath. Tonight is a night for statements on the humanitarian crisis in Calais and what we should do to respond to it. It was not an opportunity to speak about hauliers. There are separate, genuine issues regarding difficulties hauliers have, but tonight was not the night for that. The Deputy caused a sense of disappointment in the tone he took. It was unfortunate. The idea of discriminating between children under six and over six is shocking and beneath what anybody should say in this House.

I think anybody who has had children or knows anything about children finds it impossible to visualise just how dreadful it must be for the many thousands of children who are separated from their parents and their families. When one considers the treacherous journeys many of these children and young people have made and the fact that they are living in the most appalling conditions, it is unimaginable how they can keep body and soul together. One wonders how on earth they manage to survive and hold on to any bit of sanity at all.

I think the Irish people, when they see the scenes unfolding on their television screens every night, generally respond by way of gut reaction. It is a gut reaction and a human reaction. Most of all, I think it is a sense of shame: shame about the fact that other human beings are being

treated in such a way and left in such awful conditions; shame, particularly, about the fact that so many of those people are children and teenagers; and a deep sense of shame about the fact that this is happening on EU soil. There is therefore a very strong demand from the public that we as a people and our Government do the right thing. People feel that it is especially important that we all think about our own children and what we would want to happen to them if they found themselves in those circumstances. People reflect on their family circumstances and their own feelings. That is why we have got this very strong gut reaction from people. They are saying that this is wrong. Children should not be treated like this and we, as Irish people, need to do something about that.

People are saying that what the Government has been doing to date is simply not good enough. We need urgent action to respond to this urgent problem. Of course, we know that the Calais jungle should have been addressed in 2002 when the original reception centre was closed. We should not have waited until conditions reached a point at which, on a daily basis, 500 people were obliged to queue just to get food. Such situations need to be addressed head-on and must never again be left until they reach crisis point. However, this is a crisis of our own making and Europe needs to change course in its approach to the refugee crisis. As Europeans, we must face up to our responsibility in this regard.

It is quite incredible that the current European budget for dealing with refugees and related issues is structured in the way that it is. The draft budget foresees almost €300 million of a contribution to FRONTEX, which is the organisation for the management and arrangement of borders. At the same time, just over half of that amount, €153 million, is set aside for European Asylum Support Office functions. Almost twice the amount of funds have been allocated to managing borders that are assisting countries with the asylum process than that allocated in respect of refugees. Ireland needs to push this issue on the international stage and play its role strongly in facilitating the speedy relocation of children. We are well-placed to do so, as several speakers have said. Tusla has considerable experience in meeting the needs of unaccompanied minors or separated children. Of course, Irish people want to do what is right.

There is a high level of consensus in this House about what needs to be done and that it needs to be done urgently. There is a strong demand from the public that we should act and act quickly. We have all been struck by the number of e-mails we have received in recent days and the strength of the sentiments expressed in them. Just to give a flavour of that, the National Youth Council of Ireland, NYCI, released a statement as follows:

NYCI is calling for immediate action to care for the children and young people at the Calais camp. When countries were pulling out of the Mediterranean during the current humanitarian crisis, Ireland stepped in and sent its Naval Services to coordinate and assist.

We are all very proud of that. The statement goes on:

There is precedent there to help and we in Ireland can be proud of this. But now we must act again.

What is needed now is an agreed plan of action that will see children and young people placed in Ireland immediately ... an action plan that delivers [is what is needed now]. Let's see those who are amongst the most disadvantaged and endangered group of young people in the world safely relocated in Ireland with the best of care and services available to them.

That expresses the current sentiment of the Irish people.

I received another communication from a volunteer teacher who has been in Calais. He said that during his time working there, he came to know many of those young people very well and was inspired by their determination, kindness and enthusiasm for school. Despite the fact that they were living in terrible circumstances, in fear for their lives and with all kinds of things happening during the night, they still turned up enthusiastically for school. He is imploring us, as representatives of the public, to choose love and compassion, not fear, and to support the call to rescue these children. It is important to point out that Uplift were able to gather up a list of almost 8,000 names just in the last few days demanding that we take action. It is also important to point out the work that Not On Our Watch has been doing in recent times and recent days in providing briefings for people and in outlining a course of action.

It is unfortunate that we are just having statements tonight. A draft motion was circulated last week. That motion would have had the majority of support in this House. It is unfortunate that Government chose to go with statements instead of a motion. There is an excellent motion that has been produced by Not On Our Watch and it is hoped that it can be taken next week. The motion in question sets out very clearly the views of the Irish people in terms of what needs to be done now. This is what is required. We must act as human beings with generosity and love. That is required. The Ministers' performance tonight and their response have been extremely disappointing. They must show now that they understand what the Irish people are saying. It is time for leadership.

**Deputy Eamon Ryan:** The Green Party also supports the contents of that motion in looking for the House to accept, among other things, 200 unaccompanied minors from the Calais camp as a signal of our intent. I hope that the Ministers, who, as someone said previously, I do not think are without compassion or concern for this issue, will be able to agree and see that motion put into action next week. There have been many words spoken tonight, but I want to refer to the words of someone I have listened to on the migration issue for years. He is not a likely character for some people on the Government side of the House. Mr. Peter Sutherland, as the UN High Commissioner for Refugees, has been consistent, articulate, prescient and ahead of most people here in recognising that what is happening is completely untoward, improper, immoral, unjust or whatever words one might use. Only last month, he said, "The camp in Calais is a truly dreadful place. It is an indictment of society that it exists". He speaks a lot of sense on the need for a proactive approach in managing this migrant crisis. Similarly, in fairness to Pope Francis, his first act as a pontiff was to head to the island of Lampedusa. His simple message was, "Before they are numbers, these people are human beings". His reminder of that simple story of a Samaritan stopping on his way resonates with Irish people. It belongs to all people of all religious views and none. It is something that we hold to be true.

Ireland is a wealthy country. Sometimes, we rightly do ourselves down in this House in saying that we are not allocating money in certain ways and that we could be wealthier. However, the truth is that Ireland is one of the top ten wealthiest and most advanced countries in the world according the UN human development index. Our wealth is largely based on the fact that we are international in our trade and overall approach. It behoves us more than others because of that to be generous, international and global in our thinking. We must think in a one-world way and, yes, step in where there are children who are unaccompanied and do not have a home. We must say that we will provide it here.

Ireland is a relatively safe country. Again, for all our misgivings and our questions about ourselves, we have an unarmed police force and a low murder rate. While we have crime and pockets of deep deprivation that we need to tackle, the truth is that Ireland is one of the safest

places in the world. For that reason, it behoves us to take in young children without a home.

Ireland is a welcoming country. Talk to people who come here. It is true. When one is away for a while and returns, one recognises that. It behoves us to show a welcome to these people, particularly because those who tend to be in the refugee camps come from cultures in which they are also welcoming of people into their homes. It is their first instinct and obligation. Friends of mine who have been out in refugee camps meet people whose homes are often a mere tent or the end of a shack. Even in those circumstances, they welcome people in and treat them with hospitality. Even if it is a simple cup of tea and a seat on the edge of a crate, they have a tradition and culture of welcoming which we need to reciprocate.

We must do this in a way that holds the confidence of the people. We cannot do it in a chaotic way. As Mr. Peter Sutherland says, planning and being generous in advance is so much better than reacting after the fact, because that is how we lose the confidence of our people. We need to hold and maintain the confidence of our people in our ability to manage the arrival of these people and to provide a safe home for them, in order that they can add to that home and to society here.

*10 o'clock*

For that reason we need to accept the motion that has been drafted and to show a proactive approach in how we deal with the issue.

The signing in New York last year of the sustainable development goals was a significant development. They are a manifesto for a sustainable future. What is important about them is that they apply to the north as well as the south, which is so clearly true from my own party's perspective in that they bring ecological sustainability and social justice together. The 15 goals address gender issues, education and water and provide a combined approach. They bring a global approach and that is the way for us to go. By applying that approach it would not only show a responsibility from the north to the south but it would also create a society here where we can bring in people. We must start planning for being an island of 10 million people, including bringing people in as refugees in scale, not just 200 people, but a much larger number and managing it.

I agree with what Deputy Wallace and others said, that we must stop and have no more wars for oil because so many of the people who are refugees are coming because of the long-term addiction to fossil fuels and the geopolitical arrangements we have put in place to protect the oil supply. We must start a war on climate because many people are coming from Eritrea, Sudan, the Middle East and other areas where climate refugees will become the biggest issue and one we must manage and cannot ignore. It was 53° Celsius in Baghdad on a regular basis this summer. That is barely habitable. Unless we start that war all of our efforts here will be to no avail because we will not be addressing the root cause of the problem.

I have good friends here who are refugees and they always say the same thing when I talk to them about their experience. They ask me if I think they wanted to leave their own home, their Eden. We must protect the Eden in their home and in ours as the ultimate long-term response, in addition to taking people in here. I hope we can reach agreement next week. I commend the Irish volunteers and others who are on the front line doing brilliant work. I also commend those who drafted the motion which prompted tonight's debate and I look forward to it, hopefully, being agreed next week.

2 November 2016

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):**

I have only five minutes to respond to a two hour debate. First, I acknowledge the emotion, sincerity, frustration and anger of colleagues here this evening about what we have seen on our television screens. This is the issue of our age, namely, 65 million people that we know of displaced across the world and, so far, 4,000 people that we know of who have drowned in the Mediterranean Sea. Our ships, to which speakers have alluded tonight, have rescued 14,000 people since they went to the area. I acknowledge that achievement.

As we speak, I understand that the children to whom we referred in Calais are being moved to proper and better accommodation. I hope the French and British authorities are talking to and working with the children to see how they can be housed safely. Most of the children, 95%, of whom we know want to go to the UK. Many of them are aged between 14 and 18. As the Tánaiste indicated, we will do what we can when the opportunity arises.

We pledged to take in 4,000 refugees under the structured programme to which Deputy Eamon Ryan referred, from Lebanon and Greece. So far, 609 people have arrived and we hope to have 1,000 by the end of the year. Progress to date has not been easy. Speakers have mentioned 800 inquiries about migrant children but we are only aware of 25 such inquiries. If colleagues have the names and addresses of people who want to take in migrant children they should please ask them to contact the Red Cross and we will process the applications and deal with them. We are working hard to try to bring in people from Lebanon and we are meeting our targets in that regard. The process involved in taking refugees from Greece is now working but the arrangement with Italy did not work due to technical and security issues. That is what we have been focusing on to date. The system is working and its speed is ramping up. The officials are working very hard on the ground in those locations. We want to bring in children. To date, 411 children have come here under the programme.

I have visited many of the direct provision reception centres. I invite colleagues to go to see them if they have not done so already, but to do so quietly and respectfully. They should not go in with cameras or an entourage but quietly meet the people and check out the situation for themselves because many of those who talk about direct provision centres have not been in any of them. If anyone wants to visit a centre he or she should please contact my office or the office of the Tánaiste and we will make arrangements for them to do so. People can see for themselves what is going on and meet and talk with people who are there.

At the moment 500 people in the centres, of whom 137 are children, have got refugee status but we cannot get accommodation for them. If colleagues know of people who would make housing available for those people they should please let us know. We are trying very hard to house those people through the local authorities and State agencies. They are already in the country and have refugee status but we are struggling to find places for them.

I welcome the support of colleagues this evening. I also welcome the debate. I said to the Minister for Foreign Affairs and Trade some time ago that we should have a full day's debate on the issue because as Deputy Wallace and others have said it is the issue of our age and we really need to work on it. We will take any assistance or support that we can get. The information we have is that the children of whom we speak are moving from Calais tonight. They are not there anymore but are moving out and moving on. We have been in contact with our embassies in the UK and France and we are fully up to speed with what is going on there. The situation should never have reached the current stage but at long last people are moving on from Calais. However, there are similar situations to the one that existed in Calais all over the world. We know

they exist in the Greek islands, Lebanon and Jordan and that there are places that are even worse than Calais. We have done a service tonight in having this debate but let us not politicise it too much and see what ideas, suggestions and supports people can come up with. It is correct to say that we need people in this country to come together and say they have houses and they will take in children. I agree that people must be vetted for safety reasons, which is very important. That will be done, but we have only had 25 offers so far. I welcome the debate, which was a good one. It was a powerful and emotive debate and we will probably need to do it again, but our door is open to anybody who wants to come to us with constructive suggestions, ideas and support because those people really need our help.

**Deputy Frances Fitzgerald:** Hear, hear.

The Dáil adjourned at 10.10 p.m. until 12 noon on Thursday, 3 November 2016.