



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 3 Samhain 2016

Thursday, 3 November 2016

Chuaigh an Leas-Cheann Comhairle i gceannas ar 12 p.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Jim O'Callaghan: We are now less than 19 hours away from a Garda strike. This country and its people are entering uncharted territory. A police strike is unprecedented in this country and highly unusual internationally. It should be avoided if at all possible. The people of this country should not be put in a position where they might find themselves without the protection of An Garda Síochána tomorrow.

There are two parties to this dispute. Everyone has asked the first party to the dispute - the Garda Representative Association and the Association of Garda Sergeants and Inspectors - to postpone Friday's strike. Everyone in this House knows that members of the force do not want to go on strike. We all know they take their oath very seriously. We all know they have served this country with distinction through many difficult times.

To date, the second party to this dispute - the Government - has managed the dispute incompetently. It has allowed a Mexican stand-off to develop between it and the Garda associations. The effect of its actions and inactions has been to harden positions rather than to address the legitimate grievances of An Garda Síochána. The Government has allowed the gulf between it and the Garda to get deeper and deeper. It has provided an example of how not to deal with or mediate in an industrial relations dispute. It has allowed an industrial dispute to become a national crisis.

The Government has fallen down in three areas. First, we have all known for months that an industrial crisis has been brewing within An Garda Síochána. It was for that reason that we included in the confidence and supply agreement a requirement for a public service pay commission to be established. Even though that was agreed in May, we had to wait until two weeks ago for details of the commission to be announced. Second, gardaí have a legitimate grievance about being locked out of the industrial relations mechanisms of the State. A huge part of this dispute centres on the fact that gardaí think no one in the Government is listening to them and they do not have any mechanism whereby the Government can listen to them. The Taoiseach announced yesterday that the law in this regard is to be changed. Can we let the Garda associa-

tions know in what way the law is going to be changed? Does the Government intend to amend the Industrial Relations Acts or the Garda Síochána Acts? The associations need to be given information about this significant achievement for them.

Third, rather than keeping the public, which is the most important party in this dispute, informed about what will happen tomorrow, the Government has been silent in this regard. The Tánaiste is politically responsible for the gardaí who protect us. The Garda Commissioner sent out letters the other day requiring members of the force to attend for duty tomorrow. Has the Garda Commissioner apprised the Tánaiste of how many members of the Garda will turn up for work tomorrow? Will Garda stations be open? Will 999 calls be answered? What will the Tánaiste and the Government do to ensure the people of this country are safe tomorrow?

The Tánaiste: Deputies are aware that Garda Representative Association officials have been working with the Labour Court and that the Labour Court has said that it will give a decision tomorrow. While we are speaking about the dispute, the Labour Court is meeting the Association of Garda Sergeants and Inspectors to consider its submissions and the official submissions.

I still continue to appeal to both organisations to pull back from the brink. I call on them to stand back and suspend tomorrow's action to allow the time and space for the Labour Court to continue its work. It is the highest arbitration we have in the land. All the various mechanisms of industrial relations have been made available to An Garda Síochána, including the Workplace Relations Commission and the Labour Court. The GRA has also agreed that a ballot will take place. I maintain we should give time for that ballot and ensure we have the space and time for people to consider what will be on the table after the Labour Court makes its recommendation. I appeal to both organisations to withdraw.

Deputy O'Callaghan made some point about the legislation. We have said that will be urgently considered. The Taoiseach made that very clear yesterday. I have been making it clear for a considerable period that the Government accepts gardaí should have access to the Workplace Relations Commission, to all associated mechanisms and to the Labour Court. We have acted and they have it in shadow form at present.

Deputy O'Callaghan made a point about recent events. Only some weeks ago AGSI members accepted the negotiations being done by the Government in a secret ballot of their members by 70% to 30%. Clearly, the negotiations had made progress at that point. Let us further consider the timeline around what has happened. The members of the GRA were in negotiations over a long period of several months. Then, on a Friday evening, they said they had accepted the offer that was on the table and they would go to their executive. That is the history. Then, I urgently invited the associations back in to have discussions. That process eventually led to the Workplace Relations Commission and the Labour Court. As I have said, we are awaiting the outcome.

Deputy O'Callaghan made a point about contingency planning. Let us be clear: the Commissioner has of course at all times been considering this. She has sent out the letter to ascertain what numbers will be available. GRA representatives have said that in the event of their strike going ahead they will co-operate with the Commissioner to ensure a basic policing service will be in place so that emergencies can be responded to.

An Leas-Cheann Comhairle: Go raibh maith agat.

The Tánaiste: Let us be clear: if 12,800 gardaí go on strike, there is no contingency plan that can replace that number. We are talking about essential services, keeping our airports and ports open, commerce continuing and responses being made to serious and urgent 999 calls and emergency situations.

An Leas-Cheann Comhairle: I have to control the time. You will have another opportunity.

Deputy Jim O’Callaghan: Everyone is making an appeal to the parties to pull back from the brink. However, the Tánaiste must recognise that there are two parties on the brink. This involves not only the Garda associations but the Government as well. It is simply not satisfactory to say that this matter is being dealt with by the Labour Court. The Government is not directly involved in that process.

I am asking the Tánaiste a question in respect of the contingency plans. Can the people be safe in the knowledge that tomorrow they will be protected? The Tánaiste has told the House that she cannot say there will be sufficient contingency plans in place, but she has a responsibility to ensure that people are safe tomorrow. It is regrettable that there may be criminal gangs planning serious operations for tomorrow. Responsibility for that rests with the Garda associations; it also rests with the Government.

We heard this morning of reports suggesting that Labour Court officials may not have enough time after they met the AGSI in order for them to make recommendations. Is there any truth to these reports? Is the Tánaiste confident that the Labour Court recommendations will be out later today? Does the Tánaiste expect a ballot to take place on this issue? Have plans been put in place to meet the GRA and the AGSI to discuss either the Labour Court recommendations or contingency plans later today?

The Tánaiste: The Labour Court is independent and has made it clear that it cannot make a decision on the claim today and that it needs more time. That is the very reason the associations should not go ahead with their planned action tomorrow.

Contingency planning is a matter for the Garda Commissioner in the first instance. The Government and I have been involved in discussions with the Garda Commissioner and have been kept informed by her as to the nature of the contingency plan being developed. For the reasons the Deputy has outlined, the details of that cannot be made public. The Commissioner and her management team will explain that contingency plan in detail for the public later if it is decided that the strike is to proceed. The GRA is in discussions with the Commissioner about the kind of support it can offer in the event of the withdrawal of its members tomorrow. Of course, people will be concerned and it is a different situation if we do not have the full complement of gardaí out there. Every effort will continue to be made to ensure the public is safe, that there is a response to 999 calls, that commerce continues, that airports and ports remain open, that business goes on and in so far as is possible and that there will be maximum safety for Irish citizens even with the limited resources that will be available.

Deputy Mary Lou McDonald: Last evening, the Department of Housing, Community and Local Government published the monthly figures outlining the number of citizens homeless across the State. The manner in which the figures were released is deeply disappointing and, in fact, shocking. The Minister delayed their publication and then quietly posted them on the Department’s website late in the evening, with no press release and when media were focused

on the all-Ireland dialogue on Brexit, in an effort to try to brush the bad news under the carpet perhaps.

The figures are bad news. We might have been forgiven for thinking that things could not get worse but there has been yet another increase in the number of individuals, families and children without homes. In that context, 4,283 adults, 1,173 families, and 2,426 children were sleeping in emergency accommodation in the month of September. These figures do not include the hidden homeless, those that sofa surf or those that are refused access to emergency accommodation. Every day, more people are presenting as homeless. Home repossessions, landlords selling houses in which tenants are living, spiralling rents and family breakdown are the key reasons. The majority of people coming to my constituency office are seeking help because of increases in rents and an inability to afford the massive hikes that landlords are demanding. All the while, more and more people are becoming homeless. There are tens of thousands of citizens and families who live in absolute fear, in terror of a hike in their rent that might push them into homelessness. It is a crisis beyond comprehension and yet the Government and Fianna Fáil have consistently refused to tackle and stop outrageous rent increases. The Government has voted against Sinn Féin's rent certainty proposals twice, namely, here in the Dáil in June and in the Seanad last month. The Government's record on providing homes is abysmal. In the Tánaiste's constituency, just two social houses have been brought into the system since 2011. Despite all the talk of understanding the situation and all the high profile launches, the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, like the former Minister, Deputy Alan Kelly, is failing to take the urgent action needed to keep people in their homes and out of emergency accommodation.

We need solutions and we need them now. We cannot wait. Not one more family and not one more child should be made homeless. Will the Tánaiste commit to the single biggest step that could stop people falling into homelessness, that is, rent control linked to the consumer price index? The Government could do this today if it wanted, there is nothing stopping it. Will the Tánaiste do it?

The Tánaiste: It is not tolerable that in Ireland today families and children are living in emergency accommodation. That is why dealing with the housing supply issue and the homelessness facing families is a priority for this Government. That is why we are doubling the resources allocated to deal with this issue next year. These statistics refer to a period just two months before the action plan published by the Minister, Deputy Coveney. As the Minister stated this morning, it will take time to deliver all the actions in the homelessness and housing strategy. I take the Deputy's point that, in the meantime, families are facing daily and weekly challenges in terms of their housing needs, but the action plan does provide for solutions. Already, local authorities are buying premises. The Deputy has heard the numbers. It is a huge increase on what was done last year. The number of vacant properties being brought back into use has increased across the entire local authority sector to ensure that more housing is available. There is a plan, as the Deputy knows, and it is operational now. I am sure she heard the Minister refer this morning to the number of units that will be available. I believe he said that 380 rapid build houses will be under construction by the end of the year. All of that will make a difference to the families about whom Deputy McDonald spoke.

That is the reason the various other actions are being taken also, including the €40 million increase in funding for homeless services from €70 million to €98 million in 2017; the work in examining the rental sector and recommendations that will be made later this year to provide more stability in that sector; the changes in the rent supplement scheme, about which the

Deputy knows; and acquiring vacant houses, as I have already mentioned. A series of actions is being taken and it will take time for those actions to deliver new homes, but every effort is being made by the Minister, his Department and local authorities. A new planning process will come on-stream to ensure more rapid build of estates also. Every action is being taken to deal with what the Deputy rightly describes as a most serious situation, which is recognised by Government. The actions we have taken illustrate how very seriously we take this situation.

Deputy Mary Lou McDonald: The Tánaiste said that dealing with this crisis will take time. She has had six years, yet the crisis deepens. The Tánaiste claims that every effort is being made to resolve the crisis. That is just not true: it is incorrect. In fact, she has refused to deliver rent certainty by linking that to the consumer price index. That is what needs to happen. Everybody sitting here knows that. She could do that in the morning, but she has failed to do it.

There are 189,000 vacant homes across the State, 40,000 of which are in Dublin. Where else in the world would we find that situation on the one hand and thousands of children in emergency accommodation on the other? Every effort has not been made to address that. Despite all the crocodile tears, priority has not been given to resolving the housing crisis. The Tánaiste grandly announced the doubling of resources as though that was the answer. She knows well that in doubling the resources she is simply undoing the damage done when she took office in 2011, bringing it back to that level. My question is specifically about rent certainty. The Tánaiste has had time. She said she wants to make every effort. When will she introduce rent certainty linked to the consumer price index? I want a direct answer to that question.

The Tánaiste: I remind the House that there has been a public consultation phase regarding the rental sector. That began on 24 October. It focuses on four key areas: bringing greater tenure in rent certainty to landlords and tenants, maintaining existing levels of rental stock and encouraging investment in additional supply, improving the quality and management of rental accommodation and broadening and strengthening the role of the PRTB to provide its services more effectively and empower tenants and landlords. Those are the various actions that the Minister will be undertaking.

Let me make a point to Deputy McDonald in relation to sustainable exits from homelessness. There have been already this year 1,350 families who have benefitted who have moved out of homelessness into sustainable accommodation in the first six months of 2016. Progress is being made. There is huge demand out there. Clearly, if this Government had not taken the actions that it has taken to improve the economy then there would not be the funding to take the actions which it is taking which will make a difference but which will take time in relation to the housing market and the supply.

An Leas-Cheann Comhairle: We will move on to the question from Independents 4 Change. I call Deputy Pringle who has three minutes. I am watching the clock, even though it is not operating here.

Deputy Thomas Pringle: This week saw the publication of the report, Review of Certain Matters Relating to a Disability Service in the South East, also referred to as the Grace case. The Government and the HSE's response to the terrible abuse carried out in a foster home reminds me of the tendency of Governments to think and give the impression that these are isolated instances confined only to one particular part of the country. Allegations of corruption in the Garda investigated as part of the Morris tribunal were seen as a Donegal problem, not a State-wide issue, and we have seen how that has left us. Hence, the Grace case should not be

seen as purely a south-east problem. Geography also played a role in previous Government responses to controversies surrounding Áras Attracta, the Catholic Church and mother and baby homes, while in reality similar abuses were being carried out across the country. In light of the Grace case, how can we say that these are isolated instances with any degree of certainty?

We have to act beyond the drip-feed response. We must look beyond geography and investigate the institutional response to allegations of abuse and ensure that best practice is carried out across the board. So far, we have been made aware that institutional responses have been, to say the least, inadequate and, to say the worst, abusive in nature. Some in authority have responded to allegations by denying them outright. Others shoot the messenger or even collude against the whistleblower. There have been institutional cover-ups and made-up counter allegations. Everything in their power is done to make the allegations go away.

These responses have been far removed from best practice, which dictates the need for clearly defined procedures which are understood by all staff and which prioritise the safety of children and vulnerable adults. The only way to prevent abuse is to have those responsible acknowledge the wrongdoing in order to facilitate an appropriate and uniform response to allegations, regardless of in which part of the country the abuse occurred. All responses should be identical. Will the Tánaiste ensure that an audit is carried out in all HSE-run facilities to examine whether sufficient safeguarding practices are in place to protect children and vulnerable adults from abuse and to examine how the HSE has responded to current and historical allegations of abuse?

The Tánaiste: The whole question of the standards of care in institutional settings in Ireland historically has been an absolute disgrace and a lot of action has been taken to change that situation in terms of being more child focused, in terms of our new protection standards, in terms of the role of HIQA, the Children First guidelines and establishing an agency with particular responsibility for children who are in the care of the State.

In relation to the recent report, the Government has taken action immediately. There will be a commission of inquiry. The Minister of State, Deputy Finian McGrath, will be bringing the terms of reference to the Cabinet in the next few weeks to ensure that the commission is set up in the very near future. In the meantime, the Minister has taken action to ensure there are safeguards in place in relation to the issues which have emerged.

From my experience of foster homes as a former Minister for Children and Youth Affairs, I am aware that the role of HIQA is critical. HIQA has been going into foster homes in every area of the country and making reports with a whole range of recommendations, which are being acted on by Tusla. We have to hope that what is in this report is historical and that, currently, when the State takes children into care they remain in a place of safety. That has to be our goal and standard. Clearly, investigations are needed into what has happened in the past. That will be done. As I said, other safeguards in regard to adults and children who are in disability services are best guaranteed, as the Deputy rightly said, by outside inspection. That is precisely the role of HIQA, which is now examining every disability service to ensure the standards are clear and that the staff know what those standards are and live up to them.

The price of high quality care is eternal vigilance, of that there is no question. We are determined to ensure that vigilance exists and that the monitoring bodies do their work and when they make recommendations that they are responded to by Tusla, which is now well established, as well as by the disability bodies which are running services.

Deputy Thomas Pringle: The Children First guidelines are still not on a statutory basis in this State many years after their publication. It was reported in the newspapers today that the whistleblower in the Grace case feels that the confidential recipient within the HSE office is not fit for purpose. What are we learning from what is happening? What are we doing to make sure the allegations are dealt with in a proper manner, that whistleblowers are not targeted, that cases will be investigated and lessons learned from them, and that people will be made aware that lessons are being learned, which is vitally important? We need to look at all institutions under our control to make sure the systems are in place and that when people raise concerns they are treated with proper respect.

The Tánaiste: I am assured by the Minister and by the HSE that the HSE has not waited for this report to improve any deficiencies identified in child care and disability services and to act on their recommendations. To repeat the point, HIQA now inspects all residential services for disabilities in line with national standards. A national safeguarding committee has been established, which is independently chaired by Patricia Rickard-Clarke, a former law reform commissioner, to provide strategic direction to the HSE in regard to safeguarding. The new confidential recipient, Leigh Gath, was appointed in 2015 and anyone can make a complaint to her or raise concerns about the care and treatment of any vulnerable person. Those mechanisms are in place.

I would make the point again that it is about ongoing vigilance. It is about making sure that recommendations made by the various bodies, which do the work of overseeing, are implemented. The safeguarding of vulnerable people at risk of abuse policy is in place and additional resources have been made available to ensure it is implemented. Clearly, there are often individual incidents that are completely unacceptable, and all we can do is put in place the mechanisms and services to ensure that, wherever possible, we can prevent such abuses.

An Leas-Cheann Comhairle: I call Deputy Noel Grealish to speak on behalf of the Rural Independent Group.

Deputy Noel Grealish: As I am sure the Tánaiste is aware, morale within An Garda Síochána is at an all-time low. This is due to the fact that in the past ten years gardaí have experienced massive cuts and reductions in numbers. The recruitment ban, which has been in place for more than seven years, resulted in very few new recruits to keep up their numbers. This has led to a level of anger and frustration within the force which we have never seen before. We have gardaí in Dublin living in cramped and unsuitable conditions because they cannot pay for a decent place to stay. Some are even sleeping in their cars because they cannot afford a place to live. The price of accommodation has gone through the roof. I am not blaming the Tánaiste for all of this. This has been building up over the past ten years. The massive reduction in numbers has put more pressure on gardaí, and their workload has further increased with the closure of many stations around the country. Promotions have been delayed leading to a feeling of injustice among members of the force who have put in the long hours and dedicated their lives to serving the public in a professional manner.

There is also the huge issue for many Dublin based gardaí in particular of transfers that are not happening. They are gardaí from around the country who have spent maybe ten years or more in Dublin and there was always the understanding that after five, six or seven years, they would be allowed to move back nearer home. I know of one case of a young garda who has had his wedding planned for ages but cannot go ahead with it because he cannot afford to. He needs to get out of Dublin because he has been there for 15 years. He is entitled to a transfer. The

reason why gardaí have not been transferred is that we did not get enough new gardaí coming in. It is very frustrating and heartbreaking for the gardaí who want to move so they can settle down and get on with their lives. Every time the lists come out, they are not on it. I appreciate that not every garda who wants to move can be facilitated straight away but we need to get morale back into An Garda Síochána again and this is one issue that has been brought to my attention several times.

There are other contentious issues such as the fact patrol cars have not been replaced over the years which hampers gardaí in carrying out their duties. New entrants into An Garda Síochána have also had their pay drastically cut. Bail laws have seen criminals with a string of previous convictions released to offend again. It all adds up to the feeling there is within the force today. While I do not agree with them going on strike, I understand the frustration and anger there is at the moment within the ranks. These are the people who protect us. They also protect the Tánaiste and we should be looking after them better so they can continue to do so effectively. I acknowledge the Tánaiste is trying to make improvements in terms of extra manpower and vehicles. I blame successive Governments for the situation which is now coming to a boiling point within An Garda Síochána. Will the Tánaiste assure the House that serious steps will be taken to address the issues I have raised?

The Tánaiste (Deputy Frances Fitzgerald): I thank the Deputy. Gardaí, like so many others in this country, suffered hugely during the period of economic difficulty. There is no question about that. Recruitment and investment were stopped. There was no investment in the resources they needed. There was no investment in IT or Garda vehicles and there was no recruitment. That has had an impact. What this Government, the last Government and I have done since I became Minister for Justice and Equality is focused on ensuring we can invest in An Garda Síochána. We have been able to do that because we have a recovering economy and an unemployment rate down to 7.7%, thanks to the prudent management we have had. That should impact on Garda morale. There are issues on pay which we are trying to resolve. As I have said on many occasions, I want us to be fair to An Garda Síochána but I also want us to be fair to other public sector workers and the taxpayer who funds the kind of services we want to provide in this country and to the community as a whole. We want to support gardaí to do a better job because what they do is critical. They take risks every day when they go out and many have lost their lives. We want to support An Garda Síochána in this country to do their work professionally and effectively. That is what I have been trying to do.

I want to put it on the record of the House that thousands of people still apply to be members of An Garda Síochána. Each recruitment campaign we have had has seen thousands of young people apply to become members of the force. That tells us something. There is now a recruitment process that will ensure we have 15,000 members of An Garda Síochána. That will enable us to do better community policing.

The Deputy raised the issue of transfers. Of course, there cannot be transfers if there is no recruitment but now recruitment has started again. I am very conscious that it impacts on families and individuals if they are not able to get transfers. That is an operational issue for the Garda Commissioner. If we are recruiting, which we are, and new members are coming in, those kinds of issues can be dealt with more effectively within the force.

Deputy Noel Grealish: As I said earlier, I appreciate the Tánaiste is doing her best to improve the situation but the improvements cannot come fast enough. There is a huge number of gardaí out there who are simply not enjoying going to work. We need to pick up morale again

within An Garda Síochána and we need to resource and finance it properly. Gardaí need to know they have the support of this Government.

On the bail laws, the Tánaiste is proposing to bring in changes which the Government has undertaken to fast track. I am hoping this will come in before the Christmas recess. I am aware of a case in my constituency in which the Garda spent weeks surveilling a gang that was carrying out burglaries. The gang was apprehended and brought before the courts, but they were let out again and re-offended. That is bringing down morale in An Garda Síochána. I again urge the Tánaiste to continue the improvements, resource the Garda properly and give gardaí the proper financial support they require. Will the Tánaiste also outline what she proposes to do about the bail laws to stop these people being released to offend again?

The Tánaiste: With regard to repeat offenders, I have already brought forward much stronger legislation to provide that those who are involved in serial and repeat burglaries will serve consecutive sentences. I expect that will be, and is being, implemented by the courts. That legislation was passed quickly by the House and received all-party support. I thank Members for that. The bail Bill which will be published later in this term will provide for the use of electronic tagging and will give the Garda more power to request electronic tagging. It will also provide for more severe penalties for those who break bail conditions. It will be strong legislation to deter repeat offenders and to ensure the community is protected from those who would seek to commit crime.

With regard to the Garda, if the strike goes ahead the various units that will be available have been outlined. They will include the emergency response unit, the regional support units, the protection and national surveillance units, the special detective units, the intelligence sections and the drugs units. The Garda associations are working with the Garda Commissioner to ensure, if the strike goes ahead, that the public gets a basic policing service and that their safety is guaranteed as much as possible in the current situation.

Questions on Promised Legislation

An Leas-Cheann Comhairle: I ask Members to comply with the principle of just putting a question to give everybody an opportunity to put their question. I will try to give as many Members as possible an opportunity to ask their question.

Deputy Jim O'Callaghan: There is a commitment in the programme for Government to propose legislation to reduce excessive delays in trials and court proceedings. The most obvious way to do that is to appoint more judges. There are at least five vacancies at present. Can the Tánaiste confirm that those vacancies will be filled before new legislation is in place? If not, can she say when the legislation will be brought before the House?

The Tánaiste: I expect to publish the heads of the Bill to provide for establishing a new judicial appointments commission this term. Then it will have to proceed to pre-legislative scrutiny and be passed by the House, so it will depend on the arrangements that are made in that regard. Our preference is to make any further judicial appointments when that legislation is in place, but clearly the Government will continue to consider the needs of the courts as they arise over the forthcoming period.

Deputy Joan Burton: On the same subject, the Court of Appeal has done a huge amount

of work since its establishment in clearing a backlog of cases. People involved in such cases often suffer greatly when it takes years for the case to come to appeal. With regard to the Court of Appeal, is the Tánaiste telling the Dáil that she is delaying further appointments to that court until such time as the legislation promised in the programme for Government is implemented? The Tánaiste has just said that the heads of the legislation relating to a judicial appointments structure will be published some time in the near future. That will be followed by the drafting of legislation and bringing the legislation through the legislative process. Can the Tánaiste say when she expects this legislation to be in place? Does she have a game plan or is this more drift on matters relating to justice and the Garda? It is causing incredible damage to people's morale and confidence in the institutions of the State. When does the Tánaiste realistically expect Uachtarán na hÉireann to sign the legislation in order that it can begin to operate?

The Tánaiste: There is no vacancy in the Court of Appeal. The previous Government established the court and it is doing an outstanding job under its President, Mr. Justice Sean Ryan. It is getting on with its work, as is the Supreme Court. I have made it clear that it is priority legislation which the Attorney General and my Department are working on. We expect to have the heads of Bill in the near future. Then we will see the timeframe from the Committee on Justice and Equality regarding pre-legislative scrutiny and I will be in a position to answer the question.

Deputy Martin Kenny: Last Sunday, the Comprehensive Economic and Trade Agreement, CETA, deal was approved in Europe. It will have legislative implications for the House. When will it be debated and a vote taken on it? Our agriculture sector is already in serious difficulties regarding Brexit. The possibility that international companies and corporations can sue the country if they do not get their way is one of the very serious matters about which people have major concerns. We want to ensure the House has the opportunity, I hope, to block the deal given that it has very serious negative implications for all in Ireland, particularly for all our businesses.

The Tánaiste: The matter will have to be debated in the House and there will be a vote. It is for the Business Committee to decide when the debate will be taken.

Deputy Bernard J. Durkan: The bail Bill is promised legislation and it is topical regarding enforcing the law and ensuring people who reoffend are not allowed out into the community and are not granted facilities to undermine public confidence in the system. When is it expected that Second Stage of the Bill will be taken?

The Tánaiste: It is priority legislation and will be published this term.

Deputy Mattie McGrath: It is a pity the Minister of State, Deputy Finian McGrath, is imithe. I want to ask about the motorised transport scheme. It is a wonderful scheme. I have a child in Tipperary, Alex, whose mother badly needs to replace her car, given that there is up to 400,000 km on it. She needs the car to bring him places. He cannot go on the school bus. He needs a specialist nurse. He is severely disabled. When will the scheme, which is so beneficial to families, be reintroduced? It is a commitment in the programme for Government and should be done sooner rather than later.

The Tánaiste: I will ask the Minister to speak to the Deputy directly about it.

Deputy Eugene Murphy: In the programme for Government, there is good news on Garda recruitment. I acknowledge the Tánaiste's role in it and we all welcome it. It is very impor-

tant. However, as reported in the motoring section of yesterday's *Irish Independent*, there is no longer a Garda traffic corps. In the past, 1,200 members of the Garda Síochána carried out the role. While those gardaí are still in the system and road safety is part of the programme, when will we reintroduce the Garda traffic corps? We have more vehicles on our roads and more accidents, and, unfortunately, road deaths are increasing. The fact the traffic corps has been taken away is a major problem. We need to reintroduce it. Can the Tánaiste see it happening in the near future?

The Tánaiste: It is an operational matter for the Garda Commissioner to decide precisely how she uses the resources available to her. Road safety is a very high priority for the Garda Commissioner and members of the Garda Síochána and everything is being done. I note what the Deputy said about the recent increase in deaths, particularly in deaths of pedestrians and motorcyclists. We must do everything possible to try to reduce the number of deaths and try to maintain the good road safety record and pathway we had been on. Greater numbers are using our roads and the risks are greater. It is a priority and I have no doubt that with increased Garda recruitment, the Commissioner will ensure it receives as many recruits as possible.

Deputy Pat Buckley: The Government promised mental health reform would be a priority. The programme for Government and agreement with Fianna Fáil promised that funding would be increased annually. Although €15 million represents a small increase of just under 2%, it is seriously a slap in the face for those who depend on the service, their families and campaigners. It is utterly disingenuous to promise so much and then only provide crumbs on the table. Yesterday, I handed a petition to the Minister of State, Deputy McEntee, containing more than 1,300 signatures.

An Leas-Cheann Comhairle: Is there a question?

Deputy Pat Buckley: Will we take funding for mental health services seriously, have a serious debate on it and know where we are spending the money?

The Tánaiste: I am not sure what promised legislation the Deputy is speaking to. He spoke on the budget. The mental health budget has increased this year and as the Deputy knows, there is additional funding. That is clear from those who examined the overall funding. It is focused both on providing improved community care and mental health teams with increasing numbers. There are recruitment difficulties but it is a priority for the Department of Health and the Government. There will be extra funding and recruitment but there are recruitment difficulties in the area, as the Deputy knows.

Deputy Mick Barry: I see the clocks on the wall have stopped working.

An Leas-Cheann Comhairle: I will control that.

Deputy Mick Barry: Is it part of the strike wave that is taking place on the Government's watch?

Deputy Thomas Byrne: It is the Transatlantic Trade and Investment Partnership.

Deputy Mick Barry: The programme for Government provided for the establishment of a public service pay commission to deal with, among other elements, entry level pay in the public sector, which was a key driver behind the justifiable action by the Association of Secondary Teachers Ireland, ASTI, the impending action by the Garda Representative Association and

the potential action on the part of the Irish Nurses and Midwives Organisation. The Minister for Public Expenditure and Reform indicated that this public service pay commission would report between April and June next year. Could we instead seek an interim report before the year's end, specifically including the issue of entry pay? It is another way of saying equal pay for equal work. We could have the issue debated and resolved rather than waiting until next summer.

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): The public service pay commission was set up after a required period of consultation with all the signatories to the Lansdowne Road agreement. The full panel has now been appointed and it is chaired by the former chairman of the Labour Court, Mr. Kevin Duffy. The timing of the report and the material to be included is a matter for the commission now, as it is independent. We have set in place terms of reference and, as part of those, there is mention of the issue raised by Deputy Barry. I expect it will take the commission into early next year to do that work.

Deputy Thomas Byrne: In the context of the patient safety (licensing of health care facilities) Bill, is the Tánaiste aware there is a proposal to reduce the number of non-consultant hospital doctors in Our Lady's Hospital in Navan by 50% and there is a suspicion that arguments relating to patient safety will be used effectively to close the accident and emergency department? Is she also aware of a discovery by my colleague, Deputy Cassells, that a manager is to be appointed with a specific remit to engage in the closure of Navan hospital? I would like a response from the Government on that.

The Tánaiste: The heads of that Bill will be published this term.

Deputy Thomas Byrne: No answer.

Deputy John Brady: The programme for Government commits to targeted improvements in welfare payments for the elderly, people with disabilities, the sick and carers, among others. Information recently received by Sinn Féin indicates that at the end of September, waiting lists for people in receipt of social welfare have increased across the board. For example, the wait for carer's allowance has increased from 19 weeks at the end of June to 40 weeks at the end of September. The wait for the non-contributory State pension has gone to 19 weeks and the wait for disability allowance has gone to 21 weeks. What measures are being taken by the Government and the Minister, Deputy Varadkar, to tackle these escalating and grossly out of control waiting times for the most needy?

The Tánaiste: The Minister will be dealing with the social welfare Bill in this House shortly. More than €300 million was committed in the budget to improvements in social welfare and we have seen the first increases since 2009. It is a mark of the commitment.

Deputy John Brady: What about waiting times?

The Tánaiste: I will bring what the Deputy has said on waiting times to the attention of the relevant Minister. There is a strong commitment in the programme for Government, delivered on in the budget, to improve the financial situation of those receiving social welfare payments.

Deputy John Brady: Waiting times are escalating, however.

Deputy James Lawless: I understand the Heritage Bill 2016 is due before the Oireachtas imminently. The Bill, as currently constituted, includes a section on canals and waterways. All

Members will agree canals are fantastic assets, as well as cultural, tourism and recreational facilities, but they require significant support and attention. Greenways have been rightly lauded all around the country for good reasons. However, the canals themselves, which run down the middle of the country, do not get the same support.

Last weekend, I met 23 canal boat owners on Naas canal harbour, all members of the Inland Waterways Association of Ireland. It is their strong view that a dedicated canals Bill should be tabled rather than a section as currently constituted in the Heritage Bill. There is a draft canals Bill doing the rounds which runs to 21 sections. Could this be taken separately, broken away from the Heritage Bill?

The Tánaiste: The Heritage Bill is due for Second Stage in the Dáil soon. I am sure the Deputy will have a chance to raise those concerns with the relevant Minister during that debate.

Deputy Jack Chambers: When I asked the Tánaiste about the progression of the gambling control Bill in June, she said there were complexities but it was still her intention to progress it. The Committee on Justice and Equality has written to her directly to get a specific timeline for the Bill. I know it is her intention to progress it. However, will she give us a specific timeline for it? If she cannot provide that, will she explain the complexities involved?

The Tánaiste: The Minister of State, Deputy David Stanton, has taken responsibility for this Bill. He has been meeting stakeholders and is keen to progress it. He is considering the best way to do that, as well as whether some sections should be taken out as they may require more immediate action rather than being included in the complete Bill. I will ask the Minister of State to communicate with Deputy Chambers in more detail about his approach to the Bill.

Deputy Dessie Ellis: I am sure the Tánaiste is aware of the serious problem with regard to the use of rickshaws on our streets. Many operate with no rules, regulations, training or insurance. Some even receive revenue from clients. In reply to a recent parliamentary question, the Minister for Transport, Tourism and Sport acknowledged some form of legislation is required and will be forthcoming. Will the Tánaiste outline when this is possible? Has it been discussed at Cabinet? There are serious problems on our streets and something serious could happen because this area has not been regulated properly.

The Tánaiste: There is a role for local authorities in this and some have already made a decision on the issue, such as Galway. If the Minister indicated there will be legislation, then national statutory legislation would appear to be necessary. I do not know the timeframe for this, however. We can check it out for the Deputy.

An Leas-Cheann Comhairle: I would have called Deputy Mary Lou McDonald earlier had she indicated. I will allow her in with a short question now.

Deputy Mary Lou McDonald: I want to ask about the terms of reference for the commission of investigation into the case of Grace, the young woman with intellectual disabilities at the centre of foster home abuse allegations. The report by senior counsel, Conor Dignam, was published on Tuesday. It makes for disturbing reading. When will the terms of reference for the commission be brought to the Dáil? When does the Government intend to appoint the chair of the commission?

A Leas-Cheann Comhairle, the reason I did not indicate was because I understood it was the custom to go to whoever was in the party leaders' slot. That is how your colleague conducts

business.

An Leas-Cheann Comhairle: Just so there is clarity, it is only if a leader or any Deputy indicates.

Deputy Mary Lou McDonald: I shall know that in future.

An Leas-Cheann Comhairle: I do not have to teach you.

Deputy Mary Lou McDonald: That has been the custom and practice in the past.

An Leas-Cheann Comhairle: I facilitated many of your colleagues.

Deputy Mary Lou McDonald: I am not disputing that. I am just saying that has been the custom.

An Leas-Cheann Comhairle: Let us agree to disagree.

The Tánaiste: I answered this question earlier. I said the Minister had informed me that the terms of reference would be brought to Cabinet over the next couple of weeks in order that a commission of inquiry can be established. I am sure the Business Committee will discuss whether that issue will be debated in the Dáil.

Local Government (Mayor and Regional Authority of Dublin) Bill 2016: First Stage

Deputy Eamon Ryan: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the election of a Mayor for the Local Government areas of Dublin City and the counties of Dún Laoghaire-Rathdown, Fingal and South Dublin; to provide for the establishment of a body to be known as the Regional Authority of Dublin, or in the Irish language, *Údarás Réigiúnach Bhaile Átha Cliath*; to confer certain functions on the said Mayor and on the said Authority including functions under the Waste Management Act 1996, the Planning and Development Act 2000, the Local Government Act 2001 and certain other enactments; for that purpose and other purposes to amend those enactments; and to provide for matters connected therewith.

I am very proud to introduce this Bill and I look forward to working with other parties in the Dáil and the Seanad to, I hope, make it a reality. We very much support the approach introduced by Fianna Fáil that we should consider a plebiscite to get public support for such an initiative. This Bill complements, follows on from and fits in very well with such an approach because it provides the detail and the structures within which the public would look to introduce such a system. A number of other parties here over the years have been involved, engaged and recently interested again in the provision of a directly elected mayor for this city, so I hope we can get consensus across this House to turn it into a reality.

It is very much a Dublin mayoral Bill but it has implications for other regions because if it is successful or if other parties so wish, we should look to replicate the broad approach in Cork, Limerick, Galway, Waterford and other cities as they all face the same issue we face in Dublin, namely, how to manage and plan for the future in a way that really works. Many people believe we must think about planning for an island of 10 million people. Within that, we must start

thinking about a Dublin of 2 million people rather than 1 million. To get that right, we believe we need strong political leadership that can plan for the development of this city. It is for the latter that this mayoral Bill would provide. It would allow a directly elected mayor to set the regional strategy on key issues of housing, transport and the management of infrastructural services that are vital for a city to work. Having worked in this area for many years, particularly in transport and the connection between transport and housing, I would be interested to know whether anyone believes the current arrangements are working or whether they provide for strategic planning and management of the city. We face traffic gridlock in this city because we have not planned our transport system effectively. We are in the middle of the worst housing crisis the city has seen because we also failed to plan for housing needs. With a directly elected mayor, the buck would stop at someone's desk. He or she would have real responsibility to ensure that we do not continue to follow the current pattern.

The Bill we present is very similar to that brought forward in 2010, a time when we were in government and worked with other parties on the broad outline of that legislation. It had pretty much made its way through all Stages in this House and was almost on Fifth Stage in the Seanad before, with the change of Government, it fell. We know what has happened in the interim and we do not need to go over the history of the matter. However, there should be an appetite in this House to introduce another Bill in order to bring the concept back to the fore, particularly as we see more than ever that the success of the city depends on strong and good political leadership.

The legislation has been amended. We have changed it to reflect the controversies surrounding issues such as water, in respect of which we were seeking to give the mayor a particular role. We have put that to one side until we work out our broad approach. Times have changed since 2010 in that regard. However, the Bill is broadly very similar to that which preceded it in that it does not impose a major cost obligation on the Exchequer. It seeks to use the existing local government systems by and large but creates a political level above them, a regional political approach, which works with the four Dublin authorities and the Government. This would not supplant Government. It would still be subject to oversight from this House but it would provide for the co-ordination, planning, strategic thinking and future thinking that is missing from our public system. A system whereby a different mayor is elected every year does not offer political authority. This Bill would provide that.

We look forward to proceeding to Second Stage in our own Private Members' time two weeks from now. We look forward to any amendments or suggestions any other parties may have. The Bill is fully capable of being amended. However, it is a serious item of legislation which was tested in the Department prior to being drafted originally, which we have amended and updated and which we believe is fit for today.

I o'clock

We look forward to the debate in this House and, hopefully, the Bill's eventual enactment.

An Leas-Cheann Comhairle: Is the Bill opposed?

Deputy Paschal Donohoe: No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must,

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under Standing Orders, be taken in Private Members' time.

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

Question put and agreed to.

Ministerial Rota for Parliamentary Questions: Motion

Deputy Kevin Boxer Moran: I move:

That, notwithstanding anything in the Order of the Dáil of 6 May 2016, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Taoiseach and Minister for Defence, shall be set down to Ministers in the following temporary sequence:

Minister for Finance

Tánaiste and Minister for Justice and Equality

whereupon the sequence established by the Order of 6 May 2016 shall continue with Questions to the Minister for Education and Skills.

Question put and agreed to.

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 Maureen O'Sullivan was in possession. She has indicated that she is sharing time with Deputy Pringle. There are 13 minutes remaining in the slot.

Deputy Maureen O'Sullivan: Last night, I was quoting from a survey of sex workers in Northern Ireland that was carried out approximately 18 months ago by Queens University in Belfast. There are two particular findings from that. A total of 85% of those working in the trade locally said that such legislation as in the Swedish model would not reduce trafficking. Only 8% of the clients surveyed said that it would make them stop paying for sex altogether. The PSNI also voiced concerns that there were likely to be significant difficulties with enforcement and it would be unlikely to be effective against exploitation. Therefore, a failure to amend the existing aspects of Part 4 will have adverse effects on sex workers. It will fuel trafficking business even further. It is not tackling the social and economic circumstances that bring people into sex work.

There are serious doubts about the human rights compatibility of what is being proposed in Part 4. Whether we agree with the work of sex workers or not, like it or not, or disapprove of it or not, sex workers have human rights like all workers. They have rights to dignity in the workplace, to self-determination, to work in safe conditions and to access to justice. I really do not want to take from so much of what is positive in the Bill and its potential to do good. However, Part 4 does need to be looked at again in light of the concerns. We must also look at

how the Bill could be strengthened further on issues such as human trafficking, forced labour, the involvement of children in sexual activity, violence and the abuse of sex workers, because they are major human rights issues.

Deputy Thomas Pringle: I welcome the publication of this Bill and its wide-ranging provisions that seek to strengthen our laws combating child pornography and the sexual grooming of children, to update our laws relating to incest and indecent exposure and to provide amendments which focus on the victims of sexual offences. The provision criminalising the purchase of sex included in Part 4 of this Bill is welcome.

According to the Immigrant Council of Ireland's statistics, between 800 and 1,000 women and children in Ireland are advertised online for sex on any given day. Of that number, between 87% and 98% of those are migrant women and many are from impoverished backgrounds. If sex work was a choice, surely that statistic would reflect the population of this country, but it definitely does not. Having informed myself of all views on the introduction of the criminalisation of the purchase of sex, I cannot help but think that if prostitution was a choice, why are the majority of those in prostitution coming from very vulnerable circumstances and from marginalised and targeted social groups? Isolation, cultural differences, language difficulties, debt bondage and the ease with which they can be controlled all contribute to the vulnerability of victims of sex trafficking.

In 2013, I introduced a Bill that also sought to criminalise the purchase of sex. Not surprisingly, it was voted down at the time by the Government and it took another three years to have the Bill before us debated. The year that the Bill I introduced was voted down, 83 people were trafficked into Ireland for the purposes of sexual exploitation. We can only imagine how many have experienced the same fate in total over the past three years. Yet, not one single trafficker or pimp has been convicted under the 2008 Act since the time I introduced my Bill back in 2013. While one purpose of that Bill was an attempt, as is the so-called Nordic model, to try to reduce the trafficking of women for sex work, the other purpose of it at the time was to effect a cultural change. The other aspect of the Bill is that I hoped it would effect a cultural change even more so than to seek to convict people for the purchase of sex. I hoped it would feed into a process of change within society, whereby men would learn that it is not okay to purchase the body of a woman or man for sex. We should aim to change that culture as a society so that men do not feel it is their right to do so. That is, in part, what legislation should try to achieve, namely, to effect cultural change. The alcohol Bill is going through the Houses currently which is trying to effect change in the culture of alcohol abuse in society. It is reasonable to use legislation to try to effect such cultural change. I have a problem with Part 4 of the Bill in that the inclusion of the change in a very wide-ranging sexual offences Act minimises the potential for cultural change in society which we should work towards. One in 15 men in this country have purchased sex, which is approximately 6% of the male population. We should try to reduce the demand by way of legislative change. Such an approach would be worthwhile.

I also welcome the added provision including the criminal offence for the prostitution of a person who has been trafficked. Upholding human rights is the central tenet in this regard, ensuring that the rights of those trafficked for the purposes of sexual exploitation are vindicated in legislation. Legislation can effect change, but not as a stand-alone act. It must coincide with resources to fund the vital front-line services and organisations which help protect those in prostitution and those who wish to get out of prostitution. Legislation can effect cultural change but we must introduce other initiatives also to facilitate such change through education, for example. There is no doubt that for many women involved in the sex trade it is external

societal issues that encourage them into it. Perhaps it is not really a choice but it is more due to their circumstances that they end up in the sex trade.

I urge the Minister, in addition to the implementation of the legislation to allocate the necessary resources and investments for front-line services and organisations that support exit strategies and the health and well-being of victims of sex exploitation. Service providers are working with very few resources and limited personnel. It is shocking that there are no dedicated services for those engaged in prostitution outside of Dublin. The sex trade is not exclusive to the capital city or even confined to larger cities, it is in smaller towns and villages around the country.

Concerns have been expressed about Part 4. While I support the proposal to criminalise the purchase of sex, I wish to see certain aspects strengthened via amendments as the Bill goes through all Stages in both Houses. First, I will address the issue relating to the brothel-keeping provisions in the Bill. We know that women choose to work together indoors for safety, yet they are liable to be prosecuted for operating a brothel. Other Members mentioned that last weekend four women were fined €200 each for brothel-keeping in Galway, even though the Garda suspected they were trafficked into this country for the purposes of sexual exploitation. It was said that the women denied that was the case, but it is likely they would do so because if they revealed that was the case they would only be allowed to stay in the State until the perpetrators were prosecuted and then they would be deported. There was no incentive for them to expose the trafficking that had taken place.

While that aspect of the Bill will possibly help to prosecute the criminal gangs who operate the vast majority of prostitution in this country, we must ensure it does not inadvertently affect victims. Concerns have been raised by the Irish Human Rights and Equality Commission about Part 4, which maintains - and increases the penalty for - the existing offence of brothel-keeping. I believe that could place persons engaged in prostitution, who are working together for safety, in greater danger, as they may have no choice but to opt to work alone despite the risks involved. Again, the Garda must respond appropriately to exploitation in such circumstances, but that requires adequate resourcing of front-line services, including the Garda.

The decriminalisation aspect of the selling of sex must be fully realised. I know the act of prostitution is not criminalised at present, but there are issues around the solicitation offence and profiting from the proceeds of crime element. I understand the Tánaiste amended this Bill in the Seanad to decriminalise on-street solicitation explicitly. However, an amendment was then added under the Criminal Justice (Public Order) Act to criminalise loitering for the purposes of prostitution. The Government gave with one hand and took away with the other. I am concerned that the new public order offence could end up replacing the solicitation offence and, as a result, attract the focus of the Garda's attention. I urge the Tánaiste to reconsider this offence and remove it when the Bill is scrutinised in order that the selling of sex will be fully decriminalised. Organisations that deal with victims of sexual exploitation are of the understanding that women will not be targeted by the Criminal Assets Bureau under the offence of profiting from the proceeds of crime. We need an assurance from the Minister that this will be the case. Now that we are criminalising the purchase of sex, we may need to address this issue again to ensure women are not targeted by criminal gangs for further financial exploitation. This may be outside the remit of the Bill before the House, but it is worth looking at in the context of this legislation.

We must emulate the Swedish approach by monitoring and reviewing this legislation to

measure its effectiveness and impact. The Irish Human Rights and Equality Commission has recommended that the proposed reform should be kept under periodic review to monitor and evaluate the effects of the change in the law. The commission has also recommended that the proposed reforms should be accompanied by ongoing research on best practice, awareness-raising programmes, targeted information campaigns and educational programmes. Legislation in Northern Ireland compels the Department of Justice there to review the operation of the reform within three years of its coming into operation, including with regard to the number of arrests and convictions, an assessment of the impact on the safety and well-being of people providing for payment of sexual services and the Department's assessment of the extent to which the reform has operated to reduce human trafficking for the purpose of sexual exploitation. This is something we should consider here. I suggest this legislation should be reviewed within two years of coming into effect. We can learn from the Northern Ireland process.

According to the Irish Human Rights and Equality Commission, there is a large amount of conclusive evidence that a stand-alone legislative approach does not have the definitive effect of reducing trafficking in human beings for sexual exploitation. We must recognise that legislation alone cannot protect people in prostitution. Legislation must be enacted alongside research, strategies, monitoring and, most important, adequate resourcing for front-line services that reach out to people in prostitution by providing exit strategies and support services. Ireland's implementation of the Council of Europe's Convention on Action against Trafficking in Human Beings will be monitored later this year by the Group of Experts on Action against Trafficking in Human Beings, GRETA, which will visit Ireland next month. GRETA has recommended that states which have adopted the Swedish model should keep their legislation under review to measure the impact on the provision of protection and assistance to victims of trafficking and the effective prosecution of traffickers. I hope the measures in this Bill that I have discussed, and which have been commented on by many Deputies, are taken on board by the Minister and the Government during the legislative process.

Deputy Hildegarde Naughton: I would like to share time with the Ministers of State, Deputies Marcella Corcoran Kennedy and Regina Doherty.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Hildegarde Naughton: I welcome this legislation. Given that over 80% of teenagers have a social networking profile, the law needs to adapt to protect children from abuse. Over recent years, the Internet has become a significant player in the possible exposure of children to such abuse. There are now many ways to contact children for purposes of grooming. Many children are exposed to inappropriate material such as cyberbullying, adult pornography, websites that promote self-harm, suicide and eating disorders, online hate material and extreme forms of obscene, violent and offensive material. These are not distant threats. They are real and present and need to be addressed. Therefore, I am pleased that this legislation will strengthen existing provisions on online grooming, images of child abuse and child prostitution. It is good to see the criminalising of any communication with a child on the Internet, a mobile phone or social media for sexual exploitation through technology. As UNICEF has made clear, all girls and boys have the right to survive, grow and "be protected from violence, exploitation and abuse" in all settings, including offline and online environments.

On a related note, it is right and proper for the State to ensure its laws are up to standard in this area. There is a challenge for parents, guardians and people in roles of responsibility, including teachers. If we would not let a child or someone under our protection leave the house

or school without knowing where the child was going, the same thought should be afforded to online activity. It is true that many children are streets ahead of their parents, or even some teachers, when it comes to modern technology. It provides a challenge. I would like to think that along with proper legislation and enforcement, the State might afford some level of support to people in positions of authority in order that they can best protect children. Members of this House have a duty to legislate according to the provisions of the UN Convention on the Rights of the Child which protects children from all kinds of discrimination, abuse and neglect, including sexual exploitation and sexual abuse. It mandates this House to protect children from information and material that is injurious to their well-being as well as from arbitrary or unlawful interference with their privacy. These provisions are reflected in the Bill before the House.

Online activity is an area that has provoked warranted calls for the protection of children, particularly with regard to social media. While that should always be the primary consideration, we should be careful not to limit the huge potential that technology offers our young people. Balanced but powerful legislation is required to allow children to enjoy all the benefits of online activity while prohibiting malicious activity and criminalising those who would abuse the natural inquisitiveness of a child's mind. In my view, this Bill represents such a balance. While I acknowledge the concerns of some people regarding the criminalisation of the purchase of sexual services, I emphasise that this legislation would have prevented what happened in Galway District Court earlier this week when two young women whose circumstances we do not know were convicted and fined for prostitution. Surely this legislation is a better alternative.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):

I welcome the opportunity to speak on this long-awaited Bill. One of the most enlightening committees I worked on in the previous Dáil was the Joint Committee on Justice, Defence and Equality, which undertook significant research in examining whether this country's prostitution laws should be reformed. The committee was ably chaired by my colleague, the current Minister of State, Deputy Stanton. The joint committee also produced a rapporteur report on domestic and sexual violence. The experts and workers in this field from whom we heard at our hearings helped us to inform the development of this legislation. We need to listen to such people, who include nurses, doctors, advocates and individuals who are victims and survivors of prostitution. Some of the most affecting contributions to our hearings were made by Irish women who have survived prostitution in this country. I recognise that some of them are here with us this afternoon. I commend them on their bravery in coming forward to help us develop this legislation. I urge those who want to get a deep insight into the lives of people who as young people found themselves in prostitution in this country as a result of circumstances beyond their own control to read the committee's extensive report. We listened to everybody on both sides of the argument and we made some strong and significant recommendations.

I acknowledge the tremendous work that has been done by the Dublin Rape Crisis Centre, the network of Rape Crisis Centres, the Immigrant Council of Ireland and Ruhama as part of the overall Turn Off the Red Light campaign to enlighten and inform people about what is going on in our society. I was privileged to be encouraged, helped and supported by those groups when I produced the Criminal Law (Child Grooming) Bill 2014. I am pleased that most of the contents of that Bill are included in the Bill before the House. I welcome the severe penalties that are to be imposed on those involved in what will be considered as child grooming. Incredibly, we did not have a child grooming offence before now. Such offences were being prosecuted under other legislation. I am really happy that provision on the sexual grooming of children includes

the familiarisation of children with explicit material.

Sections 3 to 8 makes provision for new offences, including paying for the purposes of sexually exploiting a child, inviting a child to sexual touching, sexual activity in the presence of a child, causing a child to watch sexual activity and making arrangements to meet a child for the purposes of sexually exploiting that child. Sexual exploitation is now defined as including a range of acts, among which are engaging a child in prostitution and for the purposes of child abuse material, as well as the commission of a sexual offence or some other indecent or obscene act. The seriousness of these crimes is reflected in the harshness of the penalties - something I very much welcome - with prison sentences ranging from between ten and 14 years. I am pleased that the Minister is addressing this crime with such seriousness and this is evident in the content of the Bill. The Bill has received across-the-board support in the House. The content also came about as a result of hearings. In the course of those hearings it was identified that this was an issue for us and one that needed to be dealt with.

I have listened carefully to much of the debate. There seems to be a rather libertarian tone to some of the contributions. One important comment came from the Irish Congress of Trade Unions. This was to the effect that the term “sex worker” is not something that congress recognises as a form of work. Most of the women who have exited prostitution as well as those in prostitution see the term as a method of regularising or normalising the experience as something that is authentic or normal. I have a question for those who are trying to create the impression that being a prostitute is something that a child would aspire to or something that is a requirement for certain men who have certain needs as well as those who believe there are certain types of women who should be available to provide some type of service to them. I call on such people to ask themselves whether they would like their sisters, mothers or children to aspire to this marvellous new term of “sex worker”. Is that what they feel? Do they believe some social good is done by contributing to the needs of certain men who require this? We need to ask ourselves several questions. What is the appetite for the young body? Where is that coming from? This affects young men and young women alike. Do men need to have conversations with themselves about this? How is it that some men think this is okay?

This is a matter of serious concern internationally. I have talked to the European Union human trafficking co-ordinator Myria Vassiliadou on a number of her visits to Ireland. This is not only prevalent here; it is prevalent across the globe. Some people may think that people are operating independently. If that is the case, they are rare cases. The vast majority of what is happening in this country is actually happening as a result of organised crime gangs using women’s bodies to create empires. As others have said, it is a multi-billion euro empire.

I have no wish to take up all the time of my colleague. How much time do I have left?

An Leas-Cheann Comhairle: The Minister of State has a little over ten minutes remaining.

Deputy Marcella Corcoran Kennedy: I would rather not leave the Chief Whip out of the debate.

I strongly believe that we need to be real about this. People should read the joint Oireachtas committee’s report on this legislation. Joint Oireachtas committees undertake fantastic work in the area of pre-legislative scrutiny. Some of the most affecting people I have met in my time are the Irish woman who survived prostitution. They were so affecting when they came before our committee and revealed their stories to us. One has written a book that everyone should

read, especially those who want an insight into what is happening in Ireland. Rachel Moran is in the Gallery today and I wish to acknowledge her presence. Rachel's book is called *Paid For* and is now internationally recognised, I hope, as a document that people can read to learn how a young person can find herself in a terrible situation through no fault of her own. It came about as a result of the fact that she came from circumstances where, perhaps, there was no adult supervision. Sometimes people are incapable of looking after themselves and their children and can wind up homeless and on the street in the wrong company. They can then be encouraged or duped into believing that prostitution is a way they can survive on the street. The testimony of these women on how they wound up becoming involved in alcohol or drug addiction to help cope with the horrors of the lives they were living is extraordinary. People need to read this testimony and they should not forget the media glamorisation arising from certain films, books or terminology. This is about the reality of the horrible lives these poor women have had to endure. It applies to young men also because there is an appetite for the young male body as well. It is usually men who require it. This is what we really need to be talking about. This is the reality of these people's lives.

I have listened to their testimonies and to the views of those in the Garda anti-human trafficking unit. People should read the reports of the unit and examine the cases with which it is dealing. One recent report referred to a man who was prosecuted for using a five-year-old child to create pornography. That is disgraceful, appalling and abhorrent, and it is happening in our country. The report of the Garda anti human trafficking unit sets out not only how children and young women are being used for sexual exploitation but also for the exploitation of domestic work. Exploitation is across the board and we need to be realistic. We need to be sensible about all of this.

This Bill attempts to help to regulate an industry that is rooted in criminality. Let us face it: we must call a spade a spade. That is the reality. I strongly believe this is the right thing to do. We need to listen to the people who have gone through such awful times in their lives. They have survived and have something to say about it. I commend them on their bravery. Guess what? They are speaking out. Certain people do not want them to be heard and efforts are made to discredit them. I am keen to acknowledge and compliment them. Furthermore, I wish to acknowledge that the last Government published this Bill and this Government is determined to see it through. This Bill is timely and is something we need to move on with haste.

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I can only say "Bravo" to the Minister of State, Deputy Corcoran Kennedy. I was going to start by congratulating the Tánaiste on bringing this Bill before the House. Actually, real credit should be assigned to the two people sitting in front of me as well. The Minister of State at the Department of Justice and Equality, Deputy Stanton, who was chairman of the joint committee, and the Minister of State, Deputy Corcoran Kennedy, have been outstanding advocates for the passage of this Bill. Every third public conversation with the Minister of State, Deputy Corcoran Kennedy, in recent years has been on this topic. I wish to pay particular tribute to the two of them and to the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, as well as the many groups who have been involved in bringing this reforming legislation to where it is today. The Bill represents a major and long overdue reform of the criminal law in Ireland on the issue of sexual offences.

Ministers and Governments are often criticised from day-to-day for the challenges that emerge. They are seldom praised for the legislation they introduce. However, this should be praised absolutely today. I hope this will become an Act soon. It is reforming legislation that

will have long-lasting impacts not only on the law in this area but on how sexual offences are seen and viewed by the public at large as well. It will strengthen the law in a number of areas and tackle a number of weaknesses in the current law that are being exploited. It will enhance child protection online and in real life.

The Bill achieves a number of things. It makes provision for sexual offences against protected persons. It creates a new offence to protect children from grooming. It will protect children from online predators, who exist in their thousands. It will combat child pornography, which is often described as child sexual abuse material. It will tackle the issue of purchases of sexual services. It will reform the laws on incest and clarify issues of criminal evidence and jurisdiction. It is a legislative legacy of which the Tánaiste and Minister for Justice and Equality can be proud and an achievement for many who have worked for years to reform the law. It is fair to say that all too often sexual crimes have not been seen in the past as real or serious crimes by too many people. I have often wondered whether this is because the victims are in the main women, although not always. I do not believe, however, that the issues are only of interest to women. People across society from both genders and all backgrounds are calling for the reform of this law.

In recent decades Irish society has been rocked completely by repeated revelations of how prevalent sexual abuse, incest, sexual exploitation and trafficking of vulnerable people for sex have been in Ireland. We have a shameful history in this area and it is only in the past decade or so that we have started to face up to it. The statement by the Taoiseach in the House some years ago on the issue of sexual abuse of children was particularly powerful. This partnership Government and, as the Minister of State, Deputy Corcoran Kennedy, said, the previous Fine Gael-Labour Party Government, as well as many on the Opposition benches, committed to the reforms in this Bill.

Prostitution has in the past been seen as a transaction by consenting adults. I am sad to say it is still seen in this way by some. We should listen to those words. My brain does not even understand how someone can think it is a consenting transaction. Rather, it is the exploitation of one vulnerable person - often not an adult - by an adult who is not vulnerable. That is not a consenting transaction. There is no equality of power between the two parties involved. It is not a service industry. It is a criminal enterprise selling the flesh of a human being, most often a woman, a child and sometimes a young man. It harks back to the days when slavery as a commercial transaction was acceptable. Any politician or person who thinks prostitution is a victimless crime needs to get out of their bubble and meet some of the victims. Young women trafficked across borders, young children whose innocence is exploited and vulnerable men and women in our society are the victims of prostitution. The people who make the profits on these transactions are rarely the people whose flesh is being traded. It is usually people removed from the crime, such as people traffickers and criminal organisations.

This Bill will finally criminalise the purchase of sexual services and focus the minds of those people who consider the purchase of sex before they proceed to break the law and commit a crime for which they will be prosecuted. The Bill has been called by the Children's Rights Alliance a landmark Bill for the protection of children and young people. It recognises that the law in this area is out of step with reality in our time. The Bill includes new offences to protect children against grooming and online predators and to tackle child pornography.

Irish children are an online generation. They live in a digital world. They are not just more tech savvy than we are, they absolutely could buy and sell any adult in this area. The Children's

Rights Alliance has said that 86% of nine year olds have a computer. That is incredibly scary. A total of 82% of teenagers and 35% of nine year olds and 12 year olds have social media accounts and profiles. Irish children live a tremendous amount of their lives, probably more than any parent will ever admit to, online in a virtual reality. Their innocence must be protected. We need the laws of this land to make sure that will happen.

The Criminal Law (Sexual Offences) Bill 2015 is designed to protect a range of vulnerable people from sexual exploitation and to take on in particular the predators, both online and those in the real world, who seek to take advantage of these honourable people either by exploiting them sexually to make money and or by selling their bodies. The Bill has completed all Stages in the Seanad and will now proceed to Committee Stage where I am sure we will hear more comments from people who agree with the many we have heard today.

The Minister of State at the Department of Justice and Equality, Deputy Corcoran Kennedy, could not have said what she said more passionately than she did. For anybody who thinks that it is okay for a man to purchase sex from a woman because there is a need in society, I say please sit down and read some of the women's stories. This is not a voluntary profession. It is not even a profession. These women, children and young men are being exploited for money. Let us be very real about this because it is all about exploiting vulnerable people to make money and it is a crime.

Deputy Joan Burton: I recall attending a meeting of women in the Labour Party with the then leader of the party, Pat Rabbitte, sometime in the mid-2000s to discuss this at a time when organisations such as Ruhama, the Vincentian partnership, the Irish Congress of Trade Unions and others were waging a fairly lonely battle first of all to educate people about the reality of life for people involved in prostitution and sex work. Notwithstanding the arguments around personal autonomy and the sale of sexual services, I have yet to see any convincing information that indicates that for any small significant number of people it is somehow or other a life-enhancing experience. We hear the arguments and we are all aware of the fears that something which is not really a monetary transaction could possibly be portrayed in that way. Prostitution is about the kind of money that people can make out of having women, children and men, particularly young men, in prostitution. Very few of them have the autonomy that some people like to indicate when they see this as a transaction where a service is exchanged for money voluntarily between people.

Dublin as a city and Ireland as a country have a long history of prostitution. There were certain areas in Dublin which were notorious for prostitution right up to and after the time of the Rising. Much of that part of the city is now gone but when James Connolly was writing about Dublin and when Sean O'Casey wrote his plays it was, in a city of soldiers, a very significant trade.

In recent decades much of that has moved indoors by arrangement and is transacted on the Internet. We do not know the full extent of it but we have seen from the Turn Off the Red Light campaign the suggested figure of between 800 and 1,000 women involved every day in prostitution in Ireland. Think of the accumulation of misery that represents for those women, their families, their children and their wider circle of friends, and of the desperation that can drive people into prostitution, including those with addiction problems and other issues and their desperate attempts to try to ensure their children and families are looked after and that they do not lose their children. I cannot agree with people who see it as somehow life-enhancing and life-affirming. Like many others, I have seen *Belle de Jour* with its notion of people being able

to go out and make it.

This issue has been discussed in the Oireachtas for a long time. I particularly thank many of my colleagues in the Labour Party, such as Senator Ivana Bacik who has been a thought leader on this over a long time. We need to see this legislation brought into force. I also strongly welcome the details in the legislation which address issues such as grooming of children and the use of the Internet. I am sure many here have seen interviews with Christina Noble about child prostitution, child trafficking and child grooming that she particularly has worked to combat in Asia through her charity and her development work. This involves men, in particular, going on holidays to certain countries in the Far East and using child prostitutes as well as using older prostitutes of both sexes. It has to be a horrific experience for children. I welcome anything developed by our Legislature that makes for a stronger position in combating this and enhances the powers of the Garda.

I see the Garda vans and vehicles in areas where people are still walking the streets and it happens regularly in different parts of Dublin and other cities. Notwithstanding all the difficulties arising for people in respect of the strike, gardaí need to be commended on the work they have put in to developing a response. While as guardians of the law they seek to uphold the law, they have also shown, along with people from many different agencies in the health and caring areas, a huge amount of concern for the vulnerable people caught up in prostitution. It is important to note that in the context of the likelihood of a Garda strike, which even at this late time we hope can be averted.

With regard to this legislation, the question arises as to whether it is perfect legislation. A great deal of work has been done to examine the response in Sweden, Norway and other Scandinavian countries in terms of the approach to criminalising the purchase of the sexual service as opposed to the provider of the service. Is the legislation perfect? This is an incredibly difficult issue for any society to address. I am open to reasoned arguments that seek to improve the legislation.

I welcome the criminalisation of the purchase of sex because that means, in effect, that the proceeds are the proceeds of a criminal act and therefore are open to the actions of the Criminal Assets Bureau. In its history the Criminal Assets Bureau has shown that it is well capable of targeting in particular those who are making significant amounts of money from this most cruel trade in terms of the people who are exploited by it.

The principle in regard to Al Capone was that the normal arm of the law could not reach him but following the money trail the authorities were able to affect his activities. With regard to gangs and individuals who are engaged in largescale trafficking, largescale prostitution, escort and sale of sex services, it will be appropriate for the CAB to go after those people who have accumulated large amounts of money.

We are all aware that prostitution and the sale of sexual services is heavily linked to criminal activity by gangs in terms of the trafficking of people, the drugs trade and the trade in weapons. If this measure gives the law in Ireland a stronger and greater reach in terms of dealing with these kinds of criminal activities, it will make a contribution to seeking to address this issue in Ireland.

In the context of some of the arguments put forward on the modern transactional approach and that because it is a transaction, somehow or other it is a freedom which must be recog-

nised, there was an article in the American publication *Vanity Fair* recently on escort services, sugar daddies, sugar babies and what is called in America the girlfriend experience. Some of the women described were extremely well educated women who are seeking to pay off debts or, in some cases, amass a sum of money for different purposes. The chilling part of it is that, notwithstanding that people may want to go into this either through desperation or because they see it as a limited action for a very limited period of time, the overwhelming evidence is that, ultimately, it is extremely degrading and there is very little evidence that it is producing good outcomes for the people involved. It is important that we should give some consideration to those new forms of prostitution and sale of sexual services that are emerging and that, in many cases, are enhanced by the availability of and ease of access to social media.

With regard to children, for all of us who are involved with children, either as parents, relatives or friends, strengthening our laws against children being groomed and our laws in regard to children generally is to be highly commended. When the Labour Party was in government, in conjunction with Fine Gael, we pursued this legislation. It has not been the easiest legislation to draft and then to seek to enact. There will be opportunities on Committee Stage to address some issues, particularly enhanced protection for some of the people involved in prostitution and the sale of sexual services who need additional protection. All of the organisations that have been involved and have given expert help and advice on this issue will be listened to carefully in terms of amendments but I hope that after a very long debate, which has gone on now for many years, we will see this legislation enacted by the Oireachtas.

I recall in the 1980s being involved with Attic Press and Irish Feminist Information when a groundbreaking book by June Levine on prostitution in Dublin entitled *Lyn: A Story of Prostitution* was published. It was the story of an individual who was caught up in prostitution and in horrific life situations. For many people at that time the book was an eye opener, but that is a long time ago. We have been having this debate for more than 30 years. It is time we enacted the legislation and sought both to deter prostitution but also to find ways of making life better for those who, for one reason or another, end up getting caught in its very cruel grip.

Deputy Catherine Connolly: I welcome the legislation which I will come back to but I want to make a number of preliminary points in view of what was said earlier in the Chamber. Unfortunately, Deputy Hildegard Naughton has left but I want to correct what she said with regard to Galway. There was no charge, and the women she referred to were not convicted of being prostitutes. They pleaded guilty straight away and they were subsequently convicted of operating a brothel. That will continue under this new legislation, with even more severe penalties. However, the gardaí reckon that they were trafficked and under the control of Dublin or Belfast based pimps, but they were nonetheless fined €200. The gardaí were extremely humane in their response. They said they were four little girls. Four little girls in prostitution in Galway were being used and abused by many people. Their ages were 21, 22, 23 and 30. That is the first correction.

In terms of the second correction, I have not heard a single TD in this Dáil talk about a life enhancing experience as a sex worker. What they have done is raised serious concerns about the criminalisation of the purchase of sex because of the effect it will have on sex workers in driving them underground. The speakers in this Dáil, including myself, have not come up with those concerns. We have read reports and listened to Amnesty International. We have listened to the health organisations. We have listened to HIV Ireland, Sex Workers Alliance Ireland and so on.

I have read the Houses of the Oireachtas report the Minister referred to. I thank the Minister of State, Deputy Stanton, for his work. The report was a huge amount of work involving four public hearings and 800 submissions. It was specifically on the topic of prostitution. Unfortunately, since that report was produced, the evidence has moved on. The evidence today does not substantiate the criminalisation of the purchase of sex. I appeal to the Minister to look at this section and go back to it, notwithstanding the tremendous amount of work the Minister has done. I acknowledge that the overwhelming number of submissions wanted to criminalise the purchase of sex. However, there were other submissions that asked the Minister to look at this because what will happen here is that the Bill will make it less safe for sex workers. The Minister based the report on the Swedish model. Indeed, the Minister took the work very seriously and went to Sweden. I commend the Minister for all of that work. However, according to a number of very reputable organisations, the Swedish model, and Norway's, do not stand up to scrutiny.

As I said, I very much welcome this Bill with the exception of two areas which I have serious concerns about. More importantly, those are concerns that have been raised by a number of organisations and institutions, such as Amnesty, the Irish Human Rights and Equality Commission, the Centre for Disability Law and Equality at NUI Galway, the Irish Society for the Prevention of Cruelty to Children, more particularly, concerns in relation to Part 3 of the Bill, which few have mentioned, relating to a sexual act with a protected person - I have serious difficulties in relation to that part of it, notwithstanding the Minister's good intentions - and under Part 4, which seeks to criminalise the purchase of sex. Furthermore, the lack of definition of consent has been raised by many Deputies on both sides of the House. Also, the Irish Society for the Prevention of Cruelty to Children has raised the continuous use of language such as "child pornography" rather than more specific language, such as "child abuse materials" and "images". I will return to these points before I finish, if I have enough time.

First, on a more general level, this is a Bill which, unfortunately, has had a very long gestation period, notwithstanding the urgent necessity to protect children, particularly given our obligations to do so under the Constitution and our international obligations under various legal instruments, legislation and conventions, and given the current lacunae in our current legislation - gaps which were highlighted as far back as 2007 in a special report by the Special Rapporteur on Child Protection, Dr. Geoffrey Shannon. That report highlighted the need for reform of the law in a number of very specific areas, which has taken nine years. This Bill is finally addressing those areas and I very much welcome those changes without hesitation.

In addition, as far back as June 2012, the Department of Justice and Equality opened a review of the law in relation to prostitution and then followed the Oireachtas committee hearings. In addition, many organisations, including Barnardos, the Irish Society for the Prevention of Cruelty to Children and the Children's Rights Alliance, have called for this legislation to go through the Oireachtas with speed and I can see why given the wide-ranging provisions contained therein to enhance the protection of children from sexual abuse and exploitation, including protection against online grooming - more comprehensive definitions and the inclusion of new offences, including the provisions for a harassment order. The Bill includes a reform of the law on incest, with the gender imbalance addressed. It includes enhanced protection for child victims of sexual assault in the criminal process. The absolute prohibition on the cross-examination of a person under 14 years by an accused person in a criminal trial is a major step forward and with the judge's discretion remaining in relation to prohibiting cross-examination by the accused of a victim between the ages of 14 and 18 years. Indeed, this prohibition on

cross-examination by an accused of a victim should be extended to vulnerable persons. It has been acknowledged by the Government that it will look at that. There is also welcome regulation of disclosure of third-party records, although concern has been raised in relation to how extensive such disclosure will be but, more importantly, whether it will serve to inhibit children and adults coming forward for therapy.

Thankfully, the Bill, in section 173(8) also addresses consensual peer relationships through the introduction of a proximity-of-age defence of two years. Under this provision a person charged with an offence of engaging in a sexual act with a person between the ages of 15 and 17 years can rely on a defence where the act is consensual, non-exploitative and the age difference is no more than two years. This is a most welcome new provision which more accurately and honestly reflects the real lives of young adults and teenagers and ends the criminalisation of young males.

The ISPCC, while welcoming the Bill, highlights a number of concerns, for example, the absence of a definition of “consent”. They raise concerns in relation to the disclosure of therapy notes and I hope that is looked at and their concerns taken on board at the next Stage of the Bill. I have already mentioned that they have asked that the word “pornography” not be used and the Bill use more specific language that clearly shows what is going on and the abuse of children.

The Bill completely omits any reference to or provisions for the risk-assessment, treatment, monitoring or management of sex offenders. I understand the Minister has stated that this issue would be dealt with in further legislation in early 2017 and this should be progressed as swiftly as possible as this proposed legislation is also essential in ensuring that the public, especially children, are better protected from offenders who seek to prey on them. Finally, the Bill does not deal with other offences, such as stalking and victim-shaming, and additional legislation is needed to address this.

More specifically, let me deal with two serious concerns that I have. I refer to Part 3 of the Bill, Sexual Act with Protected Persons, in particular, sections 20 and 21. The Centre for Disability Law and Policy at NUI Galway, together with the Disability Federation of Ireland, Inclusion Ireland and the Irish Mental Health Lawyers Association amongst others, is concerned that Part 3 of the Bill does not respect the human rights of those with cognitive disabilities. I say that knowing that the Government has come forward in a bona fide manner to try and protect the vulnerable. If the Centre for Disability Law and Policy, together with all the other institutions that I have mentioned and the Irish Human Rights and Equality Commission, is raising concerns, we must listen to them given its expertise in this area. Section 21 of the Bill creates a new sexual offence which only applies to complainants with mental or intellectual disability or mental illness. Those with disabilities in Ireland have campaigned for many years to have disability-neutral sexual offences legislation and they do not want to see introduced a new offence which further stigmatises and marginalises those with disabilities.

More specifically, they identify three key problems from a human rights perspective with Part 3 of the Bill. While fully aware that the Bill is one of the final pieces of legislation the Government has committed to introduce in order to enable Ireland to ratify the UN Convention on the rights of Persons with Disabilities, they are seriously concerned that the Bill as it currently stands is not consistent with the human rights principles set out in the Convention. They identify three key problematic areas and they go further and offer three positive solutions or amendments. Section 21, which creates a specific provision which applies only to survivors of sexual violence who are persons with disabilities which the provision labels as “protected

persons”, is problematic because it implies that those with disabilities should be treated differently than others when it comes to their consent to sex and sexual activity. The consequences of this provision is that it creates or constitutes a disability-based discrimination in the legislation. Whether the Government likes it or not, it is building in discrimination which is prohibited under the UN Convention on the Rights of Persons with Disabilities. Their solution is that a more human rights-compliant approach would be to introduce a disability-neutral offence of abuse of a position of authority or trust.

2 o'clock

Apparently, this was proposed by the then Senator but now Minister, Deputy Katherine Zappone, on the previous Committee Stage of this Bill in the Seanad. This would ensure that people who might be targeted for sexual exploitation based on perceived vulnerability, including disability, would be adequately protected by the law. Further, a sentencing uplift or enhancement for crimes motivated by bias against persons with disabilities could also be introduced if we seriously want to protect vulnerable people.

The second problem identified by these various groups is that the definition of the vulnerable person relies on a functional test of mental capacity. This definition is inconsistent with existing legislation. It is inconsistent with the Assisted Decision-Making (Capacity) 2015, which is a very welcome Act. It recognises that anyone at any stage might lack mental capacity to make a particular decision, regardless of whether the person has a diagnosis or label of mental or intellectual disability or mental illness. The use of a diagnostic criteria in this definition is both discriminatory towards people with disabilities and, equally important, it is under-inclusive of people who might be vulnerable for other reasons to sexual exploitation. People who have no diagnosis of disability may nevertheless be shown to be unable to consent to sex. Those groups’ solution is to define consent to sex in legislation. Again, it comes back to the absence of that definition. A more human rights compliant solution would be to ensure a comprehensive definition of consent to engage in sexual acts is provided in legislation.

The third problem identified by these various groups and to which they provide a solution is the reversal of the burden of proof on defendants. This is a fundamental change in our law. The Bill provides that it shall be presumed, unless the contrary is shown, that the defendant knew that the victim was a protected person. This reverses the normal burden of proof on the defendant in criminal cases by starting with the presumption that the defendant knew that the victim lacked the capacity to consent to sex and required the defendant to prove otherwise. In addition to this approach seriously restricting the rights of defendants, it will clearly reinforce the stigma and stereotypes about people with disabilities and that they lack the capacity to give consent to a consensual sexual relationship. The solution, these groups suggest, is to remove this reversal of proof from the offences. If the Minister of State’s goal is to ensure anyone engaging in sexual acts with people with disabilities takes steps to ensure the person is truly consenting, this can be better achieved through a comprehensive legislative definition - we cannot get away from its absence - of consent to sex which applies in all rape and sexual offences cases.

Additionally, the Irish Human Rights and Equality Commission has reiterated that clear guidance from the Director of Public Prosecutions on the circumstances in which a prosecution will be taken under the Bill, if it becomes law, will assist in mitigating against the real danger of persons not entering into sexual relationships for fear of exposing themselves to a risk of prosecution. Accessible information on how the law will be applied should accompany guidelines

from the Director of Public Prosecutions.

Those are the three gaps and problems highlighted in regard to Part 3. Part 4 consists of three sections. It is the Part that has drawn the most debate in the Dáil, yet there are 50 sections in the Bill, which is very well drafted and extremely important. There is a page and a half covering the criminalisation of sex providers, amounting to three sections. Leaving aside Part 3, which it is hoped can be remedied, I propose the simplest way to proceed is to leave out these three sections, that page and a half covering them. I have no idea why they are included in a Bill seeking to protect children in the first place. It has been said already that the Government is attempting to cover too much in the Bill. The most sensible way to proceed would be to leave out those three of the 50 sections and to consider that subject in separate legislation, particularly in view of the fact that what the Minister of State is proposing is to criminalise the purchase of sex.

I am not justifying or making a judgment in regard to prostitution. My main concern is whether the legislation will serve to protect sex workers, which is the Minister of State's intention. Unfortunately, after reading all the research, my conclusion is that it will not. I draw the Minister of State's attention to the up-to-date research in Northern Ireland, Norway and Sweden and to the senior counsel's opinion. We sometimes lambaste the legal profession in the Dáil, often rightly, and we lambaste the Judiciary. The senior counsel's opinion was provided on a *pro bono* basis and he outlines at the start of it that those who commissioned him to prepare it probably would not like what he was going to say because he was absolutely of the belief that the criminalisation of the purchase of sex was the way forward, but after looking at all the research, he came to a different conclusion. He said there are serious concerns that the criminalisation of the purchase of sex will lead to health and safety issues in regard to sex workers. This has been backed up by HIV Ireland. I implore to Minister of State to look at that detail and the health implications of this.

Speakers have conflated human trafficking with sex workers. Human trafficking is abhorrent. It seems it is the third most profitable trade after the arms trade. I forget what the first one is but it will come back to me.

Deputy David Stanton: Drugs.

Deputy Catherine Connolly: With respect to the conflation of trafficking with the purchase of sex, they are two entirely different issues. I absolutely abhor it. The Government should come back to us to outline how it has enforced the existing legislation.

The Oireachtas report indicates that 90% of women who are sex workers want to leave prostitution, but there are no exit strategies for them in this legislation. No positive steps have been taken to help them to exit. A total of 90% of sex workers come from exceptionally vulnerable backgrounds, whereas 90% plus clients come from middle to upper class backgrounds and most of them are married.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): On behalf of the Tánaiste and Minister for Justice and Equality and on my own behalf, I thank the Members for their contributions to the debate on this legislation. Dealing with such a range of issues in a single Bill is challenging, as Deputies have pointed out, but I believe the debate demonstrates the determination of this House to ensure the necessary measures are in place to combat child sexual exploitation, including introducing measures to address new and emerging threats as well as ensuring support for victims, the updating of existing law and the reform of

prostitution laws.

As pointed out, there will be an opportunity to address the issues raised when the Bill is debated in more detail in committee, but I would like to reflect briefly on some of these matters. As the previous speaker said, there has been considerable comment on the provisions contained in Part 4 which criminalises the purchase of sexual services. These provisions have been developed following a wide and public consultation. More than 800 written submissions were received by the Committee on Justice, Defence and Equality when it conducted a review of the legislation. Presentations were made by 26 organisations and individuals directly to the committee. Since this Bill has been published, there has been a substantial amount of research, reviews and documentation produced which supports a range of approaches to prostitution. I am sure they will all be referred to in greater detail on Committee Stage.

That documentation has been kept under constant review by the Tánaiste and her Department and the provisions contained in this Bill continue to be the preferred approach, and I will explain why that is the case. These provisions target the demand for sexual services. Even some of those in this House who have expressed their concerns regarding the provisions in Part 4 acknowledge the exploitative nature of prostitution. I do not believe that anybody doubts that prostitution causes significant physical, psychological and social harm. This may not be true for all persons involved in providing sexual services but it is true for the vast majority and, as the last speaker said, for those who are most vulnerable. Reducing the demand for prostitution and sending the message that it is not okay to pay another person for sexual services - another person who but for their particular circumstances would not choose to offer themselves in such a manner - is key to addressing the harm and exploitation associated with prostitution. We want to convey the message, especially to young men, that it is not okay to purchase sexual services. If we do not do that, we are sending out the opposite message that it is okay. Unfortunately, our media and, in many instances, online and social media is sending out in spades that message that it is okay. There are some parts of the world where women are bought and sold now, especially in war zones. It was reflected earlier that it harks back to the years of slavery with women being bought, sold and raped in war zones.

There has also been criticism that these provisions conflate trafficking of persons for the purpose of sexual exploitation with prostitution. I agree with Deputy Shortall when she said there is no clear line between where the elements of trafficking end and consent to become involved in the sex industry begins. In 2015, 48 victims of trafficking for the purpose of sexual exploitation were reported to or detected by An Garda Síochána. There is a link and targeting the demand for prostitution impacts on the market for human trafficking. Evidence from Sweden and Norway indicates that both countries have become a less attractive destination for prostitution-based trafficking.

In 2009, the Norwegian Government criminalised the purchase of sex. In August 2014, it published the findings of its evaluation of the law. The main findings included that there was no evidence of an increase in violence against persons providing sexual services through prostitution, the extent of prostitution was reduced, there was a reduction in the market size and there was evidence that Norway had become a less attractive place for human traffickers. On 6 April 2016, the French National Assembly voted to punish customers of prostitutes with a fine of €1,500. France very recently passed this law and they had extensive consultation and research into it. On 6 December 2014, Canada, which is another very progressive country, made the purchase of sexual services illegal. Iceland, Sweden, Norway and, most recently, Northern Ireland have done the same. Many of these countries have had serious debate on these issues and have

gone down this route. They have not done it lightly. They have done it for a reason. Perhaps Deputies will look at what those countries - France, Canada and Northern Ireland - have said and the research they have done.

It is also important to stress, and it was raised by a number of Deputies, that the approach to prostitution is not just about introducing laws. We must ensure the necessary services are in place to offer the appropriate supports to those involved in prostitution. The Department of Justice and Equality, through its anti-human trafficking unit, provides funding, along with the HSE and the south inner city local drugs task force, to Ruhama which provides assistance and support, including outreach, education and development programmes and assistance in accessing housing and social welfare. The funding to assist this work has increased substantially, and a total figure of a little under €295,000 will be provided this year, which is an increase of approximately 60% on 2014. There will be plenty of opportunity during the Committee Stage debate on this Bill to debate these matters fully.

A number of Deputies raised the issue of introducing a definition of consent to a sexual act. The Tánaiste is committed to reviewing this issue and strongly supports the Ask Consent campaign. However, as Deputies may be aware, the Supreme Court is considering a number of questions relating to consent and it is prudent to await that judgment before finalising any proposals.

When this Bill was first brought before the House, Deputy Butler and others raised the issue of the prohibition on an accused conducting a cross-examination and extending this to all trials involving sexual offences. As the Tánaiste indicated in her opening remarks, proposals for amendments to make such provision are being prepared.

Deputy Mattie McGrath and Deputy Lisa Chambers questioned the lack of provisions in the Bill to enhance the monitoring of sex offenders following release from prison. Provisions are to be brought forward in a sex offenders (amendment) Bill which will significantly strengthen such monitoring. These will include electronic monitoring of certain sex offenders on release and also the disclosure, where necessary, of information concerning sex offenders where there is a risk posed to the public or particular persons.

Before finishing, I would also like to acknowledge the wide support for the provisions in Part 2 to strengthen the existing child sexual exploitation laws. The Bill provides for a more effective response to the changing nature of sexual offences, such as grooming, and is a response to new and emerging threats such as predatory activity which targets children via the Internet and social media. The sexual grooming of children can include familiarising them with sexually explicit material with a view to developing an ultimately exploitative relationship with that child. Sections 3 to 8, inclusive, introduce a range of offences targeting the sexual exploitation and grooming of children. These offences are a significant step in combating the risks posed to children. These new offences include, for example, paying for the purpose of sexually exploiting a child, invitation to sexual touching, sexual activity in the presence of a child, causing a child to watch sexual activity, and making arrangements to meet a child for the purpose of sexually exploiting that child.

I particularly highlight section 8 as a number of Deputies raised the risk posed to children by online predators. This section provides for two separate and distinct offences which are intended to address grooming-style behaviour through information and communications technology. The first offence is where a person communicates with another person or with a child,

for example, either through social media or various messaging tools, for the purpose of sexually exploiting the child. The second is where a person sends sexually explicit material to a child. Both of these are indicative of grooming-style behaviour. This offence is targeted at the initial stages of grooming and does not require physical contact or meeting between the adult and child in question. The offence does not necessarily require that the communication contains a sexual advance or include sexual material as these are not generally features of sophisticated grooming, but it requires that the communication is to facilitate the sexual exploitation of the child.

On behalf of the Tánaiste and Minister for Justice and Equality and myself, I acknowledge and thank all Members of the House who contributed to the debate on this Bill. What is contained in here will add substantially to the protection of our children against sexual abuse by targeting those who would abuse or attempt to do so. Every step necessary must be taken to achieve that goal.

When this Bill was being debated in the committee and since it has come into the House again today, I and others have been subject to some rather distasteful abusive online commentary which indicates that some people out there are quite upset by what we are doing. They are upset because their pockets are being hit. The profits they are making are being hit. I reported some of it to the Garda. When people in here are supporting prostitution in some way and are opposed to criminalisation, they might think again because there are people who are profiting from what is going on at the moment. By not supporting the Bill, they are helping these people to increase their profits.

Question put and agreed to.

Criminal Law (Sexual Offences) Bill 2015 [Seanad]: Referral to Select Committee

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

I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

Topical Issue Matters

Acting Chairman (Deputy Alan Farrell): 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 Thomas Byrne - the ongoing ASTI industrial action; (2) Deputy Thomas P. Broughan - supports needed for St. Joseph's national school, Marino, Dublin 3 on its application for DEIS 1 status; (3) Deputy Aengus Ó Snodaigh - the use of the St. Nicholas of Myra hall in Dublin 8 as a homeless shelter; (4) Deputy Michael D'Arcy - the nationwide review of Garda districts in the programme for Government; (5) Deputy David Cullinane - the need to expand Our Lady of Mercy national school, Stradbally, County Waterford, and related demographic pressures; (6) Deputy Josepha Madigan - the anti-social behaviour in Stepside, County Dublin; (7) Deputy John Curran - the treatment of non-TUI members in Collinstown

community college, Dublin 22; (8) Deputy Bríd Smith - the proposed rapid build projects in Dublin to deal with housing and homelessness; (9) Deputy Joe Carey - extending the Wild Atlantic Way to counties Clare and Limerick; (10) Deputy Alan Kelly - the recruitment of a CEO for Fáilte Ireland; (11) Deputy Gino Kenny - access to medical cannabis; (12) Deputy Anne Rabbitte - concern over staffing the maternity services at University Hospital Galway; (13) Deputy Shane Cassells - the retention of services at Our Lady's Hospital, Navan as a model 3 hospital, including the 24-7 accident and emergency unit; (14) Deputy Mick Wallace - concern over the latest homelessness figures released yesterday; (15) Deputy Fiona O'Loughlin - pensions inequality for taking career breaks to care for children or the elderly; (16) Deputy Billy Kelleher - the report into the review of certain matters relating to disability services in the south east; (17) Deputy Barry Cowen - the withdrawal and relocation of ambulance services from Edenderry to Tullamore; and (18) Deputy Clare Daly - the implications for the HSE of the B case.

The matters raised by Deputies Thomas Byrne, Alan Kelly, Aengus Ó Snodaigh and Mick Wallace have been selected for discussion.

Wildlife (Amendment) Bill 2016: Second Stage (Resumed)

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

Deputy Michael Fitzmaurice: I thank the Acting Chairman for the opportunity to speak and note the Minister's presence. We welcome the de-designation of these bogs. In 2014 RPS determined scientifically that these bogs were not of good environmental value for preservation. For a few years there was nothing happening in terms of paperwork being done. People were very anxious in all parts of the country. This does not affect only one part of the country. While it especially affects the west, there are also bogs in the midlands and other parts of the country that were designated. To put it simply, this is a smarter type of a plan. When designation was carried out initially, areas were included that basically were no good for conservation. It also put an awful burden on the turf cutting community across the country. Now we are looking at areas that are, and will be, fit to be made good conservation areas. If this is done properly, there will be enough bog for ordinary turf cutting families to cut in different parts of the country. I see that Brian Lucas is present again today. I have criticised civil servants many times but I acknowledge the work he has done in the past year to 18 months, when we have moved further forward than in the previous ten years. That should be put on the record.

The Minister and I debated the special areas of conservation, SACs, last year in the House on Question Time. I said they never existed until all of the paperwork had gone through. I believe letters are now being sent here and there. I welcome that RPS is looking at bogs in different areas. We must bring a common-sense attitude to conservation. Doing that will also facilitate domestic turf cutters throughout the country. I emphasise that they are domestic turf cutters. People who cut enough turf for their own households will be left alone. Regardless of whether a bog is located up or down the road, is a redesignated location beside their property or is in the place that was originally designated, people may have to go to a different section and in order that they can all work together. We have always put these proposals forward but, unfortunately, they were not listened to until the past 12 or 18 months. In fairness, things are working more constructively now. Over the years there was much tension and mistrust, so much rebuilding will be required. There is no point in saying it will not. We crawl before we

walk and we walk before we run on this matter. We must do it in the correct manner.

Regulations are catching us, even now, in trying to solve all of the problems. One such regulation relates to the 15 km buffer zone. Every county council includes this when one goes to a meeting to discuss putting anything through planning. The council asks if there is a designated site nearby and points to the buffer zone. It is not law but the councils still comply with it. As a result, where we are trying to find solutions or to find a relocation bog, perhaps, it is being caught by the 15 km requirement. That means we would be obliged to do screening, environmental impact assessments, EIAs, and the usual palaver, which cost money, in order to solve a problem for the State. This planning issue was one of the big problems during the negotiations on forming a Government. If the planning situation is not addressed, there will be chaos. If the State is solving a problem for Europe and itself and if turf cutters are willing to work with it for their own betterment and that of the Government and Europe, we must include some type of planning regulation for major infrastructure projects that will basically overrule much of the palaver that must be dealt with. There is a certain element among the public, unfortunately, that would love to see the gates come crashing down and, unless we do as I suggest, the gates will come crashing down. That must be addressed and resolved as soon as possible.

At present, if a farmer in a natural heritage area, NHA, SAC or a special protection area, SPA, wishes to clear a drain that has been there for the last 200 years, they are supposed to get permission to do so. I do not agree with getting permission to do something on my own land that has been done for the last 100 years. Second, if a farmer wishes to put a fence up on his or her land, as happened in Sligo, he or she is obliged to go through the county council to do so because of regulations introduced in 2011. If I have land in Sligo, Roscommon or elsewhere in Ireland on which there is a designation and if a farmer beside me does not have that designation, it will cost me €4,000 just to put a stake into the ground. That is totally unacceptable. It is preventing people from making a living and imposing a burden on them. The same applies to parts of Clare, Kerry and Cork. It is unacceptable for farmers in such situations. It should be remembered that generally these farmers are from small farms. They do not have €4,000. The fence might cost €500 or €600, but we will now put that additional burden on them. That situation must be resolved. Common sense must prevail. One of the tuberculosis, TB, eradication rules from the Department of Agriculture, Food and the Marine is that one cannot have one's cattle mixing with other cattle, yet a farmer must still do this.

I have seen so-called environmentalists from An Taisce and their buddies, who are being funded by the Government, lodging objections in Connemara. People from Wicklow are objecting to things in Connemara, Kerry and other areas. That is intolerable, because it is the farmers and people of those areas who have worked on and farmed the land which has the scenery the way it is. In the Burren in County Clare every farmer was told to get off the mountain and to take the cows and sheep off it. They were told they were doing wrong. The problem in this country is that when a scientist or so-called expert makes a mistake, the State pays. However, it should be remembered that if the landowner or the person who farms the land makes a mistake, it comes from their pocket. They do not have the resources to make mistakes. That is the reason we have kept these areas in such good condition down through the years.

RPS has done a great deal of work and I welcome that. However, from now on there must be a fully joint effort on the NHAs and on a review of the other NHAs. Let us be honest. At the time the designation was carried out in the early 1990s the people doing the so-called designations on these bogs were told that it had to be done quickly or Europe would fine us. The only place where a case was taken was when BirdWatch Ireland reported the Irish Government with

regard to Dublin Bay. That is where the pressure was applied. We all believe that there are bogs that can be preserved. We are in favour of that. However, we must ensure a heritage, tradition and way of life. Consider the areas where those bogs are located. They are areas where people do not have massive incomes. People cut their few hundred euro worth of turf to have a fire for the winter. This is not about money or compensation. I wish to be very clear about that. This is about a tradition, a way of life and the way a community has functioned and will function. In Connemara one can see buses full of people who are amazed at what the people do in that area. That is what generates tourism and makes a country better - different ways of life in different communities.

With regard to the 15 km buffer zone, be it for building houses, for any development or for solving this problem, we must look at the stuff that is and is not there. The Department will tell one that it is not law, but when one goes to the council it will say that it must go by these guidelines. Europe has its hands too much in the pie. I object, and I will say this anywhere, to Europe telling me how I run my farm if I own it. Either I own it or Europe does, not both of us. Over the next six months to a year, and I spoke to Brian Lucas about this earlier, everybody, including the turf cutting community, must work as hard as we can to resolve all of these problems. I believe we can resolve them step by step. It will not be done overnight. Some people will complain and some people will be happy. However, we must give everybody a viable alternative. This is the way forward. The ordinary people out there sat down in 2011 and we put proposals together. These were ordinary people with local knowledge telling us about their local areas. This is how to do things and solve problems. I am glad we have made progress in the Minister's area, Cavan, and in parts of Roscommon and many other parts. We will continue to do it.

I welcome the legislation and I thank the Minister for bringing it before the Dáil. The other NHAs for the review need to be sorted. Deputy Moran of the Independent Alliance is beside the Minister and I ask him to keep nudging her and reminding her about the planning permission aspect of the matter. If we do not solve that, we will have do-gooders jumping up and down again and blocking everything. This is about moving forward. We have made more progress during the past five or six years than we did in the previous 16. When we are near the final furlong, we must ensure we do what is necessary to bring it over the line. It will be better for the turf cutting community to ensure they have a clear path and future. It will be better for the Government, and the EU will be a winner. Sometimes, the EU does not see further than its nose and thinks it will only need to threaten people. I am not afraid of its threats.

I will work with the good people out there and the Minister to try to resolve it once and for all. It will take a while and will not be done overnight. There will be the odd blip here and there. If we make as much progress as we have during recent years to get it over the line, it can be done. A heritage, tradition and way of life will be preserved, as well as a way of heating a house for many people who cannot afford any more than €400 or €500. We will also ensure there are higher quality areas of conservation. That is a sensible way of doing something rather than the bull-headed way that applied for many years when people were told to get off their own property, and if they did not comply, there were gardaí and helicopters. That solves nothing. The history of Ireland shows us that conflict leads to more conflict. There is a way forward of working together and it is the only way we can resolve the situation. I support the legislation and will vote for it. I thank the Minister.

Deputy Catherine Martin: For many years, we saw our bogs as a resource to be exploited. We did not understand their value as natural and archaeological heritage, flood regulators and carbon sinks protecting our climate. We were not unique. Most European countries have dam-

aged most of their peatlands. Some, such as the Netherlands, have gone from having enormous expanses of peatland to having almost no bogs left. Most other European countries long ago recognised the value of their bogs. The Dutch regret the loss of their bogs to such an extent that they established an organisation in the 1980s to help conserve Irish bogs and have provided funding to buy and protect bogs in Ireland. Across Europe and the planet, countries are committing to the protection of their peatlands and the rewetting and restoration of large areas of peat. Unfortunately, the Government is not listening to the scientific and economic advice that is leading other countries to reverse the process of peatland and wetland loss.

In Ireland, the scientific foundation for a new approach to our bogs was set out in a major project funded by the Environmental Protection Agency, EPA - and based at UCD - Bogland: Sustainable Management of Peatlands in Ireland, which reported in 2011. The academics who produced the study pointed out that policies for the management of peatland in Ireland are led, not by the public good or the national interest but by single interest groups often against their own long-term interests. Despite recommendations in the report, the National Parks and Wildlife Service, NPWS, continues to be chronically underfunded. This is demonstrated by the fact that the review of the raised bog natural heritage area network, to which the Bill refers, had to be outsourced to private sector consultants. There is still no meaningful outreach programme to build public awareness and understanding. NGOs such as the Irish Peatland Conservation Council and An Taisce do what they can, but it can never be a substitute for a properly funded public awareness campaign.

Communities located near protected bogs, such as Clara bog and other raised bogs which have become tourism resources, have had the chance to see the economic value of protected boglands as well as the amenity value. Abbeyleix bog, which was saved from Bord na Móna by a concerted local campaign, is another example of a community gaining a wider value from its local bog. I welcome the recent announcement by the Minister of State, Deputy Canney, that Bord na Móna lands near Athlone will be allowed to flood as part of the recently announced flood alleviation scheme for the town. However, the fact remains that peat extraction, on a large or small scale, is no longer economical.

On a large scale, electricity customers pay a subsidy to ensure three peat fired power plants continue to operate, despite the fact that they produce more expensive electricity and bodies such as the Economic and Social Research Institute, ESRI, continually advise that the subsidy should be discontinued. On a small scale, the use of turf for domestic heating is inefficient combustion in thermally inefficient houses. It is at considerable expense, leaving many families worse off or even in fuel poverty. During the past five years, NGOs have repeatedly requested that compensation for the end of turf cutting in special areas of conservation and national heritage areas should be integrated with funding from the Sustainable Energy Authority of Ireland, SEAI, to bring houses up to a higher standard of efficiency, comfort and health. However, it seems the different Departments do not want to work in tandem.

Both Bord na Móna and the private contractors which cut turf want to keep doing what they are doing. It is not about what is best for the economy, climate, lands downstream or our threatened wildlife. The Ministers and Departments, which should take the big picture view, cannot see past this narrow sectional interest. Therefore, we have the ridiculous circumstance of sending our officials back and forth to Brussels to ensure we are allowed to keep burning our heritage and deal with the fact that we are not complying with EU laws. These are laws which we helped to write, to which we signed up and which we then failed to implement. This brings us to the small further step in the destruction of our natural heritage contained in the Bill. In 1999,

when Ireland was seen to fail to comply with EU law on the environment impact assessment of peat extraction, the European Commission brought us before the European Court of Justice. In that case, C-392/96, the court found Ireland in breach of EU law on environmental impact assessment and stated that its actions on peat extraction resulted in the “unremitting loss of areas of bog of nature conservation importance”. Incredibly, since the 1999 ruling, great expanses of peat continue to be extracted in the absence of environmental impact assessment. Much large-scale peat extraction occurs with no planning permission, as demonstrated by analysis of satellite imagery by UCC that was commissioned by Friends of the Irish Environment with funding from the Department. Despite the fact that this unauthorised activity can be seen from space, no planning enforcement action has been undertaken.

To return the European Court of Justice ruling against Ireland in 1999, in order to comply with the ruling, Ireland had to agree changes with the European Commission. This included changing the thresholds for environmental impact assessment of peat extraction and the undertaking of an intensive programme to designate raised and blanket bogs as natural heritage areas. This led to the designation of 75 bogs as natural heritage areas. Nevertheless, in 2016 we have a special Bill put before us by this Government specifically to enable the Minister to de-designate 46 of these 75 bogs. That beggars belief. Why does the Minister refuse to protect our peatlands? In addition to their obvious biodiversity value, peatlands are also very important carbon sinks. Globally, peatlands store an equivalent of 75% of the total amount of atmospheric carbon. Our bogs also act like sponges, helping to protect us from flooding. After many recent catastrophic floods in this country, does this Government get how vital it is to take preventative action and not the exact opposite? Draining and harvesting our bogs prevents them from effectively carrying out this vital natural function. Cutting up our bogs has resulted in silting river beds and lakes, as we have seen with Lough Derg on the Shannon system. Worse still, when drained and harvested, these bogs go from being carbon sinks to being very large sources of carbon, as the cutting process dries out the bog, allowing the remaining peat to oxidise and release CO₂. This is why we need to protect our peatlands.

If we are going to have any real chance of preventing climate change, we must keep every ounce of carbon in the ground. As a country we should be world leaders in the conservation of our bogs but there is no leadership in this Bill. It chooses to destroy rather than protect. The Minister may dress the Bill up in whatever way she wishes. To the Green Party and many others, however, it is nothing more than a shameful destruction of our heritage. It will lead to the destruction of part of our past while simultaneously placing little or no value on our future.

Deputy Joe Carey: I welcome the opportunity to speak on this Bill. I recall the visit of the Minister for Agriculture, Food and the Marine, Deputy Creed, to my constituency of Clare a couple of weeks ago. It was a most informative day for many reasons. In preparing for this debate and reading the digest associated with the Bill, I could not help but be reminded of his visit. His initial job was the opening of a new farmers’ one-stop shop by Liffey Mills at Ballymaley in Ennis. The turnout of farmers on the day was impressive. This year has been most difficult for the people who hold the sector on their shoulders. Following the event to which I refer, the Minister visited the Burren and got a valuable insight into the Burren farming for conservation programme in Carron, with very good presentations made by Mr. Michael Davoren of Burren IFA, Dr. Brendan Dunford and a host of participating Burren farmers. His day out and about in Clare concluded with a journey across the north and east of the county to Whitegate to speak with a beef farmer knowledge transfer group. This final leg involved travelling through one of the largest hen harrier designated special protection areas in the country, spanning the Sliabh

Aughty mountains of north-east Clare and south-east Galway.

The Burren programme is about to enter its second five-year phase. It is a pioneering agricultural scheme that ensures the sustainable agricultural management of high nature value farmland in the area. The unique feature of the scheme is that it has been devised in proper partnership with the local farmers and people of the Burren. This is the most important reason that it has been successful. The farmers of the Burren have travelled a long road since 1995, when they first got together, and there is no doubt that they have engineered, over time, a template that could be replicated right around the country and other jurisdictions if authorities so wish.

This is one of the fundamental issues that this Bill is trying to address. I hope it is not merely window dressing in regard to stakeholder involvement. The sterilisation of east Clare and south Galway farm land over the past number of years, particularly when it comes to the establishment of new forestry, tramples the rights that have been constitutionally invoked in other property sectors. In replies to parliamentary questions I have submitted on the issue, I have been sandbagged with talk about interdepartmental steering groups, stakeholder consultative committees, threat response plans, strategic environmental assessments, appropriate assessments and, to cap it all after many years, a draft plan for public consultation.

The birds directive provides for the protection of all wild birds and requires member states to take special conservation measures for the most threatened species and for migratory birds through the establishment of special protection areas, SPAs, where birds and their habitats have to be maintained in a good conservation status. The State established the SPAs but left it at that; good conservation does not mean people cannot go near the area. This has been proven in the Burren. In the interim and since the six national hen harrier SPAs were designated, the results for the 2015 national hen harrier population survey indicate a decline for Ireland's "sky dancer". It seems that the population could have declined by up to 33% over a 15-year period since the SPAs were introduced. I am obviously not an expert but a calamitous decline such as this surely necessitates the putting in place of something more than a draft plan for public consultation before the end of the year.

In short, the designation of the hen harrier SPAs is not working for anybody as matters stand. It is not working for the farmer or the bird. I use this argument to illustrate the core point I wish to make in respect of the Bill. Section 16(6) of the Wildlife Act 2000 provides that in publishing a notice under section 16, the Minister must have regard to whether, on the basis of the scientific advice available to him or her at that time, the particular area is worthy of conservation. Scientific advice that heretofore has been presented in isolation is not enough. The concept of conservation, as has been proven in the Burren farm conservation programme, must involve actual stakeholders from the very start. In any other walk of life, there would be outrage that a blanket designation in place for almost 20 years has done nothing, while that which it was supposed to protect declined in population by up to 33%.

I welcome the legislation and look forward to its passage through the Houses of the Oireachtas. I hope the Minister will take on board the views I expressed today.

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): I thank all Deputies who contributed to the debate and I acknowledge that their contributions have been practical and helpful. I emphasise that the main objective of the 2014 natural heritage areas, NHA, review was to consider how the network could contribute to our conservation objectives for raised bog habitats while avoiding unintended impacts on the tradi-

tional rights of landowners and turf cutters and minimising the cost arising from compensation payments. The reconfiguration of the raised bog NHA network, which this Bill will facilitate, is based on sound scientific evidence and will have a positive impact on the network.

I will now turn to some of the issues raised in the debate. Deputies Ó Cuív and Tóibín referred to the Special Areas of Conservation, SACs, and 53 raised bog sites have been nominated for designation as SACs as part of Ireland's obligations under the EU habitats directive. These sites are unaffected by the NHA review's recommendations or the Wildlife (Amendment) Bill 2016, providing for the de-designation of NHA sites. The position on Coolrain bog SAC, special area of conservation, referred to by Deputy Brian Stanley, is being considered in the context of the finalisation of the national SAC plan. Independent experts are undertaking scientific investigations on this and several other SAC bogs.

Deputy Éamon Ó Cuív asked if the Bill allows for the designation of new NHAs, natural heritage areas. The designation of new NHAs is provided for in section 4. It provides that, having considered the proposals arising from the NHA review, having had regard to any screening for assessment or environmental assessment undertaken, and observations or submissions received during public consultation, the Minister shall publish a notice of his or her intention to make a natural heritage area order.

The NHA review proposes the designation as NHAs of 25 currently undesignated raised bogs, which are in public ownership or where there is reduced turf cutting pressure. These sites are being proposed for designation to make up for the loss of habitat in the NHA sites where it is proposed that turf cutting can be allowed to continue.

Deputy Éamon Cuív referred to the N59 road project. I am cognisant this project is important for the region. I fully recognise the importance of ensuring the long-term certainty of this infrastructure project. By complying with national and European laws, it should avoid falling foul of legal challenge. My Department officials and senior scientific personnel continue to work closely with Galway County Council with a view to this project being realised.

Deputies Jackie Cahill and Joe Carey spoke about the protection of the hen harrier. The main issues of land use and the recovery of the hen harrier population have been investigated and discussed by an inter-departmental steering group, along with the stakeholder consultative committee. The report of the Joint Oireachtas Committee on Agriculture, Food and the Marine into this matter has also been taken into account. Departmental officials will meet bilaterally and as a group with the key Departments to finalise a draft of the hen harrier threat response plan, prior to a public consultation and screening for strategic environmental assessment and appropriate assessment.

Deputy Jackie Cahill spoke about the burning of vegetation. Following a review of section 40 of the Wildlife Acts 1976-2012, I announced proposals to introduce legislation to allow for managed hedge cutting and burning at certain times within the existing closed period on a pilot two-year basis. The legislation required to allow for these pilot measures was included in the Heritage Bill 2016 which is now scheduled for Committee Stage in Seanad Éireann on 9 November.

Deputies Bríd Smith and Catherine Martin referred to the proposed de-designation of NHAs. The NHA review was the most comprehensive analysis undertaken of the raised bog habitat resource. Along with an examination of sites from a nature conservation and management per-

spective, environmental, technical and socio-economic criteria were used for the NHA review which examined over 270 individual raised bogs. The individual raised bogs examined comprised the 53 raised bog SAC, the existing 75 NHA raised bogs and over 100 non-designated sites.

The review concluded Ireland could more effectively achieve conservation of threatened raised bog habitat through focused protection and restoration of a reconfigured network. The area in the new network will also contribute to the national conservation objective target area for raised bog within the SAC and NHA networks. The proposed de-designation of NHAs will be more than balanced by the proposed designation of new NHAs. These proposed new NHAs are in public ownership or there is reduced turf cutting pressure there.

Deputy Catherine Martin raised education awareness of bogs. In November 2015, the European Commission approved funding for a €5.4 million project under the EU LIFE 2014-2020 programme for the restoration of active raised bog in 12 SAC sites in Ireland. This project, which will operate for five years, commenced in January 2016 and is being implemented by a project team which will work closely with the local communities and stakeholders in advance of the restoration works commencing. There will be a community awareness and education element to this project.

Deputy Martin Kenny mentioned letters issued to landowners on the Connemara bog complex SPA. These letters relate to appeals against the inclusion of land in this proposed SPA. The site has been proposed for classification as an SPA for the protection of a range of bird species and their habitats. These appeals do not relate to the Connemara bog complex SAC which has been nominated for designation to protect a range of habitats and species, including blanket bog. The appeals will be heard by the independent designated areas appeals advisory board.

Deputy Michael Fitzmaurice referred to planning permission and relocation sites. Generally, if a development requires an appropriate assessment because of its potential effect on the integrity of a European site, it is not considered an exempted development. Accordingly, planning permission may be required. However, there are many other considerations such as drainage, the size of the development and whether the environmental impact assessment directive would apply which must be reviewed on a case-by-case basis. A Programme for a Partnership Government commits to reviewing the position in the planning code as it relates to turf cutters for domestic use. I will continue to progress this matter. I agree with Deputy Michael Fitzmaurice that we need to continue to work together. My officials and I will work in a collaborative way with all stakeholders on this.

I thank Deputies again for their contributions.

Question put and agreed to.

Wildlife (Amendment) Bill 2016: Referral to Select Committee

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): I move:

That the Bill be referred to the Select Committee on Arts, Heritage, Regional, Rural and Gaeltacht Affairs pursuant to Standing Orders 84A(3)(a) and 149(1) of the Standing Orders

relative to Public Business.

Question put and agreed to.

Companies (Accounting) Bill 2016: Order for Second Stage

Bill entitled an Act to give further effect to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC and, for that purpose to amend the Companies Act 2014; to make provision for certain other amendments to that Act; to provide for the amendment of certain other enactments; and to provide for related matters.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat Breen): I move: “That Second Stage be taken now.”

Question put and agreed to.

Companies (Accounting) Bill 2016: Second Stage

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat Breen): I move: “That the Bill be now read a Second Time.”

I am pleased to bring the Companies (Accounting) Bill 2016 before the House. In Ireland, the majority of the law on financial reporting for companies is contained in the Companies Act 2014. It is only a few years since we debated the Bill that would become that milestone Act. So many Deputies will remember that our objective then was to ensure a balance between simplifying the day-to-day running of a business, maintaining necessary protections for those dealing with companies such as creditors and investors, and putting in place an effective corporate governance regime to ensure compliance.

This Bill is the first one to amend that Act. The same policy objective that we had in 2014 is also behind its provisions. Accordingly, the Bill strikes an appropriate balance between simplification of the financial reporting obligations of a company on the one hand, and the need for disclosure and transparency to inform third parties of the company’s financial position on the other. This balance is evident throughout the Bill. In some sections, there are reductions and simplifications for small and very small business.

3 o’clock

The Bill will require financial statements that will focus on meaningful information and dispense with the extraneous. These changes will bring tangible benefits to those enterprises and are appropriate, given their size. At the same time, the Bill introduces new reporting and filing requirements. In some cases, they are aimed at certain types of company in which greater transparency is justified because of its size and activities. In others, they are intended to close off a lacuna or appropriate following other changes in the Bill. However, all share the same goal: to set the balance between protecting and informing third parties, on the one hand, and

keeping the administration of companies efficient, on the other.

The main purpose of the Bill is to transpose the EU accounting directive into Irish law. The directive has two objectives. First, it aims to reduce the administrative burden on smaller companies. Second, it is intended to increase the clarity and comparability of financial statements, especially of larger companies as they are more likely to operate across EU borders. To achieve these goals, the accounting directive harmonises many aspects of the law on company financial reporting across the European Union.

Alongside these mandatory harmonising elements, the accounting directive also provides options for member states to consider. Many of these options were included in the two directives that the accounting directive repeals and some of them were already in Irish law; therefore, they cannot be described as new. Those that are new and considered to fit with the balanced approach in our company law are taken up in the Bill. We are inserting these provisions into national law; therefore, our own policy and thinking must determine our approach.

As well as transposing the directive, the Bill has a secondary purpose. As I mentioned, this is the first Companies Bill to be introduced since the passage of the Companies Act 2014. That Act was a landmark legislative project as it reformed and restructured Irish company law of the previous 50 years. It was commenced on 1 June 2015 and since that time some oversights, typographical errors and omissions have come to light. Given the size and complexity of the Act, this was to be expected. This Bill is the first opportunity to address these issues and it does so by correcting cross-references and other errors, rectifying omissions and providing clarity on the intention of existing law, where necessary.

I turn to the structure and substance of the Bill. As it is technical, I will group together the provisions by theme, rather than giving a detailed explanation of each section. The supplementary information circulated to Deputies in the Chamber gives more detail.

The current Irish law on the financial reporting obligations of limited liability companies is found largely in Part 6 of the Companies Act 2014 which is entitled, Financial Statements, Annual Return and Audit. Accordingly, most of the Bill amends sections in that Part or related to it. Part 6 also has two Schedules associated with it and the Bill replaces both and inserts three new Schedules, also associated with Part 6. The additional Schedules are provided for the purposes of clarity and to separate out the reporting regimes for the different categories of company. As a result, a small company can refer only to the new Schedule 3A or, in the case of a small group, Schedule 4A, with all of the relevant information in one Schedule. This follows the innovative architecture of the Companies Act 2014 which places all of the law relating to a single company type together for ease of reference.

Section 84 of the Bill inserts a new Part 26 at the end of the Companies Act 2014. As these are stand-alone provisions, confined to specific types of company, dealing only with reporting particular payments to governments, it is appropriate to include them in a separate Part in the Act. Schedule 6 to the Bill will add a Schedule associated with Part 26. Part 3 of the Bill amends sectoral pieces of legislation as these types of company are in the scope of the directive but regulated outside the Companies Act 2014.

One of the most significant provisions of the Bill is the increase in the thresholds in categorising companies as small or medium, set out in section 15. These thresholds refer to annual net turnover, balance sheet total and the average number of employees. A company must ex-

ceed any two of the thresholds in order to move up to the next size category. The directive harmonises the maximum thresholds for medium companies across the European Union; therefore, there is no choice in that regard. In the case of Ireland, there will be a significant increase in the thresholds, two of which are being doubled. To qualify as a medium company, a company must not exceed any two of an annual net turnover of €40 million, up from €20 million currently; a balance sheet total of €20 million, up from €10 million currently; and an average number of employees of 250, a number which remains unchanged. When it comes to the thresholds for small companies, the directive allows some discretion. The Bill provides for the maximum levels. Again, this is an increase on the levels set in the Companies Act 2014. To qualify as a small company, a company must not exceed any two of an annual net turnover of €12 million, up from €8.8 million currently; a balance sheet total of €6 million, up from €4.4 million currently; and an average number of employees of 50, which number, again, remains unchanged.

As a result of the increases in section 15, some companies currently classified as medium will qualify in the future as small. Similarly, other companies currently in the large category will come within the new thresholds for medium companies. This change brings one of the more notable benefits of the Bill, as those companies that will be reclassified as small will become eligible to meet the fewer reporting requirements on small companies. There is no obligation on small companies to prepare consolidated financial statements; there are fewer requirements in respect of the content of their directors' reports and there is no obligation to file a profit and loss account or the directors' report with the Companies Registration Office. Another benefit of becoming a small company is that it will be exempt from the requirement to have an annual statutory audit.

As well as bringing more companies into the scope of a small company, the Bill will simplify further the existing financial reporting obligations on small companies. Unnecessary and disproportionate administrative costs can hamper economic activity and impede growth and employment. Company law recognises this and already exempts small companies from many of the obligations considered necessary for larger enterprises. While it is difficult to quantify the savings these exemptions bring to business, it is widely acknowledged that they are important in keeping the cost of doing business down. The Bill maintains this approach and goes further, in particular, by reducing the number of note disclosures that small companies must make in their financial statements. As a result, they will be allowed to prepare a simpler profit and loss account, balance sheet and a limited number of accompanying notes to provide narrative information on the financial position of the company. Only the balance sheet and notes must be filed. These are seen as very useful improvements for small business.

That said, the directive does permit a few additions to the financial disclosures in its basic requirements to be met by small companies. The Bill requires all of the permitted additions to ensure key information necessary for an understanding of a company's financial position is not lost in the drive for simplification. Another factor in deciding to include them in the Bill is the fact that some of them will not be new for Irish companies. They are an analysis of movements in fixed assets, an obligation that will not be onerous; including the name and registered office of the holding company of the smallest group that includes the small company in its consolidated financial statements - this is basic information and will not be onerous; indicating the nature and business purpose of material off-balance sheet arrangements - this will only arise where the company has such arrangements; including material post-balance sheet events, information which is essential to understanding the financial position of a company, regardless of its size; including details of transactions with specific related parties, including the amount, the nature

of the relationship with the related party and any other information on the transactions necessary for an understanding of the financial position of the company.

The Bill goes on to make a new distinction between small and very small companies. It does this by introducing a new category known as the micro-company.

These are companies with turnovers of €700,000 or less, balance sheet totals of €350,000 or less and just ten or fewer employees on average. For these micro-companies, the financial statements will comprise a highly-condensed balance sheet and profit and loss account and there will be no obligation to prepare and file a directors' report. The Bill also deems their financial statements to give a true and fair view, which will save time for the directors and for these small companies. Micro-companies will also qualify for audit exemption.

Alongside the many benefits for small enterprise, the Bill introduces some important improvements in corporate transparency. As I mentioned, two of the thresholds for medium companies will double, which will bring companies that we currently consider as large into the medium category. In recognition of that fact, the Bill will remove two existing facilities that will become inappropriate. Under the Companies Act 2014, the scope for medium companies to abridge their financial statements was reduced. In today's Bill, the remaining scope for abridgement is removed. Medium companies will have to prepare and file full accounts in future. Current company law exempts medium groups from the requirement to consolidate their financial statements. Recognising again the forthcoming increase in the size of medium groups, the Bill will remove that exemption.

Many Deputies will be familiar with so-called country-by-country reporting. Section 84 of this Bill introduces a specific form of such reporting. The new obligation is designed to enhance the transparency of payments made to governments around the world by companies in the extractive and logging industries. The objective is to provide civil society with information to hold governments to account for income made through the exploitation of natural resources. The scope of the Bill here is confined to large companies and companies that are known as public interest entities, such as banks, insurers, companies that are listed on the main market and large companies. These companies must also be active in mining, quarrying or the logging of primary forests. The Bill will require them to prepare annual reports on specific payments that they make to the governments of the countries in which they have their mining, quarrying or logging operations. In the case of Irish-registered companies, those reports are then filed with the Companies Registration Office where they can be inspected by the public. The specific payments that must be reported are also set out in section 84 and they are production entitlements, taxes levied on income, production or profits of the companies excluding VAT, sales tax or personal income tax, royalties, certain dividends, bonuses paid that are related to signature, discovery or production, certain fees such as licence fees and payments for improvements in infrastructure.

The last of the main new reporting requirements can be found in sections 76 and 78 of the Bill. These sections are related to one of the most significant features of our current company law, which is the benefit of limited liability given to owners of companies. This benefit is in the legislation to encourage entrepreneurship and the creation of business. However, it comes with obligations, most notably the obligation for the company to disclose its financial position to third parties. The company is a separate person and the assets of the company's owners are not the assets of the company. Therefore, the only way for a third person to assess that company's ability to pay its way is to see its financial statements. This disclosure obligation is well ac-

cepted as an important protection for employees and others, such as suppliers, who do business with a limited liability company. Company law does not extend this obligation to unlimited liability companies, as the assets of the owners and of the company are one and the same.

Sections 76 and 78 are designed to address a gap in the law that allows companies to have that benefit of limited liability without that accompanying obligation of disclosure. As a result of this gap, companies are able to register in Ireland as “unlimited companies” while managing to shield their ultimate owners with limited liability by establishing corporate structures. Some of these structures are complicated and all involve offshore companies that are incorporated outside the EEA. This makes it difficult for third parties to identify the ultimate owners or the extent of those owners’ liability. The main effect is that these companies, which are limited liability companies in all but name, are exempt from the obligation to file financial statements because they are registered as unlimited.

The Bill will place these companies on the same footing as companies that register as limited liability companies and oblige them to meet the same filing requirements. This maintains the long-standing distinction between companies with limited liability and those without. It only addresses the situation where a company is registered as one type while securing the benefits of another. Accordingly, there will be no change for any company that is registered in Ireland as unlimited and truly is unlimited.

Before I conclude, I will outline an issue of practical concern to many stakeholders. The EU accounting directive applies at the latest to financial statements for financial years that start in the course of this year of 2016. The directive also allows member states to apply the provisions earlier for financial years that started in 2015. However, we are now coming to the end of 2016 and the Bill has not yet been enacted. As a result, it could be next year before businesses could apply the new rules. By then, the new financial year will have begun. Given the savings that the reduced reporting regime in this Bill will bring to small business, it is important that enterprise gets to avail of those at the earliest opportunity. Since the publication of the Bill, a good deal of interest has been expressed in applying the new measures as soon as possible. New accounting standards for small and micro-entities have also been developed, but cannot be used until this Bill is on the Statute Book. Therefore, the Bill provides in section 4 that directors may decide to apply the reduced reporting requirements to financial statements for years beginning in 2015 and 2016. This is not retrospective legislating as we would usually understand it. Rather the Bill is permitting companies to apply new reporting requirements to activity that has already happened. It is the form and content of reporting, not the actions of the company, that we are addressing in this Bill. It is hoped that this provision will mitigate some of the effects of the delay in transposing the EU directive.

In conclusion, as the Minister with responsibility for small business, I am particularly delighted with the simplifications and reductions that the Bill will bring to small and very small businesses across the country. Furthermore, as a result of the increase in the thresholds, many companies will also be able to benefit from the advantages of the small company reporting regime. I am also pleased that the Bill recognises that the obligation to prepare and publish financial information must be both meaningful and proportionate. When it comes to small companies, members and third parties may not need reams of information, but they do need sufficient information to make sense of it. The Bill also takes account of the fact that more information is needed as a company grows or becomes more complex. Similarly, certain corporate activities, such as the use of the world’s natural resources justify new forms of reporting. I believe this Bill will boost Ireland’s position as a place to set up and do the business, grow a business and

enhance its reputation, with respect to corporate transparency at the same time. I commend the Bill to the House.

Deputy Niall Collins: Fianna Fáil supports the general principles of the Companies (Accounting) Bill 2016, which implements a 2013 EU directive. My party will support the passage of this Bill through Second Stage and looks forward to strengthening its provisions on Committee Stage. That will address some issues highlighted by practitioners in the current context and make legislation fit for purpose for small enterprises and microenterprises. The EU accounting directive will be of benefit to Irish small and medium enterprises, SMEs because it simplifies financial reporting requirements and reduces the administrative burden and compliance cost on such companies.

Ireland's economy is grounded on small and medium-sized indigenous businesses. The health of the sector is vital to that of the overall economy. Every additional job created by a SME results in an immediate gain for the State as there is one less person on social welfare and one more person contributing through taxation. Micro, small and medium-sized enterprises account for 99.7% of all business enterprises in this country. SMEs are the backbone of the domestic economy with 829,045 people employed in approximately 185,000 active enterprises. The Companies (Accounting) Bill 2016 sets out new criteria for companies to qualify as small, medium or large and introduces a new category of company, namely, microenterprises. Significantly, 91% of all SMEs are microenterprises. They are enterprises containing fewer than ten employees.

I welcome the provisions in the directive that will be transposed into Irish legislation. It is, however, a damning indictment of successive Fine Gael-led Governments that the Bill was published in August, more than three years after the EU accounting directive was finalised during Ireland's EU Presidency in 2013. In addition, Ireland has missed the transposition deadline of 20 July 2015.

The raising of the thresholds for small companies to the EU maximum levels of turnover not exceeding €12 million and balance sheet total not exceeding €6 million is a welcome measure for Irish SMEs. The introduction of a small and micro-companies regime will enable such companies to adapt financial reporting standards applicable in the UK, if they wish to do so. The Bill also contains remedies to anomalies arising from the 2014 Companies Act, which is also welcome.

Small and micro-companies will be allowed to file abridged financial statements with the Companies Registration Office. However, it is quite extraordinary that Irish SMEs have been left in limbo on the application date of legislation to implement the directive. The directive states that the new rules must apply for financial years commencing on or after 1 January 2016 at the latest. We welcome clarification from the Department in a note circulated to Oireachtas Members yesterday that there will be early application of the Bill before enactment, thereby allowing companies to apply the provisions of the Bill to financial years that begin after 1 January 2015. Regardless, the directive requires the inclusion of financial information relating to the previous financial year, which must appear in the first set of financial statements filed after the enactment of the Bill. While practitioners in the field have welcomed the Bill, the delay in transposing the directive "has caused difficulties for many small and micro-companies in Ireland in meeting their financial reporting requirements". That is according to Chartered Accountants Ireland.

Smaller companies should not be disproportionately burdened by the inept progress in implementing the directive agreed more than years ago. Surprisingly, the directive was enacted by the UK in 2015 and the changes have been effective for accounting periods beginning on or after 1 January 2016, with early application permitted for accounting periods beginning on or after 1 January 2015. That has put Irish SMEs at a direct disadvantage as current qualifying thresholds are not as benign as those that are set out in the directive. That is yet another example of the slow response by the Government pre and post the Brexit referendum in taking every contingency measure at its disposal to safeguard Irish company jobs and exports. Instead, the Government has placed Irish SMEs and especially microenterprises at a competitive disadvantage and on an unequal playing pitch for accounting and reporting purposes with their European competitors. That follows the general trend of the recent budget where token action was taken to improve competitiveness.

We remain very disappointed that the UK will still have a more attractive capital gains tax, CGT, relief which applies a 10% rate to entrepreneurial gains of up to £10 million sterling, which is far in excess of the €1 million Irish limit. We must improve our competitiveness with the UK much further. The chief executive of the Irish Exporters Association, IEA, has said that the reduced CGT rate “does not bring us onto the racetrack” when the UK has a ceiling ten times the scale of Ireland’s €1 million threshold.

The Taoiseach often trots out the line that he wants Ireland to be the best small country in the world in which to do business. He famously set the target of 2016 to achieve that. While the World Bank ranks Ireland in the top 20, many other similar scale OECD countries rank higher than Ireland. They include New Zealand, Finland, Denmark, Norway and Singapore. The Government has continued a general policy of inequity in concentrating job creation sparsely nationwide. There has been a clear failure by Government to create a balanced jobs policy towards the regions, as evidenced by the emergence of a two-tier recovery, with job creation concentrated nearly exclusively in the capital and the commuter belt region. A total of 43% of Ireland’s GDP is generated in the capital, while more than 50% of all jobs created in the 12 months to the fourth quarter of 2015 were in the same location.

Ease of doing business is vital for attracting new participants into the marketplace, whether they are home-grown enterprises or businesses seeking to gain a foothold in Ireland. It is also vital that we have a regulatory framework that permits businesses to flourish. There needs to be immediate transposition of the directive and enactment of the legislation in order to ensure that Irish small and micro-companies are on a level playing field with counterparts in Northern Ireland, the UK and other European member states.

Deputy Maurice Quinlivan: I welcome the legislation, the main purpose of which is to transpose the EU accounting directive into Irish law. In particular, I welcome chapter 10 of the accounting directive which allows for greater oversight of companies working in the extractive industry and the logging sector. Essentially, the purpose of the legislation is to introduce a small companies regime and a micro-companies regime which, when enacted, will bring this country into line with other EU countries and the UK.

The Bill will allow for the use in Ireland of sections of the financial reporting standards applicable in the UK for small companies and the financial reporting standards applicable to micro-entity regimes by micro-companies. The Bill allows for change in the definition of small and micro-companies, which in the new legislation are specified as those with an EU maximum threshold of turnover not exceeding €12 million and a balance sheet not exceeding €6 million.

In the case of employees, the maximum threshold for qualifying companies is a maximum of 50 employees. It is important to note that in order to qualify as a small company, one must not exceed two or more of the above criteria.

The Bill is a lengthy one with 92 sections and it contains 161 pages. It contains new Schedules to replace current Schedules 3 and 4 of the Companies Act 2014. The new Schedules separate the general entities and group financial statement requirements of Schedules 3 and 4 from those pertaining to small companies, Schedules 3A and 4A, and micro-companies, Schedule 3B.

The Bill also proposes to insert a new Part 26 relating to payments to governments which contains the directive's requirements with regard to paying and filing with the register of companies by large companies, large groups and, as noted previously, by public interest entities active in the mining and extractive industries, annual reports on payments made to governments.

Also included in the Bill are amendments to various sections of the Companies Act 2014. They cover, for example, filing requirements for unlimited companies, matters relating to the Irish Auditing and Accounting Supervisory Authority, IAASA, and the prescribed accountancy bodies, and the corporate governance statement required in section 1373 of the Companies Act 2014.

Essentially, the recategorisation process entailed in the Bill means that some companies previously classified as medium will now become small and will, under the new legislation, qualify for a range of benefits contained in the Bill. One such benefit about which I am concerned is the exemption from the requirement to have a statutory audit. As I noted at the outset, Sinn Féin welcomes this Bill. Like its predecessor, the Companies Act 2014, this legislation is complex, long and dense. I can say at this stage that we have concerns about some aspects of it. As I said, any legislation that results in increased transparency and accountability is most welcome. Conversely, we are sceptical about legislative measures or sections within particular Bills that do the opposite. That is what is happening here with the dumbing down of the requirement for statutory audit. We are not happy with this section. We will consider submitting amendments on the issue without taking away from the larger aims of the Companies (Accounting) Bill 2016. We are concerned that the proposed legislation will allow small companies to give fewer note disclosures in their financial statements.

Debate adjourned.

Ceisteanna - Questions

Priority Questions

Brexit Issues

1. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation her views on whether there are sufficient supports in place to safeguard Irish jobs and exports following the recent Brexit referendum; the actions being taken to increase Irish business competitiveness

with the UK; and if she will make a statement on the matter. [33222/16]

Deputy Niall Collins: Does the Minister believe sufficient supports are in place to safeguard Irish jobs and exports following the result of the recent Brexit referendum, about which we know all too well in this House and beyond? What actions are being taken to increase the competitiveness of Irish business in the UK arising from the referendum?

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor): I am deeply engaged with the enterprise agencies - Enterprise Ireland and IDA Ireland - to ensure sufficient supports are in place to safeguard Irish jobs and exports following the Brexit referendum. I am in ongoing communication with these agencies through my chairing of the Department of Jobs, Enterprise and Innovation's Brexit co-ordination group, which includes the chief executives of the agencies and senior officials in the Department. I have met representatives of companies and other stakeholders from throughout the country to help to inform our response.

In particular, Enterprise Ireland is working with its 1,500 clients that export to the UK to examine the individual challenges faced by companies in every county in Ireland. It is also working on a sectoral level. Enterprise Ireland is working to assist companies to maintain and increase their UK exports and to extend their international reach by reorienting towards North America, Canada, Asia and the Middle East. Enterprise Ireland is particularly working with the companies that are most exposed to the UK in areas like engineering, food, construction and timber. Enterprise Ireland is working to support companies in enhancing their competitiveness in order that Irish exports and jobs can be protected and can grow. Enterprise Ireland is assisting its clients to improve their processes, drive efficiencies and cost reductions and undertake research and development and innovation with a view to improving existing products and processes or developing new ones.

My Department's 2017 budget contains many measures to help Irish businesses to become more competitive and cope with the impact of Brexit. It includes an extra €52 million in capital funding to support the enterprise sector. Additional current moneys have also been secured to provide up to 50 extra staff for my Department and its enterprise agencies.

Deputy Niall Collins: I attended yesterday's all-Ireland civic dialogue at the Royal Hospital in Kilmainham, at which many speakers echoed the sentiment that Brexit is one of the biggest threats to Irish exports and jobs since the foundation of the State. We have seen a significant weakening of sterling since the Brexit referendum. We need to do whatever we can to lessen the impact of Brexit on Irish business and to boost our competitiveness. We were told the budget would contain a significant Brexit package, but that did not happen. I will explain why.

As I have said on a number of occasions, our capital gains tax relief rate is simply not up to standard. The Irish Exporters Association has suggested that the current rate does not bring us onto the racetrack. The Dublin Chamber of Commerce has said the recent changes will do little to stem the flow of start-up businesses and companies moving to the UK from Ireland.

The Minister has indicated that on the spending side, €3 million has been allocated for additional staff. It is clear from what was said yesterday at the forum in Kilmainham and what we have been told at the hearings being conducted by the Joint Committee on Jobs, Enterprise and Innovation that there is agreement on the need to promote market diversification. Why was an expert fund not put in place in the budget to support companies in maintaining the UK export business and diversifying into new markets? I have been told by people involved in business

that no fund is available to help them to achieve diversification, which is the word on everybody's lips. Will the Minister outline the total number of new staff who will be employed in the agencies in 2017 as a result of Brexit?

Deputy Mary Mitchell O'Connor: The €3 million mentioned by the Deputy will be used by the enterprise agencies to employ approximately 50 people. It is not the case that this is the only money we have secured. As I said in my answer, we got an extra 10% in the budget. That money will be of assistance in the context of Brexit. I am fully aware of the challenges for the Irish small and medium-sized enterprise sector in regard to the euro-sterling currency fluctuations. As Minister, I have responsibility for supporting small and medium-sized enterprises throughout the country. That is why I am making sure I am armed with the detail of how Brexit will affect each sector and each type of company, including small and medium-sized enterprises, microenterprises and large companies, before I finalise my proposals or make any announcements about specific funds or other measures.

Deputy Niall Collins: I would like to tie the Minister down on what she has said about what she intends to do before she makes any specific announcements on funding. I asked specifically about the establishment of an exporters' fund. Will the Minister give us some detail about what will be done to help exporters? I emphasise that Irish competitiveness is under huge pressure. I am sure the Minister will mention some positive markers on competitiveness. I remind the House that our position in the World Bank's competitiveness ranking has dropped. We are now in 18th place out of 189 economies, having been much higher at one point. As I said when I spoke on the Companies (Accounting) Bill 2016, the Taoiseach wanted Ireland to be the best small country in the world in which to do business by 2016. It is clear that we are missing that target. There is silence on competitiveness. Will the Minister outline what exactly she will do to create a fund? How much will be provided in that fund? When will we see it? Where and when can companies make applications under such a fund?

Deputy Mary Mitchell O'Connor: When I was in the UK yesterday, I met a number of people who are negotiating the Brexit deal for the UK. I wish to tell the Deputy that they do not know what they are doing and they do not know when they will be invoking Article 50. That is the first thing. It would be very irresponsible of me to give the Deputy chapter and verse about some fund today when it might be out of date tomorrow. However, I assure him that my Department is scoping out various possible responses to the short-term currency challenge and I expect to be in a position to announce more detail to help companies based on their actual needs. However, any new proposals will be based on evidence.

I recently met representatives of the Irish Small and Medium Enterprises Association, the Small Firms Association, the Irish Exporters Association and the Irish Business and Employers Confederation to scope out the issues they believe their companies are facing. They have agreed to help the Department of Jobs, Enterprise and Innovation to get a clear picture of the various things the companies are asking for. Some companies are asking for low-cost loans and others are looking for export guarantees. We will have to scope out exactly what they want and make sure we provide a proper, tailor-made fund that will respond to the needs of exporters.

Action Plan for Jobs

2. **Deputy Maurice Quinlivan** asked the Minister for Jobs, Enterprise and Innovation her views on the relevance of the eight regional action plans for jobs in view of Brexit; the specific

details of meetings her Department has held with the Department of Housing, Planning, Community and Local Government concerning the former's input into the national spatial strategy; and if she will make a statement on the matter. [33200/16]

Deputy Maurice Quinlivan: This question relates to whether the regional action plans are fit for purpose in light of Brexit. Will the Minister give me details of any meetings that have taken place between officials in her Department and their counterparts in the Department of Housing, Planning, Community and Local Government concerning the national planning framework?

Deputy Mary Mitchell O'Connor: I thank Deputy Quinlivan for his question. Sustaining and increasing employment and economic opportunity in the regions remains a key priority, especially in light of the Brexit vote.

As Minister with responsibility for jobs and enterprise, I wish to assure Deputy Quinlivan that I have placed Brexit at the top of the agenda for my Department and the agenda of the enterprise development agencies. We have yet to see the full implications of Brexit on the Irish economy. Clearly, it will present opportunities and challenges. Of particular concern to me at present are the immediate challenges facing small and medium-sized enterprises due to a weakened sterling. Many of the sectors particularly exposed, including food, construction, retail, tourism and traditional manufacturing, have deep roots throughout the regions and they provide significant employment in rural and regional Ireland.

The implications of the Brexit vote on Irish enterprises will continue to be an important item on the agenda of meetings of the regional implementation committees charged with overseeing and monitoring the regional plans. I have attended many regional implementation meetings. As the situation evolves, we will monitor the potential and real impacts of Brexit on each region.

The value of the regional plans stems from the involvement of all the key stakeholders. The plans mean that, more than ever, we have a finger on the pulse of each region. I am working across the Government to ensure that, as Minister for Jobs, Enterprise and Innovation, any actions taken in response to Brexit are tailored, targeted and evidence-based.

I recently secured an increase in the Department's current and capital budgets for 2017. This increase will be used to fund additional measures to support companies impacted by Brexit.

Deputy Maurice Quinlivan: The Minister says Brexit is top of her agenda but then goes on to say that Article 50 has not been invoked yet and that she is waiting to see what will happen.

This morning, an article in a newspaper includes a quote from a mushroom farmer from Tipperary, Lavinia Walsh. Basically, she says the impact has developed into a catastrophe for them. She has survived thus far but four of her neighbours, who are also mushroom farmers, have not survived. This must be the first priority.

I am concerned about the response of the Department of Jobs, Enterprise and Innovation to Brexit to date. In the weeks and months since the referendum, the Department has had ample time and opportunity to co-ordinate a strategic response. To date, I do not see evidence of this.

The Irish economy, North and South, is facing into what is perhaps the most tumultuous and challenging period since the foundation of the State. Frankly, the best the Minister has to offer, I believe, are her aid plans, which are probably out of date now because of Brexit. The Minister

has referred to how €3 million has been allocated. That is peanuts in the context of what we are dealing with. I am keen to hear the Minister's response.

Deputy Mary Mitchell O'Connor: Deputy Quinlivan keeps talking about €3 million. Actually, the relevant figures are €52 million and €3 million. The €3 million figure is a current allocation and the €52 million figure is a capital allocation. The allocations are to help IDA Ireland, Enterprise Ireland and Science Foundation Ireland to deal with Brexit. I am keen to clear that up.

Deputy Maurice Quinlivan: Is that all there is to deal with Brexit?

An Leas-Cheann Comhairle: Deputy, you will have another opportunity.

Deputy Mary Mitchell O'Connor: The allocation is for IDA Ireland, Enterprise Ireland and Science Foundation Ireland to help them to deal with Brexit and save jobs in this country as well as to explore opportunities that are available.

Deputy Quinlivan asked about meetings with the Department of Housing, Planning, Community and Local Government. My Department is represented on the national planning framework steering committee and has attended the three meetings held to date. The Department has also contributed written submissions to inform ongoing deliberations. My Department participates on the econometric and demographic technical working group. I participated in a discussion of the national planning framework with the Minister for Housing, Planning, Community and Local Government and his officials at the Cabinet sub-committee for infrastructure.

Have I another 15 seconds?

An Leas-Cheann Comhairle: You are over by 20 seconds. You might have an opportunity in the next minute.

Deputy Maurice Quinlivan: Basically, there is a real possibility that North-South trade could be seriously damaged as a result of Brexit. The potential for the negative impacts of a hard Brexit on cross-border trade and business development has been highlighted by ESRI, IBEC, ISME, Teagasc, Irish Congress of Trade Unions and others.

I am dissatisfied with the Minister's response. We are heading into a crisis that is characterised by great uncertainty. Such a crisis requires an appropriate response. Thus far, I do not believe the Minister has been forthcoming in this regard.

The Minister has referred to additional moneys but she has not actually told us what money will specifically target Brexit. Brexit is causing the loss of jobs in this country as we speak. People are telling us that they have lost their jobs.

InterTradeIreland is desperately in need of additional funding, but no additional allocation has been made to the company under budget 2017. The Minister should be going to Cabinet and specifically asking for InterTradeIreland to be given additional funding. Before the Minister retorts with the line that the people in the North have not contributed their part, it is a fact that the Government can give whatever it wants to InterTradeIreland as long as it is spent in this State. The Minister might come back to me on that point.

Deputy Mary Mitchell O'Connor: I am not going to repeat it. The relevant figures are €3 million and €52 million to help towards Brexit and to help the enterprise companies. This is

the first time that we have secured a 10% increase in the budget in the past 15 years. I cannot spell it out in a stronger way.

Deputy Quinlivan referred to InterTradeIreland. Obviously, the company has a major role in North-South relations. I absolutely take on board the point that North-South trade and business could be impacted in many ways by the UK withdrawal from the EU.

Already, InterTradeIreland has published a fact sheet for companies providing helpful information on this issue. InterTradeIreland will review and adjust its supports, if necessary. A series of information sessions for companies are being organised by InterTradeIreland at present. It will also monitor business needs and challenges through the business monitor survey process. In the first half of 2016, InterTradeIreland had the following activity highlights: the job creation impact figure was 739, with a full-year target of 1,100; the first-time innovative companies figure was 32, from a full-year target of 56; and the figure for first-time exporter companies was 40 from a full-year target of 50.

IDA Ireland Site Visits

3. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation to outline her views on the current regional spread of jobs and IDA Ireland site visits; and if she will make a statement on the matter. [33223/16]

Deputy Niall Collins: I call on the Minister to comment on the current regional spread of jobs and IDA Ireland site visits given that the county-by-county analysis tells a completely different story.

Deputy Mary Mitchell O'Connor: I have a question before me which was sent in formally by Deputy Niall Collins and I will answer it. Regional development is a priority of mine and a priority of this Government. Growing and sustaining foreign direct investment outside the country's main urban areas is a key part of our efforts in this context. To achieve this, we are continuing to make the case to prospective investors that regional Ireland can be and is a suitable location for their businesses.

IDA Ireland fully understands and is committed to growing foreign direct investment in every county. This is demonstrated by the agency strategy for 2015-19. Under the strategy, an increase in investment of at least 30%-40% in each region outside Dublin is targeted.

Real progress is already being made towards these goals. This is partly reflected by the growing number of site visits by investors to regional locations. In 2015, 57% of site visits were to locations outside Dublin, up from 43% in 2014. The figures for 2016 thus far show that the trend is continuing, with 58% of visits conducted this year outside Dublin.

We should remember, however, that a company's ultimate choice of location can be influenced by a number of factors. These include talent, proximity to transport hubs and the supply of suitable property. IDA Ireland actively tries to encourage client companies to locate outside Dublin, but the final decision of where to situate always rests with the company itself.

Deputy Niall Collins: Not even the Minister could deny that there is a two-tier recovery afoot. The quarterly national household survey shows that 63% of all employment gains in the 12 months to the end of the second quarter of 2016 were in the greater Dublin area. A break-

down of the figures shows that in the midland region there was a gain of 1.07%, in the west, 3.02%, in the south west, 4.27%, and in the mid west, 9.3%. They are quite small. In addition, 43% of all Industrial Development Authority, IDA Ireland, site visits in the first six months of 2016 were in the capital. Ten counties had two or fewer site visits in the first six months of this year whereas Dublin had 145 site visits. How does the Minister intend to achieve the 2020 regional jobs target of 135,000 new jobs outside the greater Dublin area?

Deputy Mary Mitchell O'Connor: I hear the Deputy very clearly but it is not all about site visits. Many of the foreign direct investment, FDI, companies already here decide themselves, with the help and support of the IDA, to increase the workforce and there will not be a site visit. I made the point very strongly that the FDI companies decide where they want to go. I was on a trade mission recently in the west coast of the United States and it was very obvious when I visited companies with the IDA that the IDA's intention is to win trade, to land the company in Ireland. When it gets buy-in from the company it will talk to the company which will be informed of the supports available. There are many more supports available in the regions and in rural Ireland than in Dublin but the company ultimately decides.

Deputy Niall Collins: Site visits are not everything but they are a big part of the process. Competitiveness and connectivity are also a big part of the location. The Minister has been to Limerick on several occasions recently and she will be welcome to come again and we welcome the announcements made.

What has the Minister done to prioritise the building of the motorway between the mid-west capital, Limerick, and Cork? It is not a priority in the Government's capital programme but it is badly needed. The main connection between the second largest city, Cork and the third largest, Limerick puts the mid-west region at a severe disadvantage. Has the Minister spoken to the Minister for Transport, Tourism and Sport about the connection between Limerick and the port at Rosslare Harbour, the N24? Why is that not a Government priority? The proceeds from the State's sale of its shareholding in Aer Lingus were put into the connectivity fund under the remit of the Department of Finance. There have been only two applications to it which have been grant-aided. Why has the Minister's Department not been pushing the agencies in Limerick and around the country to avail of the €335 million in the connectivity fund, to boost connectivity and help competitiveness of the regions, particularly the mid west, the M20 Cork to Limerick road and the N24 Limerick to Waterford road?

Deputy Mary Mitchell O'Connor: There were 40 site visits to Limerick by 40 different companies. That does not take into account the companies that are there already that might be thinking of expanding. To date, in 2016 up to the end of the third quarter, there have been 39 site visits. That is a huge improvement. Deputy Quinlivan, who is in the Chamber, has attended many of the job announcements there. Limerick is a very favoured area and a favoured city.

Deputy Maurice Quinlivan: That is good to hear.

Deputy Mary Mitchell O'Connor: Companies talk to us about the airport, the Limerick Institute of Technology, the University of Limerick and the wonderful talent pool in the area. I have spoken to the Minister for Transport, Tourism and Sport about those roads. I will check out the question of the Aer Lingus connectivity fund. I assure the Deputy Limerick is doing pretty well and there seem to be more job announcements in the pipeline. The Deputy can look forward to that towards the end of this year.

Question No. 4 replied to with Written Answers.

Brexit Issues

5. **Deputy Thomas P. Broughan** asked the Minister for Jobs, Enterprise and Innovation the progress of her Department in Brexit preparations to ensure that Irish jobs are protected, promoted and preserved; the additional funding which is being allocated to agencies under the remit of her Department for this purpose in 2017; and if she will make a statement on the matter. [33151/16]

Deputy Thomas P. Broughan: The news from the High Court in London this morning, if it is upheld by the Supreme Court, may give the Minister and this House a bit more time to prepare for the enormous challenge of Brexit. I followed the Minister's earlier response to Deputy Collins and I wonder if the extra €52 million on the capital side, and €3 million on the current side, and the additional 50 posts, are enough across the many agencies the Minister supervises to address this huge challenge, one of the biggest we have faced since 1922.

Deputy Mary Mitchell O'Connor: I am engaged strongly with Enterprise Ireland, EI, and IDA Ireland to ensure that Irish jobs are protected, promoted and preserved. I am in ongoing communication with these agencies, and chair my Department's Brexit co-ordination group which includes the chief executive officers, CEOs, of the agencies. Enterprise Ireland is working with its 1,500 clients who export to the UK studying the individual challenges faced by companies in every county in Ireland and also on a sectoral level.

From a strategic perspective Enterprise Ireland has a two pronged approach. It is working to assist companies to maintain and grow UK exports and extend their international reach, to diversify. It is also supporting companies in enhancing their competitiveness to protect and grow Irish exports and jobs. In this regard, EI is assisting clients in improving their processes to drive efficiencies and cost reductions and undertake research and development and innovation with a view to improving existing products and processes or developing new ones.

The Department has secured an additional €52 million, which is a 10% increase in capital funding for 2017, the largest increase in the past 15 years to support the enterprise sector and assist the agencies in their Brexit response, and on the current side I have secured an additional €3 million with a view to facilitating up to an additional 50 posts across my Department and the enterprise agencies.

Deputy Thomas P. Broughan: It is good to hear that the Brexit co-ordination group is in place. How often does that meet and does the Minister intend to publish the minutes or to give us general reports? The Minister told Deputy Niall Collins that she could be making further announcements. Would we hear them before the end of the year or before the British Government triggers Article 50? Will the Minister be making further announcements of supports for our exporters and other businesses? InterTradeIreland's quarterly business monitor Q2, which the Minister has, showed that 97% of our businesses were not ready for the challenge posed by Brexit. We have seen disturbing trends in tourism even in the Dublin region as well as the threat to Border counties such as Donegal, and to the retail trade in Cavan, Monaghan and Louth. There are enormous challenges. I know the Minister met the British Secretary of State, Liam Fox yesterday. Does she intend to meet him again? The Secretary of State, David Davis, was here previously. Did the Minister talk about the common travel area and the Single Market?

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Deputy Mary Mitchell O'Connor: I have only one minute and five questions to reply to so I will talk to the Deputy later. First, I met Minister Fox and Minister Davis, and I intend to meet them again. I invited them to Ireland and they cordially accepted.

The Deputy also asked about job announcements. That is up to the companies. They decide that in their boardrooms outside this country. IDA Ireland would be very respectful of the companies' wishes.

The Deputy was making statements rather than asking questions but he asked about-----

Deputy Thomas P. Broughan: I asked about the committee.

Deputy Mary Mitchell O'Connor: We meet once a fortnight, the minutes of the meeting are taken and we work on the action points that come out of the meeting. We are coming close to a point where we will be able to discuss exactly what we need to do. In terms of the targeted response, Enterprise Ireland, together with the other stakeholders I mentioned, namely, the Small Firms Association and the Irish Exporters Association, will work with their client companies to find out exactly what they need.

Deputy Thomas P. Broughan: Was the Minister taken aback by the comments made by the Northern Ireland First Minister, Arlene Foster, when she seemed to complain that agencies under the aegis of her Department, such as IDA Ireland and so on, are poaching jobs from the North? Why would Ms Foster say that? Given the special status of Northern Ireland and its critical importance to this country, we have to ensure that the position of its economy is protected in the Brexit negotiations. Will the Minister comment on that? In the first debate we had on that issue, I called for the appointment of a Brexit Minister who would have responsibility for all the relevant issues across Government. The Minister has a plethora of critical organisations in job creation, job protection and so on but I refer also to the Departments of Agriculture, Food and the Marine, Communications, Climate Action and Environment and a range of others. We spoke recently about what will happen in terms of the Common Fisheries Policy. We always believed we got a terrible deal in that area in 1973. What is the Minister's opinion? Does she believe we should have a Brexit Minister? She is handling a good deal of it - and I commend her on that - but will that be necessary when Article 50 is triggered?

Deputy Mary Mitchell O'Connor: IDA Ireland co-operates with Invest Northern Ireland, INI - the equivalent body in Northern Ireland - in the context of regional and all-island economic development, recognising appropriate opportunities to pursue mutually beneficial cross-Border co-operation. Where appropriate, IDA Ireland and INI co-operate on company visits where both jurisdictions are being considered by foreign companies. These visits are usually initiated by IDA Ireland's network of overseas offices. However, the Deputy should be aware that IDA Ireland competes with INI for inward investment in certain areas.

The economies of Northern Ireland and the Republic of Ireland have highly educated workforces. To that end, the skills pools available north and south of the Border are presented to potential investors as a key competitive advantage for investing in the Border regions on the island of Ireland. For example, PayPal, now located in Dundalk, made the decision to invest in that location based on the pool of skilled staff it could recruit from the large catchment area on both sides of the Border.

Other Questions

Brexit Issues

6. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which her Department has identified any positive or negative fallout from developments in the context of Brexit; the plans in place to safeguard interests here; and if she will make a statement on the matter. [32993/16]

Deputy Bernard J. Durkan: In a similar vein to the previous question, I ask the Minister the extent to which she has been in a position to liaise with the relevant personalities in Brussels and at the same time relate the information available to the investment sector here, with a view to ensuring that this nation does not lose out more than might be expected in the period ahead.

Deputy Mary Mitchell O'Connor: I thank Deputy Durkan for the question. The question he asked is not exactly what is on the Order Paper but I will come back to it. I will now answer the question I was asked.

My Department is actively managing our response to Brexit to take full account of any potential positive consequences, and to safeguard against any negative developments.

In this regard, I am working closely with the enterprise agencies. We are determined not to overlook whatever opportunities may emerge for Ireland on account of the referendum result. Securing new foreign direct investment for the country is one such possibility, and IDA Ireland is already working hard with this goal in mind.

In recent months, IDA Ireland has been engaging with current and prospective clients about the possibility of expanding or investing in Ireland in the wake of the referendum. Our continued membership of the EU and the eurozone makes Ireland potentially more attractive to potential investors than before the referendum.

Enterprise Ireland, EI, is working hard to minimise any negative fallout from Brexit, particularly for its 1,500 clients. EI is looking at the individual challenges faced by companies in every county in Ireland.

Enterprise Ireland is working to assist companies to extend their international reach, and to enhance their competitiveness. EI is also assisting clients to improve their processes, drive efficiencies and cost reductions, and to undertake research and development and innovation with a view to improving existing products and developing new ones.

My Department's 2017 budget contains many measures to assist Irish business to become more competitive and cope with the impact of Brexit.

Deputy Bernard J. Durkan: I thank the Minister for her comprehensive reply. To what extent has her Department identified the threats emanating from the Brexit vote? Has it been decided how best, and how soon, those issues can be addressed, notwithstanding events in our neighbouring jurisdiction? Also, I ask the extent to which an evaluation has been done of potential possibilities and opportunities for this country in the aftermath of Brexit.

Deputy Mary Mitchell O'Connor: To be honest, the biggest threat for our companies is uncertainty. We are not sure what is happening. That was very evident yesterday when I met the various Ministers in London. When there is the threat of uncertainty, businesses do not know whether they should invest and take on more staff. All of that feeds into people not investing in companies. Obviously, currency fluctuation is a huge issue for our agrifood, timber and beef sectors. That is a potentially huge threat. In terms of competitiveness, Enterprise Ireland is working to ensure that companies are competitive.

The positives for Ireland are the number of companies in the UK that are worried about the uncertainty and what will happen if there is a soft or hard Brexit. Will they opt for a trade deal such as the one Norway has or their own specialised trade deal? I do not believe they know themselves at this stage. All that uncertainty is feeding into the uncertainty with regard to the currencies, investors and our entrepreneurs because they do not know what decision to make.

Deputy Bernard J. Durkan: I ask the Minister the extent to which our European colleagues have been apprised and are conscious of the urgency to ensure consistency and that the interests of member states, including Ireland, are to the forefront in any discussions likely to take place in the run-up to Brexit.

Deputy Mary Mitchell O'Connor: For my part, I have met the Commissioners, Ms Bieńkowska and Dr. Malmström, in Brussels. I have told them about the unique position that Ireland has and the unique relationship that Ireland has with Britain. I believe that they understood that relationship.

Obviously, everything now has to be worked out. We are awaiting the UK to invoke Article 50. Then it will have to negotiate with the EU and see what kind of trade deals it wants. We will continue to work hard with my Commissioner colleagues. I have also invited them to Ireland and I am hoping they will be able to visit.

Brexit Issues

7. **Deputy Alan Kelly** asked the Minister for Jobs, Enterprise and Innovation her plans to protect Irish industry from Brexit; the details of those plans across all sectors; and if she will make a statement on the matter. [33032/16]

Deputy Alan Kelly: Will the Minister tell us her plans to protect Irish industry from Brexit? Obviously, that is her job, but she might outline how she will do so sector by sector. I listened to all the questions on Brexit here earlier on. The Minister keeps repeating there is €52 million and €3 million in place, but how will she break down the supports and ensure that the different sectors are being protected? Will the Minister outline to us as much as she can how these sectors are being protected individually?

Deputy Mary Mitchell O'Connor: First, it is Enterprise Ireland that will be working sector by sector, and it has been doing that.

Deputy Alan Kelly: Has the Minister a reply?

Deputy Mary Mitchell O'Connor: It has contacted each of its 1,400 clients. That is what is needed, a bespoke response to the different clients. Enterprise Ireland has outlined its five pillars of support, namely, information and guidance, market diversification support,

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international sector clustering strategy, UK market support, and competitiveness and market development supports. There is significant potential to diversify and we will be working our way through that.

Obviously, Enterprise Ireland has been working with many of these companies for many years and it knows the strengths and weaknesses of the companies. As I stated already, the companies have different requirements and we will be trying to respond to that.

It would be foolish of me and the Department to announce something when we do not know what the companies want. We do not know their needs exactly. That is being worked on. We will probably have that response in a fortnight. The sectoral bodies, the Small Firms Association, IBEC and ISME, have all bought into this and they know that this needs to be done in order that we can give a proper targeted response.

Deputy Alan Kelly: I am surprised the Minister is saying that it is EI's responsibility and not her own. It is really the Minister's responsibility. All agencies-----

Deputy Mary Mitchell O'Connor: It is an agency under my Ministry.

An Leas-Cheann Comhairle: The Minister will have an opportunity.

Deputy Mary Mitchell O'Connor: That is known.

Deputy Alan Kelly: I might have that time back, a Leas-Cheann Comhairle. It is the Minister's responsibility. It is not Enterprise Ireland's responsibility. It is nice to have another five-point plan coming from Fine Gael under the five pillars.

I agree with the Minister on not announcing it too early and ensuring it is correct. I merely want to ensure the Minister is not making it up as she goes along in terms of what is happening here. It is broken down by sector. We need to ensure that across all of these sectors, whether it is market volatility, access to market, supply chain management, changes in business model potential, taxation issues or workforce mobility, all of these issues and many others are covered and being planned for thoroughly by the Department and all of agencies that work with the Minister.

Deputy Mary Mitchell O'Connor: I work closely with Enterprise Ireland. I probably talk to the people there once every two days. We have meetings every fortnight at which Enterprise Ireland gives the Department's officials the exact details on the ground with the companies. It is not hearsay and it is not someone talking in the pub.

From a strategic perspective, Enterprise Ireland has a two-pronged approach, that is, to assist companies to maintain and grow UK exports but also to extend their international reach, reorienting towards North America, including Canada, Asia and the Middle East. EI is particularly working with companies which are most exposed in the UK in areas such as engineering, food, construction and timber. It has contacted the 1,400 client companies. It certainly is not making it up as it goes along. Enterprise Ireland is also supporting companies to enhance their competitiveness to protect and grow Irish exports and jobs.

Deputy Alan Kelly: According to the Minister, we will know a lot in two weeks. I look forward to that.

The Minister stated that Enterprise Ireland does not make it up as it goes along. I know

that. I worked fairly closely with it for many years. The Minister stated it has a two-pronged approach but only three minutes ago she stated it has five pillars. It is good to have all these statements, but what is needed is practical analysis across all of the sectors. Depending on how Brexit will be triggered in Britain, particularly after today's judgment, we need to be able to plan for all eventualities, both across sectors and across a range of issues, which I only hinted at earlier. We need to have confidence that there is a plan in place. The Minister says that we will know about it in two weeks. I and, I am sure, all other spokespersons look forward to this.

Has the Minister plans to meet Mr. Michel Barnier? I note the Taoiseach has. How quickly will the Minister be able to meet him and how does she foresee the role of the Irish appointee to the Brussels group that will oversee Brexit?

Deputy Mary Mitchell O'Connor: Enterprise Ireland has 1,400 client companies and it has contacted them. They have had face-to-face meetings. It is certainly not making it up. It is aware of what exactly is needed.

I will answer questions that I think need to be answered. It is important that the companies are lean, competitive, up to date and able to respond to the challenges and the competitiveness issues, such as oil prices and exchange rates. All of that happens, but then there are many factors within the control of the management team. That is what Enterprise Ireland is doing.

Enterprise Ireland is under my auspices, under my Ministry. We will ensure that happens. When we get this targeted response of companies, we will look at that and we will plan and see what we need to do. Certainly, I hope we will have a good, targeted response from the companies.

Deputy Alan Kelly: I asked two specific questions which have not been answered. The Minister was merely waffling. I asked about Brexit.

An Leas-Cheann Comhairle: Deputy Kelly may have other opportunities.

Deputy Mary Mitchell O'Connor: I will answer that. I have not made arrangements but we will be doing so.

An Leas-Cheann Comhairle: No, Minister. I am here to implement Standing Orders. We have to move on to Question No. 8 in the name of Deputy Quinlivan.

Trade Agreements

8. **Deputy Maurice Quinlivan** asked the Minister for Jobs, Enterprise and Innovation if, considering the fact that the Comprehensive Economic and Trade Agreement, CETA, is ranked as a mixed agreement, Dáil Éireann will have an opportunity to debate and vote on the issue; when this will happen; and if she will make a statement on the matter. [32940/16]

Deputy Maurice Quinlivan: This question will not come as a surprise to the Minister as I have asked it of her on a number of occasions. It is about the Comprehensive Economic and Trade Agreement, CETA, between the EU and Canada. Will the Minister confirm when the Dáil will have an opportunity to debate this and when we can vote on the issue?

Deputy Mary Mitchell O'Connor: Given the position taken by Ireland and other member

states, the European Commission amended its position and has submitted CETA to the Council for decision as a mixed agreement. This means that it will require both EU and individual member states' ratification. However, following a decision by the Council with the consent of the Parliament, it will be possible to provisionally apply CETA.

Provisional application is a standard process in free trade agreements which provides for the coming into effect of those areas over which the EU has competence. Provisional application will not apply to those areas over which member states have competence. Furthermore, provisions in CETA relating to investment protection and investment dispute resolution will be excluded from provisional application. Accordingly, the Government supported provisional application as we are keen to see Irish firms enjoy tariff-free benefits and new business opportunities as soon as possible.

The issue of growing exports in other markets such as Canada is made even more important by the result of the UK referendum on its membership of the EU.

The full entering into force of CETA will be subject to the conclusion by the EU, through a Council decision with the consent of the European Parliament, and by all member states through the relevant national ratification procedures. This means that there will be a debate and vote on CETA in the Dáil in order to ratify the agreement.

Deputy Maurice Quinlivan: I asked this question a number of times and the Minister has not given me an answer. When can we have a debate on this agreement? I note she said this House will have a vote on it but in the meantime we could have a debate on it. I request that she arranges that. She might indicate specifically when the House will get an opportunity to debate this issue. As elected representatives, we are entitled to debate this issue. That is why we are asking the Government not to sign up to this agreement until we have had discussion on it and a full vote on it in the House. I believe, as do thousands of Irish people - millions of people have signed a petition opposing CETA as they have concerns about it and the Seanad is also opposed to it - that this is a bad deal for Irish workers, consumers and farmers. It is a bad deal for democracy. It undermines the Irish judicial system and the Government should strongly oppose it. The least that should happen is that we should have a full debate on it in this House and a vote on it when it comes back from the Commission. The Minister might indicate a date when we will have a debate on it.

Deputy Mary Mitchell O'Connor: CETA will create sizeable new market access opportunities. We have spent the last hour talking about Brexit. It will present opportunities for our farmers. Meat Industry Ireland has written to me in support of CETA. Ireland has strong protections for our beef industry. It is important we make sure that Irish companies can avail of the Canadian market in the context of CETA. The Taoiseach indicated in the House yesterday that a debate on CETA will take place. I want to see the benefits of this agreement come into being so that we can have a fully informed debate based on real facts and evidence. We have an EU agreement with South Korea which has led to a 25% increase in Irish exports there. That is real evidence that trade agreements work for Irish exporters and Irish jobs.

Deputy Maurice Quinlivan: I just want to know when we will debate this issue. We have been raising this issue and the House needs to debate it. I have spoken to farm organisations and many of them have huge concerns about the deal. It is best that we debate it in this Chamber.

Deputy Mary Mitchell O'Connor: The Taoiseach indicated in the House yesterday that a

debate on CETA will take place.

Deputy Maurice Quinlivan: A debate on it must take place.

Deputy Mary Mitchell O'Connor: The Deputy probably needs to talk to the Chief Whip about it.

Deputy Maurice Quinlivan: It is a mixed agreement and it needs to be debated in the Dáil.

Deputy Mary Mitchell O'Connor: It will be.

Deputy Maurice Quinlivan: I am asking when it will be debated.

An Leas-Cheann Comhairle: That concludes Question No. 8.

I want to clarify that Questions Nos. 9, 20, 27 and 28 appear on the Questions Paper in the name of Deputy Brendan Ryan but that is an error. They should appear in the name of Deputy Alan Kelly. I call Deputy Kelly to introduce Question No. 9.

Brexit Issues

9. **Deputy Brendan Ryan** asked the the details of all the meetings that she has held to date with her Cabinet colleagues, with her Department, with her departmental agencies and with external stakeholders to address the challenges facing businesses in the face of Brexit and specifically in view of the decline in the value of sterling. [33015/16]

Deputy Alan Kelly: I am sure the Minister is delighted with that. I hope the Minister will be specific in her response. This question relates to the meetings that have taken place on Brexit with Ministers at Cabinet sub-committee level, internally in her Department, with her departmental agencies and with other external stakeholders given that this is the most important topic she is likely to face during her tenure in this Department.

Deputy Mary Mitchell O'Connor: I have had a wide and extensive series of meetings since the result of the UK referendum in June. I am a member of the Cabinet sub-committee on Brexit, which has already met on a number of occasions. As regards my Department and its agencies, I have established a co-ordination group consisting of the chief executive officers of both IDA Ireland and Enterprise Ireland, and relevant enterprise, Single Market and trade officials from my Department. I am continuing to chair this group.

I have met with a wide range of representative organisations, including the Irish Business and Employers Confederation, IBEC; the Irish Congress of Trade Unions, ICTU; the Irish Small and Medium Enterprises Association, ISME; the Small Firms Association, SFA; the Irish Exporters Association, the American Chamber of Commerce Ireland, the Dublin Chamber of Commerce, Enterprise Ireland, the Regional Action Plan Implementation Groups, the IDA and Enterprise Ireland client companies as well as the Irish Farmers Association.

In September, I travelled to Brussels and met with Elżbieta Bieńkowska, Commissioner for the Internal Market, Industry, Entrepreneurship and SMEs, and with Cecilia Malmström, Commissioner for Trade, and also with Vicky Ford MEP, chair of the Internal Market Committee of the European Parliament.

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Yesterday, I was in London and met with Secretary of State for International Trade, Liam Fox, and the Secretary of State for Business, Energy and Industrial Strategy, Greg Clark. In addition, I met the UK Trade Minister, Lord Price, earlier this week during his visit to Dublin. I have also met with my Northern Ireland counterpart, Minister Simon Hamilton, and I look forward to ongoing engagement with him, including through the North-South Ministerial Council.

In all of these meetings and fora, I have been very conscious of the need to respond in the most appropriate manner to the challenges presented by the movements in the sterling exchange rate.

Deputy Alan Kelly: The Minister in her next reply might tell us how many meetings of the Cabinet Sub-Committee on Brexit have taken place. How many times has the Brexit co-ordination group met in her Department?

Deputy Mary Mitchell O'Connor: Can the Deputy repeat that?

Deputy Alan Kelly: Furthermore, the Minister said earlier that she hopes to meet Mr. Barnier. Has she written to him? I asked her an earlier question, which she refused to answer, regarding what she sees as the role of the Irish appointee to the Brexit group in Brussels? At the end of the day it is the Brussels group that will decide the fate of our situation with Britain on Brexit, not Ireland. Therefore, what is the role of that appointee? Has she sought to meet with Sabine Weyand and what role does the Minister foresee her having in this respect? I would appreciate if the Minister could outline specific answers to those questions.

Deputy Mary Mitchell O'Connor: I ask that one of the questions be repeated as I did not hear the Deputy.

An Leas-Cheann Comhairle: It was about the formation group.

Deputy Alan Kelly: I will repeat the questions.

An Leas-Cheann Comhairle: Just that one relating to the formation group.

Deputy Mary Mitchell O'Connor: It was the second one.

Deputy Alan Kelly: I asked about the Minister's contact with Mr. Barnier, Sabine Weyand, the role of the Irish appointee to the Brexit group in Brussels, the number of meetings of the Cabinet sub-committee that have taken place and the number of times the group within her Department has met.

Deputy Mary Mitchell O'Connor: Details of my availability and the meetings I have had have been put up on the web, so the Deputy can check the meetings that I have had. As I said, in our Department we have a business Brexit response, we have a co-ordination group and a departmental Brexit group. I do not have the details, the specific numbers, in respect of the Deputy's questions but I would be more than happy to write to him and answer the questions he has asked.

Deputy Alan Kelly: I find this extraordinary. I sat where the Minister is sitting now on many occasions during the past five years and for her not have the details of how many times the Cabinet Sub-committee on Brexit has met is incredible. She does not need notes to know whether it met once, twice, three, four, five, six or seven times. I do not foresee it met on any more occasions than that. Similarly, surely she knows the number of times the co-ordination

group in her Department has met. She still has not answered the question on Mr. Barnier and, in particular, she has not answered the question on the Irish appointee to the group in Brussels or the question on the role Sabine Weyand will have. The Minister might outline to the House answers to those questions and with a view to giving confidence to Members of the House that she knows the number of meetings that took place and the roles of the three individuals I mentioned.

Deputy Mary Mitchell O'Connor: I thank the Deputy. As I said, I will write to the Deputy to make sure he gets the exact number-----

Deputy Alan Kelly: That is not good enough. I want the answer now.

Deputy Mary Mitchell O'Connor: ----of meetings. With regard to Cabinet Sub-committee meetings on Brexit, I do not have the figure before me but I sit on a number of Cabinet committees, including the Sub-committee on the Economy, Trade and Jobs, the Sub-committee on Infrastructure, Environment and Climate Action and the Sub-committee on European Affairs.

Deputy Alan Kelly: It is a waste of time asking questions.

Deputy Mary Mitchell O'Connor: I will give the Deputy-----

Deputy Alan Kelly: There are no answers coming.

Deputy Mary Mitchell O'Connor: I will-----

An Leas-Cheann Comhairle: The Minister without interruption.

Deputy Alan Kelly: The Minister has an obligation to answer the question.

An Leas-Cheann Comhairle: The Minister without interruption.

Deputy Mary Mitchell O'Connor: I have said I will write and give the Deputy the exact number and I will copy a letter-----

Deputy Alan Kelly: We might as well not have questions at all; the Minister could write all the time.

An Leas-Cheann Comhairle: I cannot be responsible for the Minister's answers.

Deputy Mary Mitchell O'Connor: I will copy an answer to the Ceann Comhairle and any other Members who would like the answers to the question. I do not have it here but the co-ordination group within our Department, which includes IDA and Enterprise Ireland, meets regularly on a fortnightly basis.

Low Pay Commission Report

10. **Deputy Maurice Quinlivan** asked the Minister for Jobs, Enterprise and Innovation the measures she will take to address the over-concentration of women in precarious work and in receipt of low pay; and if she will make a statement on the matter. [32942/16]

Deputy Maurice Quinlivan: What specific measures will the Minister take to deal with the over-concentration of women in precarious work and the fact that many of them are in receipt

of low pay?

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat Breen): Women's participation in the labour force has been on a long-term upward trend in Ireland. For example, the participation rate for women in the workforce rose from 49% in 2003 to 53.6% in quarter two of 2016. The Deputy will be aware the Low Pay Commission submitted its second report on the national minimum wage in July 2016. In its report, the commission noted that between 63% and 74% of those workers earning the minimum wage are women.

It is the view of the commission that a national minimum wage provides the best model to establish a pay floor below which no one should be expected to work. A pay floor protects those workers who are vulnerable and prone to being exploited. This includes women.

The preponderance of women on the national minimum wage was also highlighted in the commission's 2015 report. In order to obtain a better understanding of the composition and profile of this group and the underlying causality, the Low Pay Commission was asked, as part of its 2016 work programme, to examine this issue and report its views on the underlying reasons for this position and to make any recommendations it considered appropriate. The commission submitted its report to me last Tuesday and I am currently considering its contents.

On Thursday of last week, I signed an employment regulation order providing for higher rates of pay for approximately 30,000 workers in the contract cleaning sector, the majority of whom are women.

If the Deputy has any supplementary questions, I will answer them.

Deputy Maurice Quinlivan: The signing of the order last week is very welcome. I am aware of the two reports from the Low Pay Commission but my question was addressed to the Minister or Minister of State. The commission is an advisory body so the Minister is not bound by the recommendations in the report. What measures will the Minister of State take to address the issues I raised?

Deputy Pat Breen: The Low Pay Commission is an independent body set up by the Government. The Government asked it to look at why there are so many women on the minimum wage. That report came into me last week. I will go through it briefly with the Deputy. I do not have much time but the report will be made available to the Deputy very early next week. The report highlighted the predominant issues that affect the risk of being on the minimum wage. They appear to depend on the sector in which one works and whether one works part time or full time. It is important to bear that in mind. The sector one works in and whether one is part time or full time affect the risk. It has to be noted that there are close to twice as many women as men on the national minimum wage. Between a third and a half of this imbalance is a result of caring responsibilities, the hours they work and the sectors in which they are employed. The CSO figures are very useful to us in dealing with the situation, which we will deal with. With regard to part-time work, 24% of females indicated they were on the minimum wage for the simple reason they were caring for children and adults.

An Leas-Cheann Comhairle: The Minister of State has exceeded his time.

Deputy Pat Breen: A further 28% of them said it was for personal or family reasons. In the budget, we have looked at the whole area of looking after children.

An Leas-Cheann Comhairle: It is Deputy Quinlivan's final question. We cannot exceed the time.

Deputy Maurice Quinlivan: I thank the Minister of State for his answer and I look forward to getting the report next week or the week after. My main concern is that the Low Pay Commission is an advisory body and it is the Minister who has to take action to deal with the two issues. That is what I would like the Minister of State to come back to me on.

Deputy Pat Breen: The Low Pay Commission is a very serious body which puts a lot of effort into the work it does, particularly on the minimum wage. It has regular meetings and is made up of nine people who are experts in their area. They represent businesses, workers and academics and they take their work seriously. I met Dr. de Buitléir last Tuesday and we went through the report which I am considering at the moment. In the report there is no explanation as to why so many women earn the minimum wage. Women are more likely to work part time than men. In some cases, it is partly by choice because it suits them to have flexible opportunities. I ask the Deputy to study the report. I have no problem consulting with him and talking to him about it. If he has some recommendations, we will take them on board. The Low Pay Commission has worked really hard on this report. It is not complete but it is the best it can do in the circumstances.

An Leas-Cheann Comhairle: Question No. 11 is in the name of Deputy McConalogue, who is not present, so we will move to Question No. 12 in the name of Deputy Maurice Quinlivan.

Question No. 11 replied to with Written Answers.

Small and Medium Enterprises Supports

12. **Deputy Maurice Quinlivan** asked the Minister for Jobs, Enterprise and Innovation her plans to provide additional funding to InterTrade Ireland to deal with the fall out from Brexit; and if she will make a statement on the matter. [32941/16]

Deputy Maurice Quinlivan: I thank the Minister. I mentioned this earlier when-----

An Leas-Cheann Comhairle: This is Question No. 12.

Deputy Maurice Quinlivan: I mentioned this earlier when we were talking about Brexit. How will InterTrade Ireland deal with the fallout from Brexit? Does the Minister have any plans to give InterTrade Ireland additional funding?

Deputy Mary Mitchell O'Connor: Funding of InterTrade Ireland is provided on a 2:1 basis by my Department and its counterpart in Northern Ireland, the Department for the Economy. Discussions between both Departments to determine a budget for the body for 2017 have not yet been concluded. I am very much aware of the difficulties that Brexit may pose for the companies that InterTrade Ireland assists, particularly SMEs. That is why I am keen to ensure it will have sufficient funding in 2017 to manage its operations, including assisting client companies to plan and prepare for the implications arising from the UK's withdrawal from the EU.

I am hopeful we will be able to increase budgetary support for InterTrade Ireland through my Department's Vote allocation for 2017. I cannot be specific about the amount of potential

additional funding at this stage. The 2017 allocation to InterTrade Ireland from my Department will be finalised through the 2017 Revised Estimates Volume process in conjunction with the Department of Public Expenditure and Reform. This is expected to be concluded by the end of this month.

I emphasise that I fully appreciate the important role that InterTrade Ireland will play in helping businesses deal with Brexit. Supporting its work will remain a priority of mine in the time ahead.

Deputy Maurice Quinlivan: I welcome the Minister's comments that she recognises how important InterTrade Ireland is and that she will support it. I request that she specifically asks for additional funding for InterTrade Ireland before the Revised Estimates are finalised at the end of the month. It is a very important group. Enterprise Ireland and the IDA got additional funding in the budget but InterTrade Ireland did not so I request we make sure it gets additional resources.

Deputy Mary Mitchell O'Connor: Protecting cross-Border trade from the potential impacts of Brexit is important. It is really hard to predict at this stage. I am hopeful I will have more money and that is what we are pushing for in the budget. It is clear that the cross-Border market on the island is particularly important for SMEs. It has a really important role to play in this area. We recognise it on this side of the Border and we will be funding it. We will know that at the end of the month.

Deputy Maurice Quinlivan: I thank the Minister. I welcome her comments which are very positive. I hope she will secure extra funding for InterTradeIreland.

Comprehensive Economic and Trade Agreement

13. **Deputy Mick Wallace** asked the Minister for Jobs, Enterprise and Innovation if she has read the recent study by Tufts University which uses the UN economic model to show that the Comprehensive Economic and Trade Agreement, CETA, will lead to job losses, a reduction in the labour income share and losses in GDP; her views in this regard; and if she will make a statement on the matter. [32945/16]

Deputy Mick Wallace: Has the Minister read the study by Tufts University in Boston which provides alternative projections for the CETA's economic effects? Using the United Nations' global policy model, it shows that the CETA will lead to job losses, a reduction in the labour income share and losses in GDP. It is entitled, CETA Without Blinders: How Cutting 'Trade Costs and More' Will Cause Unemployment, Inequality and Welfare Losses, and presents evidence which shows that the CETA will have negative implications for social cohesion.

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor): This question deals with technical economic modelling. The sustainability impact assessment, SIA, assesses the likely benefits of the Comprehensive Economic and Trade Agreement, CETA, and provides a comprehensive prediction on the impacts of the agreement. The study uses the so-called computable general equilibrium, CGE, model to simulate the impact of the CETA. These are standard tools for trade economists that create a computerised simulation of the world economy and model what happens when changes to tariffs and quotas are introduced. The CGE model used is state-of-the-art. It relies on assumptions about the economy in order to work,

but these are as reasonable as possible to make it as close to the real world as possible. For example, the model is able to account for the effects of economies of scale, different skill levels of employees, imperfect competition between companies and many other features of the real world economy.

Like any model, the CGE model may have its limitations. The model gives us our best indication of the economic effects rather than precise predictions of exactly what will happen. However, alternatives to the CGE approach such as the study referred to by the Deputy have not yet proved to be sufficiently reliable for an *ex ante* analysis of economy-wide effects of trade policy changes.

Deputy Mick Wallace: The Minister referred to the computable general equilibrium, CGE, model. This trade model assumes full employment and neutral income distribution in all countries, which clearly is an unrealistic assumption. It excludes any of the major and already proven risks of deeper liberalisation. The Tufts University paper argues that, by their design, the studies which use the single same CGE model do not form a reliable basis for assessing the CETA and its projected impacts. Is the Minister interested in a realistic and intellectually diverse approach to the CETA? The Government appears to have shut down any alternative or dissenting opinion on the CETA. I note that there is no reference to the CETA or the Transatlantic Trade and Investment Partnership, TTIP, in the programme for Government, which is amazing, given the implications of the two trade agreements for the people of Ireland. There is huge public concern about them. People are very concerned about the implications they might have for their lifestyles.

Deputy Mary Mitchell O'Connor: The Tufts study uses a hypothetical model which is not suitable in analysing complex trade agreements. Quite honestly, I prefer to look at real examples and the evidence we already have available. One such example is the EU-Korea Free Trade Agreement. It has led to an increase in Irish exports of 25%, which is proof that free trade agreements work in increasing exports, jobs and growth. We look at what is happening on the ground. Meat Industry Ireland has written to me in support of the CETA. Ireland has strong protections in place for the beef industry and we are very hopeful these new markets will soon be open. Irish companies will be able to bid for Canadian public contracts, as the limitations will end under the CETA.

Deputy Mick Wallace: If we wish to examine history, rather than future projections, to assess the effects of the so-called trade agreements on employment and trade, we should look at the North Atlantic Free Trade Agreement, NAFTA, with which the CETA has much in common. I will outline some of its results. The North Atlantic Free Trade Agreement led to a staggering US trade deficit of \$181 billion with NAFTA partners Mexico and Canada, a net loss of 1 million US jobs, growing income inequality, the displacement of more than 1 million Mexican farmers and a doubling of the level of desperate emigration to the United States from Mexico. An estimated \$360 million has been paid to corporations after investor state tribunal attacks on US domestic public interest policies. There is little doubt that Ireland agreeing to the CETA or the TTIP will lead to greater rights and privileges for large corporations and will be to the detriment of small and medium-sized businesses in Ireland. We will not be able to withstand the money these corporations can throw at problems and dispute mechanisms.

Deputy Mary Mitchell O'Connor: Ireland is a small, open economy. I want the benefits of the agreement to come into being, when we can have a fully informed debate based on facts and evidence. I mentioned the example of the EU agreement with South Korea. On the timing,

no decision has been made on when we will have a debate here. There are a number of factors. Obviously, the Singapore case is taking place and we will take the decision into account. We hear from small and medium enterprises that the CETA is leading to the opening of markets, especially in the context of Brexit. Small and medium-sized enterprises will be able to seek business in Canada.

IDA Ireland Portfolio

14. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation if she is satisfied with the current number of vacant IDA Ireland properties; and if she will make a statement on the matter. [33010/16]

Deputy Niall Collins: Is the Minister satisfied with the number of vacant IDA properties around the country, in view of the information she supplied to me in reply to a recent parliamentary question?

Deputy Mary Mitchell O'Connor: I am satisfied that IDA Ireland must maintain an adequate supply of marketable serviced land and buildings. The ready availability of property in advance of demand is critical to IDA Ireland's ability to compete for mobile foreign direct investment. That is particularly the case, given the increasingly competitive global foreign direct investment market and in the context of the result of the UK referendum on EU membership. If IDA Ireland did not have available properties to offer prospective investors, it would significantly diminish the agency's capacity to attract and win new investments, especially in regional areas. Its regional property programme aims to ensure suitable properties are available outside Dublin by investing €150 million in the provision of buildings and sites in designated regional locations. The portfolio of properties held by IDA Ireland is dynamic and changes to meet industry needs as they emerge. The number of available properties also depends on the level of demand from investor companies. Of course, it is important to mention that the agency also helps to provide property solutions for Enterprise Ireland clients. The objective is always to ensure companies are connected with the right property in the right place in order that the business concerned can thrive and jobs can be created.

Deputy Niall Collins: I am not sure how the Minister can say she is happy that IDA Ireland must maintain so many vacant sites. It is a staggering figure - 85 properties out of a total of 137 are vacant, or almost two of every three properties. These properties were not acquired in the recent or even the medium-term past. They have been vacant for a long period. Given that 94% of the 137 properties are located outside the Dublin area, there is a huge opportunity to address the two-tier recovery, regional imbalance which we have discussed throughout this session and earlier. Will the Minister and the Department undertake a specific task or initiative to address the issue? The Minister mentioned she had an increase of €53 million in her capital budget. What specific plan is out there? Apart from just mentioning IDA Ireland and EI, can we have a specific plan or initiative from the Minister, her Department and those agencies to address the vacant sites? They are under-utilised and their potential to address the imbalance in regional development is not being harnessed.

Deputy Mary Mitchell O'Connor: I made the point that when there are available properties and sites, it gives choice to foreign direct investment companies that would be interested in locating in Ireland. At the end of last year, the total number of available sites was 85. The most recent information IDA Ireland provided to me last April was that there were 21 vacant IDA

Ireland-owned properties. I can forward the details from the agency to the Deputy if he wishes.

Deputy Niall Collins: There is a major contradiction in what the Minister is saying. She stated that having vacant sites available gave potential FDI companies a choice. However, such companies are not exercising the option of taking up these sites. This is the point I am trying to get across to the Minister. We need a specific initiative to try to target companies - FDI or indigenous - and get them into these sites. In an earlier exchange, the Minister said she hoped to visit Limerick and that she had more in the pipeline for the city, which is welcome. I ask the Minister to step outside Limerick city and come to my constituency, where there is a vacant site at Askeaton, a former Shannon Development site. Whether it is under the auspices of IDA Ireland or Shannon Commercial Properties is irrelevant. Can the Minister come and see these vacant sites? They have been available for years and nothing is happening. Something must happen and we need a specific initiative.

Deputy Mary Mitchell O'Connor: To clarify, there are 21 IDA Ireland properties and 85 sites. When we have choice, especially in conjunction with the regional Action Plan for Jobs, it gives IDA Ireland an opportunity to bring FDI to the areas. Clare has had 13 site visits and the mid-west and Limerick had 39, as I mentioned earlier, to the end of the third quarter. I will talk to IDA Ireland. Although I would love to see FDI in every town and village, it will not happen. I do not decide; the companies decide where they want to locate.

Research and Development Supports

15. **Deputy James Lawless** asked the Minister for Jobs, Enterprise and Innovation following the publication of Innovation 2020, the mechanism in place to review progress and ensure targets in the strategy are being met on an annual basis; and if she will make a statement on the matter. [32997/16]

Deputy James Lawless: Following the publication of Innovation 2020, which set out a number of targets for research, innovation and such matters, what measures are in place to quantify, track and, if necessary, remediate progress towards those targets?

Deputy Pat Breen: I am taking this on behalf of the Minister of State, Deputy John Halligan. He had a prearranged appointment and the questions were supposed to be taken next week.

Deputy James Lawless: It is not the first time he has gone missing. Will he be here on the next occasion?

Deputy Pat Breen: A cross-governmental implementation group has been established to drive and ensure a coherent approach to the implementation of Innovation 2020. The group, chaired by my Department, consists of representatives from Government Departments, research funding agencies and the chief scientific adviser to the Government.

Innovation 2020 commits the implementation group to reporting annually to the Cabinet committee on the implementation of the strategy, including providing progress on the levels of investment required to reach our research and development investment target of 2.5% of GNP by 2020. In July of this year, a report on the progress of implementation to date was presented to the senior officials group and to the Cabinet committee on the economy, trade and jobs. The

progress report was noted by Government on 19 July 2016. The progress report was published and is available at *djei.ie*.

A number of high-level national indicators with associated targets to 2020 have been selected to measure success in implementing the strategy. Effective and timely delivery of the range of actions in the strategy will also be key indicators of success. The delivery of key actions will also be monitored through the annual Action Plan for Jobs process. As the Minister, Deputy Mitchell O'Connor, said, we are working on it with stakeholders and the Action Plan for Jobs 2017 will be published in February or March of 2017. A mid-term review will be carried out to ensure that we are on track for delivery and that any necessary adjustments can be made in a timely manner.

Deputy James Lawless: I thank the Minister of State, Deputy Breen, for standing in for missing-in-action Minister of State, Deputy Halligan. We will watch that space.

My colleagues and I are not aware of the cross-party group to which the Minister of State referred. I would seek further information on it. To my knowledge, it has not met. If it has, Fianna Fáil has not been invited. This is of concern. Science and research are very important to our nation in terms of education and the economy. It is well understood that pure research drives economic and scientific advancements. A recent *Financial Times* editorial championed it and it needs to be prioritised by advanced economies. The Government's approach has been to drop it down the scale and focus on commercial activity and, in terms of technology readiness, prioritise those areas closest to market. This not research but product development. An article in yesterday's *Irish Independent* said, "the Government here is unusually weak when it comes to direct funding of innovation". We are second last in the EU bloc. We need to see what is going to be done to change this, how it will be tackled, when the mid-term review will be and when the cross-party group will meet. My colleagues and I are not aware that it has met.

Deputy Pat Breen: The Innovation 2020 implementation group, which is chaired by the assistant secretary general of the Department, comprises representatives from other Departments, including the research funding agencies and the Government chief scientific adviser. The group has responsibility for driving and overseeing the implementation of actions and strategy. The group has met twice already in 2016 and one more meeting will be held before the end of the year. At the meetings, the group agreed a work programme for 2016 and compiled a progress report which was presented to senior officials of the group and the Cabinet sub-committee on the economy, trade and jobs. The Minister of State, Deputy Halligan, has brought the report before the Cabinet in conjunction with the Minister, Deputy Mitchell O'Connor, and this was noted in July. A draft work programme for 2017 is being put together by officials of the Department and the Department will be financed in time for the meeting of the implementation group which is to take place later in the year.

Deputy James Lawless: I am concerned. I am trying to be constructive and we wish to contribute constructively to this portfolio. However, the cross-party group has morphed into a cross-departmental sub-committee. I am none the wiser as to what exactly the group is and we have not been party to its deliberations. During the course of the Minister of State's answer, it seems to have changed from a cross-party group to some sort of departmental sub-committee. Either way, this matter needs to be taken seriously. There are targets in Innovation 2020. We stress that these are not ambitious enough. Be that as it may, they must be measured, monitored and actioned and resources must be allocated in respect of them. The available data suggest none of this is the case. I have spoken to people in the scientific community and researchers

at home and abroad - individuals who are overseas and who may be considering returning to Ireland - and they have all informed me that the single thing they need is a multi-annual commitment. They need to know if they are to move their research hubs or bases to Ireland that they will be supported with funding on a multi-annual basis. These are fundamental, basic tenets which do not appear to be contemplated in the strategy.

5 o'clock

Deputy Pat Breen: The budget for 2017 saw a 5% increase, amounting to over €15 million, for the Department's innovation programme, with a capital provision of just under €323 million, which has increased from €307 million. The budget also introduced measures to support small and medium enterprises and entrepreneurs, along with the lower 10% tax for capital gains relief as well. That will encourage and reward those who are at risk in starting a business that generates growth and jobs. Savings have been identified in the Department and they have been redirected to the research and development programme.

With regard to Innovation 2020 and the implementation group, 53 actions were initiated in 2016 and 45 actions were initiated-----

Acting Chairman (Deputy Eugene Murphy): Do not go into the 45 actions.

Deputy Pat Breen: I will not go through them. There was an increase in research masters and PhD enrolments, going from 1,750 in 2015 to 2,250 in disciplines aligned to enterprise and other initiative needs as well. Much has been done but more needs to be done. With the economy on the turn, it is important that we continue to work on innovation and ensure funding is made available so the group can continue its work.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Industrial Disputes

Acting Chairman (Deputy Eugene Murphy): I remind Members that a Deputy has four minutes for an initial statement and a Minister or Minister of State has four minutes to reply. A Deputy has two minutes for a supplementary question and a Minister or Minister of State has two minutes to reply. That is a total of 12 minutes and I will stick very rigidly to that in order to keep to schedule.

Deputy Thomas Byrne: I am grateful for the opportunity to raise this issue, at long last, in the Chamber with the Minister, Deputy Bruton. The issue has left the headlines because of the Garda dispute but it is of serious concern and worry to parents and students around the country. We have probably all experienced a teacher strike in our lifetime and one day off here or there is probably considered a bit of a bonus for children. However, I attended a careers fair a couple of weeks ago and the number of secondary school students who came to me to express their worry about the ASTI industrial disputes - there is more than one - was just incredible. Students are deeply worried and parents are quite stressed out, wondering what is going to happen next week. I suppose I am asking the Minister to set out an update on the position of the talks with

ASTI. There are talks going on regarding the current strike and industrial action and I also understand there are talks ongoing about junior certificate reform and the 10% figure for marks, which is another serious concern for parents that is becoming more of a talking point.

As my colleague, Deputy Jim O'Callaghan, said this morning to the Tánaiste and Minister for Justice and Equality, there are a number of sides to this and the fundamental duty of the State in the case of the Minister for Education and Skills is to provide education to our students. What is his contingency plan in the event of action escalating next week and schools having to close? Is he planning to notify parents of what is happening throughout the country, as there is considerable confusion? Although the matter is chaotic, there is confusion being added to the chaos of the Government's planning.

What is the Minister doing to engage directly with ASTI members, as I have done, to explain what is in the Lansdowne Road agreement and try to persuade them of its merits? There is considerable merit in the Lansdowne Road agreement and the Irish National Teachers Organisation, INTO, and the Teachers Union of Ireland, TUI, see that as well. It is unfortunate that ASTI members are getting left behind with regard to some of the improvements, particularly the improvement negotiated during the summer relating to young teachers. The Minister could go one step further in helping resolve the issue by saying the Government supports equal pay scales for all workers. That statement has proven difficult to get from Ministers and the Government over the past number of weeks but it would make a significant difference.

What have been the engagements of the Minister and the Department? Today, we were due to have a meeting of the Oireachtas education committee but the Department and ASTI requested that the meeting would not take place in public today. The committee agreed on the basis that, one could presume, some progress was being made in talks. We will certainly hold the meeting next week if that progress does not come about. I hope our assumption was correct. I look forward to hearing the Minister's response and what he has been doing. Many people are watching this so I hope to hear him explain to parents what will happen next week. Quite frankly, most people are in the dark.

Minister for Education and Skills (Deputy Richard Bruton): I thank Deputy Byrne for raising the issue. I absolutely agree this is a major concern for students and parents alike. I am very disappointed at the decision of the ASTI to take industrial action, and it will cause serious disruption for up to 250,000 students and their parents. However, talks have been continuing all this week and last week on both of the issues to which the Deputy referred, specifically junior certificate reform and the current dispute. We are working really hard to try to find a solution.

It is important to recognise the dispute we are facing on Monday is not about newly qualified teachers' pay but rather the withdrawal of supervision and substitution services, which could cause indefinite closure of schools that would be directly affected. It is important to put this in context because the withdrawal of supervision and substitution is the withdrawal of a core part of a teacher's duties. As the Deputy knows, in July the ASTI decided unilaterally to withdraw from working 33 so-called Croke Park hours, which facilitate parents and students with important meetings not in school time. These extra hours apply throughout the public service so it is not fair or equitable for one group of public servants to decide they will withdraw from these contractual hours when every other public servant works them. That caused the withdrawal of the benefits that accrue under the Lansdowne Road agreement, including the substitution and supervision payment that every other teacher gets.

I agree with Deputy Byrne that we must try to explain to teachers the benefits on the table with this deal. I have tried hard to progressively improve the position of teachers through negotiations with both the INTO and TUI. As the Deputy knows, we achieved flexibility in the use of Croke Park hours in May and in September we achieved a breakthrough on a deal for newly qualified teachers that provides up to a 22% increase in pay for those teachers. In the budget we provided for new posts of promotional opportunities for teachers. We have been trying to extend the benefits of these various agreements to ASTI members, and that is why we are so keen to continue trying to resolve this.

With regard to contingency plans, the ultimate decision of whether to have a school open is a matter for each school. However, we sought to keep schools open, get agreement from the ASTI that principals would co-operate with the deployment of alternative staff and that we would be given enough time for the schools to recruit those alternative staff so it would be possible for schools to remain open. Unfortunately, the ASTI declined to do this. As a result, many schools have had to make a decision on whether they can meet health and safety requirements of supervision of children. It is our understanding that a large number of schools will not be able to remain open once supervision and substitution services are withdrawn. Schools will notify parents as each school will make a different decision, based on particular circumstances. As the Deputy knows, some secondary schools are entirely made up of TUI teachers, some are mixed and some are made up of ASTI teachers. It is ultimately the schools that will have to make that decision based on health and safety considerations.

I assure the Deputy that throughout this I have been at pains to seek to keep schools open and extend to ASTI members the benefits that are possible.

Deputy Thomas Byrne: The Minister's statement is of deep concern. Essentially, he is reporting that there has been no progress in the talks which have taken place over the past several weeks. Had this question been asked two weeks ago, the answer would have been exactly the same. What has been happening in the talks? Has some progress taken place? A door was opened last week by the president of the ASTI. Was that opportunity grasped by the Department at the time? My understanding at that point was that there was a willingness to engage openly. What happened? Was that opportunity lost or is it still being worked on?

It is not good enough to put the entire responsibility of opening and closing schools on to the Joint Managerial Body, JMB, the Association of Community and Comprehensive Schools, ACCS, or the education and training boards, ETBs. Most parents are not familiar with these organisations. If this goes on past next Wednesday, people will be fed up and looking at what the Government has done to ensure their children are educated in accordance with their rights at second level, rights started off by Donogh O'Malley 50 years ago. It is not good enough to pass the buck to schools.

Yet again, the Minister has refused to outline any commitment whatsoever to equal pay. Who can be against equal pay scales? It cannot be a negotiating tactic that one does not support equal pay scales. If the Minister would give such a commitment on the floor of the House, or if the Taoiseach had done so last week, it would make a difference. No one is expecting the pay rates will change tomorrow. What they know is that members of the Irish National Teachers Organisation, INTO, and the Teachers Union of Ireland, TUI, will get increased pay rates from January. I would like the ASTI to be part of that. If that signal could be sent on equal pay, it would make a significant difference. I urge the Minister to take that opportunity. That has been said many times by many of the people involved.

Next week there will be pressure on our students and a worry for their parents, while many teachers are at an information deficit.

Deputy Richard Bruton: The Department cannot make a decision for a school whether it opens or closes. The school has to make that decision on the basis of whether it can provide the level of supervision necessary to ensure the health and safety of the pupils. That is the responsibility of schools. We have leaned over backwards to put them into a position in which they could do that. We sought to have such an agreement with the ASTI but one was not forthcoming. This has put many schools in an impossible situation and they are not able to stay open in face of this.

As for the suggestion from Mr. Ed Byrne that something could be done, he described it himself as a musing and no formal offer has been advanced by the ASTI. We have a formal proposal on the table, namely, we would pay in full all the supervision and substitution moneys, extend new entrant pay up to 22% for newly qualified teachers, extend flexibility on Croke Park hours and extend promotional opportunities. These are conditional if the ASTI does the same as every other public servant and works the hours agreed under the Croke Park agreement. That is fair and equitable.

Deputy Thomas Byrne also raised the question of whether it is fair and equitable. The point has to be made, however, that it is not appropriate to negotiate with every public service union in public. One cannot hold these negotiations over the airwaves. One also has to bear in mind what the trade union IMPACT said, namely, that it would not be fair or equitable to enter into a sectorial arrangement with one union which does not respect the agreement that applies to every other union. We have to be fair and equitable to all the many groups which look to the Department of Education and Skills and other Departments for resources to meet their legitimate demands. These issues need to be negotiated under the process outlined by the Minister for Public Expenditure and Reform, which is the way we can advance all these concerns.

Fáilte Ireland Staff

Deputy Alan Kelly: It is quite unfortunate the Minister for Transport, Tourism and Sport, Deputy Shane Ross, is not here to respond to this matter and that the Minister of State had to be pulled back up from Limerick or where ever he was to deal with it. I understand the Minister is heading out of the country.

I must declare I was a former employee of Fáilte Ireland. This matter relates to the process in which the agency is engaging in filling the post of chief executive, an issue of concern to me. Before his appointment as Minister, Deputy Shane Ross would wax lyrical from the opposition benches and in the *Sunday Independent* about quangos, State board appointments and other such issues. After six months in office, he has still refused to meet Fáilte Ireland even once. The agency is not engaging in using the Public Appointments Service, PAS, system to fill the chief executive post. Instead, it is using a company called Amrop. Transparency is not there.

Why is the senior Minister not using the PAS system to give transparency to this process? In reply to a parliamentary question on this, the Minister stated Fáilte Ireland was not obliged to do so. If one looks at the PAS website, however, many other State agencies do so. In fact, another agency under the Minister's remit is currently using it to fill vacancies.

One of the biggest marketing jobs in Ireland - and given Brexit - is not filled by the Minister in a way which I would have expected him to do so, given his track record. Does the Minister of State feel this is appropriate? Will the current process using a private company be stalled? Will the position be readvertised? Why has it taken so long? If this is the best process, why has no one been appointed? Is there an issue of which we need to be made aware?

It is incredible the Department was unable, unwilling or did not feel it necessary to have a representative on the interview board for the chief executive of one of the most important agencies under its remit. I know the Secretary General of the Department quite well. He is a capable man who worked with me when I was there. I am sure the assistant secretary, who I do not know, is also competent and capable. If a Department is going to jump outside the PAS system, will the Minister of State agree the Department should have a role in a recruitment process to ensure it is transparent and that the best person, the person with energy and vision, which are the two main requirements for the role, gets the job?

There is a concern that because the senior Minister refuses to use the PAS, there is some reason Fáilte Ireland is going around the way it is. Why has the appointment not been made? Amrop claims to be one of the best executive search companies on this planet, but after six months it is incapable of filling the job. What is the issue?

Minister of State at the Department of Transport, Tourism and Sport (Deputy Patrick O'Donovan): I will pass on Deputy Alan Kelly's concerns to the Minister as to his well-being.

Deputy Alan Kelly: I did not ask about his well-being at all.

Deputy Patrick O'Donovan: He is on his way to the Ireland-New Zealand rugby match in Chicago. I will also pass on the Deputy's good wishes to the Secretary General of the Department of Transport, Tourism and Sport. I agree with him that he does a fantastic job. I can also attest to the fantastic job the assistant secretary, who the Deputy has not met, does.

I have been informed by the board of Fáilte Ireland that it has carried out a public recruitment process, through the executive search company Amrop, for the appointment of a chief executive officer to Fáilte Ireland. The carrying out of such a process is a matter for the authority in accordance with its statutory functions and with the Government's guidelines. The term of office of the current chief executive officer of Fáilte Ireland, Shaun Quinn, is due to expire on 31 December 2016. I should take this opportunity to acknowledge the contribution he has made to the impressive growth in the tourism sector over his years at the helm of Fáilte Ireland.

The consent of the Minister for Public Expenditure and Reform to fill the chief executive post was sought and received earlier this year and was subject to a number of conditions, including that the filling of the post be by means of an open competition. The Department was informed that the authority intended to run a public process, including by means of public advertisements.

The statutory requirements governing the appointment of a CEO by Fáilte Ireland is set out in section 31 of the National Tourism Development Authority Act 2003. In accordance with subsection (3) of that section, the chief executive is appointed by the authority with the consent of the Minister for Transport, Tourism and Sport. Under subsection (7) of Section 31, the CEO shall hold office upon and subject to such terms and conditions, including terms and conditions relating to remuneration and allowances, as may be determined by Fáilte Ireland with the consent of the Minister given with the consent of the Minister for Finance.

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The Department has been advised that, following consideration by the authority, it decided to undertake the recruitment process through a private recruitment firm rather than the Public Appointments Service. The Minister has been advised that the post was advertised in a number of publications in April 2016, including a national daily newspaper and a national Sunday paper. In addition, an executive search process was undertaken by Amrop. A high number of candidates were identified through these processes and, following a selection and interview process, a preferred candidate has now been identified. The authority has assured the Minister and me - I met the chairman recently - that the search and selection processes undertaken were robust and thorough and that all candidates went through the same rigorous transparent process and were dealt with in a fair manner.

On 26 October 2016, the authority sought the consent of the Minister to the appointment in accordance with its statutory obligations under section 31(3) of the Act. The authority has also sought the consent of the Minister to the terms and conditions of the appointment under section 31(7) of the Act. Both these requests are under consideration and, regarding the latter, the Minister will consult with his colleague, the Minister for Public Expenditure and Reform.

Regarding the nature of the process carried out by the authority, the decision to undertake a public process through a private company rather than the Public Appointments Services predated the Minister's appointment and mine. However, we acknowledge the fact that the processes undertaken were carried out in an open and public competitive process.

Deputy Alan Kelly: I am glad the Minister of State has confidence in his own Department. However, I find it bizarre how he or the Minister, Deputy Ross, can have confidence in their own Department yet be incapable of putting one of the two senior people in charge onto the interview board. Even if this process had to be done outside of PAS, it is incomprehensible to me that a Department is responsible for an agency whose total funding comes from the taxpayer, yet not one single person from the Department was put on the interview panel. I know who is on the interview panel, as a matter of interest, and it could have done with a member of the Department.

I am glad the Minister of State met the chairman because the Minister, Deputy Ross, has not had time to meet the chairman of one of the most important agencies in his Department, according to the reply I received. The Minister of State said that Fáilte Ireland has indicated in writing a preferred candidate. Is that candidate being put forward, and will his or her salary be kept within the public service caps? Will the Minister of State confirm and guarantee that here and now? I would like that to be known.

Regarding the overlap, which the Minister of State says happened regarding the process being undertaken, that is irrelevant because he was in place very soon afterwards and could have stopped it. I am sure he was briefed in this regard at the first meeting of his ministerial management advisory committee, MinMAC, so that could have changed straight away.

The Minister, Deputy Ross, is a hypocrite if he makes an appointment through this process and does not use the Public Appointments Service for one of the most senior appointments he will ever make as a Minister. There are jobs in his Department that go through the Public Appointments Service, so not to put this position through that system smacks of total hypocrisy by the Minister involved, and I ask the Minister of State not to be party to it.

Deputy Patrick O'Donovan: The Deputy will know, having himself been a Minister in this

Department, and indeed having headed up a Department, namely, the Department of the Environment, Community and Local Government, that there is no requirement that the authority in question, Fáilte Ireland, use the service to which the Deputy refers. The decision-----

Deputy Alan Kelly: If the Minister dictates, though, there is-----

Acting Chairman (Deputy Eugene Murphy): The Deputy had his say. I call on the Minister.

Deputy Patrick O'Donovan: I have no reason to suggest that the decision Fáilte Ireland made on the appointment process in this case is anything other than transparent, I have no reason to suggest that it is anything other than fair and I have no reason or evidence to suggest that it is anything other than a process to try to identify the best possible candidate. If there is some reason the Deputy believes should be brought to the attention of the House, the Department or me, or if he has any evidence to suggest that the process was anything other than fair-----

Deputy Alan Kelly: I have just done so.

Deputy Patrick O'Donovan: -----or anything other than-----

Deputy Alan Kelly: I have just done so.

Deputy Patrick O'Donovan: The Deputy has not. What he has done is-----

Deputy Alan Kelly: The Department-----

Deputy Patrick O'Donovan: The Deputy had a good run at it.

Acting Chairman (Deputy Eugene Murphy): The Deputy is a former Minister.

Deputy Patrick O'Donovan: Yes, and he should-----

Acting Chairman (Deputy Eugene Murphy): He knows he should at least have the courtesy to allow the Minister of State to respond.

Deputy Patrick O'Donovan: I thank the Acting Chairman.

Acting Chairman (Deputy Eugene Murphy): Deputy Kelly had his six minutes; the Minister of State is entitled to his six minutes.

Deputy Alan Kelly: Okay, Acting Chairman.

Deputy Patrick O'Donovan: I thank the Acting Chairman.

The Deputy will know well that Fáilte Ireland's board and chairperson would take the appointment of the CEO extremely seriously. I had a recent briefing with the chairperson of Fáilte Ireland. As the national tourism development authority, it is very conscious of the fact that we need a good person heading up the organisation, particularly in the context of Brexit. Therefore, if there is any suggestion that there has been any impropriety or anything untoward in the appointment of a person, if people can suggest a reason as to why they believe there has been some sort of impropriety, they have an obligation to bring that information forward. I have not heard, other than the Deputy's-----

Deputy Alan Kelly: I asked about the pay cap.

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Deputy Patrick O'Donovan: I have not heard anything other than-----

Deputy Alan Kelly: I asked about the pay cap. The Minister of State has not answered the question.

Acting Chairman (Deputy Eugene Murphy): Time has-----

Deputy Patrick O'Donovan: If the Deputy had refrained from constantly interrupting me, he might have got the reply.

Acting Chairman (Deputy Eugene Murphy): I know. The time has concluded. I thank both Deputies for their contributions, even though the debate was a little difficult-----

Deputy Alan Kelly: The Minister of State might reply in writing.

Acting Chairman (Deputy Eugene Murphy): -----to control at times.

Homeless Accommodation Provision

Deputy Aengus Ó Snodaigh: Unfortunately, the Minister, Deputy Simon Coveney, is not present. I know he knows the site in question, given the fact that he visited it only yesterday and failed while he was there to meet the community that has been raising major concerns about the selection of a community hall as a new homeless centre in the heart of Dublin 8. The hall in question is the St. Nicholas of Myra Hall and Carman's Hall, just off Francis Street. If the Minister of State wants a quick lesson on what is happening in the area, there are more than 600 emergency beds there, including long-term support beds, drug treatment beds, homeless beds and hotel beds, all within one square mile of this hall. That is the concentration of supports this community has accepted and agreed to. It has worked with homelessness organisations to ensure that these unfortunates, some from the area, have the benefit of a roof over their heads. Therefore, this is not NIMBYism, a "not in my back yard" approach.

This issue is being raised because a community had a community hall and was seeking to convert it back into a community hall following its closure on fire protection grounds only a few short months ago. It is very bad faith on the part of the Archdiocese of Dublin not to have continued to engage with the community but instead to refuse to return calls and so on from people including the former mayor, Críona Ní Dhálaigh. While she was mayor she tried to advocate on this issue, along with Dublin City Council, which was willing to take over the hall and bring it back to the work it was doing, including its use for meals on wheels and many other outreach programmes in the area. Overnight, the Minister and his officials have come in and used emergency laws to allow work to begin, but there are major questions as to whether or not that is legal. There was no commencement order. Work had started five days before that appeared. I have been told they are working through the night in a residential area, which is not within any regulations. The nearest house is literally across the road, a distance equivalent to that between myself and the Cathaoirleach in the House tonight. That is not the type of place to start building works in the middle of the night. I remind the Minister of State that the yard of this hall is used as the crèche playground. They are now being asked to share this with a homeless facility. This is not the site.

On many occasions, I have suggested alternative sites not only to the Minister here in the House but also to Mr. Brendan Kenny, who is now the housing manager of Dublin City Council.

Even this morning, I suggested two additional sites in the locality to him which the community would be happy with. Only last year, there was a fortune spent on Brú Aimsir on Thomas Street. That is to be closed and the services moved to this centre. It is illogical. We supported Brú Aimsir and the extension of time granted for it to remain. We do not know why that timespan cannot be extended again or, at the very least, why an alternative location cannot be found for it that is next door, because all of the buildings next to Brú Aimsir are derelict at present. This is a bad move. The use of emergency legislation to rush it through is in bad faith.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I thank Deputy Ó Snodaigh for raising this issue in the House. On a given night in the Dublin region, there are approximately 1,650 individuals in temporary emergency accommodation, such as hostels and other supported accommodation. This includes an additional 275 beds that have been put in place in the last two years.

The most recent Dublin region rough sleeper count recorded 102 individuals as sleeping rough in the region on the night of 24 April last. This compares with the figure of 91 recorded the previous November and 106 in April 2015. The Dublin region's outreach services work on an ongoing basis to engage with all individuals sleeping rough with the specific goal of moving people into either emergency accommodation or housing-first solutions. The next official Dublin region count will be held towards the end of this month, with the exact date to be finalised in the next couple of days. The official rough sleeper count is the accepted methodology across all the various stakeholders. However, the Dublin Region Homeless Executive estimates there may currently be in the region of 140 individuals sleeping rough.

The Dublin region cold weather plan has commenced operation and is subject to ongoing review. This proactive plan is undertaken each year as winter approaches with the emphasis on having a variety of additional options for people who do not or cannot avail of existing homeless services. The overarching aim is to prevent fatalities and other serious harm due to rough sleeping in very cold weather. As part of this plan, the Dublin Region Homeless Executive is putting in place additional emergency accommodation in the Dublin region with a view to these beds being operational by early December. They are advancing three projects at present, which will see over 200 additional bed spaces provided. One of these is at the former St. Nicholas of Myra Centre at Carman's Hall in Dublin 8, which will provide 50 beds. The provision of homeless services, including accommodation, is a statutory function of housing authorities and my Department has no role in operational matters such as the selection of sites and the delivery of on-site services.

Given the Dublin Region Homeless Executive's current estimate of approximately 140 rough sleepers, the additional bed spaces will be enough to cater for all those presently sleeping rough who wish to bed down for the night while allowing for some additional capacity. Also, Rebuilding Ireland - an Action Plan for Housing and Homelessness recognises that simply providing additional emergency beds is not a viable long-term solution for individuals in emergency accommodation, particularly those availing of the services on a regular or recurring basis. These are people with complex needs and Rebuilding Ireland commits to housing-led initiatives through which permanent, stable and supported housing will be provided to these individuals, thus reducing the reliance on emergency accommodation over time. Rebuilding Ireland has set a target of securing 300 such tenancies in the Dublin region by the end of 2017, which is triple what the current housing-first programme is due to deliver this year. The Dublin Region Homeless Executive is working with a consortium of Focus Ireland and the Peter McVerry Trust to deliver this programme.

I hope that gives the Deputy some indication that hopefully these plans are just temporary. We are trying to put in place long-term, permanent solutions to be able to give these people the option of a permanent home.

Deputy Aengus Ó Snodaigh: I do not know what “temporary” means in this day and age, given we were told quite a number of years ago that the homeless crisis in this city was temporary. That seems to suggest that this is not as temporary as suggested and that it is not for six months or a year. Given the level of work that I have seen happening in that hall, this is no temporary measure for six months, nine months or a year or two.

The Minister of State said the Department had no role in selecting the hall but the Department did agree with it and allowed it to go ahead. It is the Department which is overseeing the implementation of section 179 of the Planning and Development Act. It begs the question: where next with that Act? Can the Department start taking over people’s homes if they are set aside for a while? Can it totally ride roughshod over community concerns? This is not the way to do business, especially with a community that has been quite open and helpful in trying to ensure that those who are less well off than them are looked after. However, they also look at nearby constituencies and nearby areas of Dublin and County Dublin in which absolutely no services have been put in place. Once again, their community is told to bear the brunt of the homelessness crisis.

Only 100 yd. away from the hall or perhaps even less than that, there is a hotel which is used by the Dublin Region Homeless Executive, the Viking Lodge. There was a fire in it only last week. That is the scale of the amount of services that the community has hosted and has been willing to host. That is not the problem. The problem is that this building and its location are not suitable. There are also concerns that it will affect the likes of the crèche, which now has to find alternative play space for its children because it will not be able to share with 65 homeless people who will be using this centre. This is not ideal. It is not the way to do business. Even at this late stage, I hope the Minister of State goes back and allows the Department, the city council or whatever to liaise properly with the community upon which this has been foisted, because that community has had no say or consultation in any shape or form.

Deputy Damien English: To address the concerns of the Deputy on the temporary nature of this measure, the idea behind making the tackling of homelessness and housing the No. 1 priority of the Government is that people will only be homeless on a temporary basis. We are trying to put in place long-term sustainable solutions. Ending rough sleeping and the use of unsuitable long-term emergency accommodation, including hotels for homeless families, are key priorities of the Government. That is why there was an action plan published in July with 84 actions bringing together all of the agencies, including the local authorities. We all know the solution to ending homelessness is to increase the housing supply. We simply cannot do that overnight but that is why we are trying to increase the supply as quickly as we possibly can.

By now, the Deputy will already be familiar with the contents of Rebuilding Ireland. It is a comprehensive, action-oriented and well-resourced plan to boost housing supply. The action plan also sets out a clear roadmap to achieve the Government’s goals, to significantly increase and expedite the delivery of social housing units, to boost private housing construction, to improve the rental market and to deliver on the commitment to increase housing supply in overall terms to some 25,000 new homes every year by 2020. Just as the drafting of the action plan was a collaborative process involving a wide range of interests, so too will its implementation rely on all stakeholders, including Departments, local authorities, housing agencies, voluntary

bodies and the construction sector, to achieve its ambitious goals. The key targets of the action plan will also be subject to regular Cabinet review.

I have no doubt that this House will play an important part in that process going forward and that the action plan will deliver permanent solutions. I understand the concern. People have seen timelines missed, deadlines missed and problems continue to arise. However, we are very committed that this is priority No. 1. The whole of the Dáil was involved in the committee on homelessness as well. With the resources that are put behind it, I have no doubt but that this action plan will bring about the solutions that the Deputy wants to achieve. I understand the concerns he has locally, but we have to try to solve this on a national scale. It is predominantly in the Dublin region and that is where the resources are going to be to try to tackle this and bring it to a head once and for all.

Homeless Persons Data

Deputy Mick Wallace: The figures on homelessness released yesterday were once again pretty shocking. It is hard to credit that things are still getting worse. Despite the fact that the bulk of this Government has been in power for nearly six years at this stage, things still continue to worsen. I heard the Minister on the radio this morning talking about the rapid-build housing units that were supposed to be the most immediate fix to the problems of homelessness. While his Rebuilding Ireland: Action Plan for Housing and Homelessness in June said 200 more such units would be completed by the end of the year, we now understand that is unlikely to happen. The Minister said he has instructed the CEOs of the four Dublin local authorities that he wants 320 units under way by the end of the year.

It is a little bit rich for the Minister to attack the local authorities when the procurement process in the Department seems to be still in the dark ages. It appears to take up to 18 months, and it can take 24 months, for approval for social housing schemes to be put together. I do not know whether it is due to money or drawings but there is an unbelievable delay.

Will the Minister issue a directive to his officials to fast-track the procurement process as that would make a significant difference? There is a major lag in the system and there does not appear to be any attempt to address it. I wonder sometimes whether the money is there at all or if the delay is just due to bureaucracy.

Outside Dublin, there is great potential to build between five and 25 units on small sites throughout the country if the paperwork could be done and the finance could be put in place. There is no end to the number of small and medium-sized builders who would be prepared to build those units. The builders are available and they are not seeking to make crazy money on the projects.

I am amazed by the scheme the Government introduced to provide a subsidy for qualifying buyers of new homes. It seems to be a direct subsidy to the developer rather than to the individual. The Minister said this morning that he hopes to encourage the private sector to get more involved. A carrot such as the subsidy is obviously part of the encouragement. However, one cannot dictate when the private sector will engage with the market, as it will do so when it suits. That is normal, that is business, but the State must take a more direct, hands-on approach if it wants houses built quickly. Direct build is the shortest route to putting houses in place in order that we can bring an end to the housing crisis and tackle the homelessness crisis. The

notion of depending on the private sector to solve all the problems is the stuff of fairy tales and it will not happen.

Will the Minister of State indicate whether there are any answers to the delay in the procurement process in the Department itself and why it is taking so long to make progress? Surely, given that it is an emergency, emergency measures must be taken in that area as well?

Deputy Damien English: The Deputy is correct. The figures for those who are homeless and those who are living in temporary accommodation are not acceptable. No one denies the figures and that is the reason it has become the Government's number one priority to tackle the issue. It is also the priority of this House to tackle the issue and to reduce the number of homeless people. The action plan has been devised to deal with the problem and I have no doubt it will address the issue. There is no doubt housing and homelessness is the most pressing social and economic issue facing our country. That is the reason there has been a total concentration across Government, including many Departments and agencies, to solve the crisis.

There has been an ongoing shortage of social housing supply and the issue has been compounded by a dysfunctional housing system. Deputy Wallace mentioned procurement but there are many related issues both in the private housing sector and in the delivery of social housing. The system has failed in recent years and we are trying to rebuild it and improve capacity both in the delivery of social housing through local authorities and direct build, as Deputy Wallace suggested, but also by getting the private sector delivering housing again.

Homelessness is the tangible and visible symptom of the broken market, and its impact on individuals and families can be profound. Figures published yesterday are based on housing authority reports for a week in September 2016 and identified the following numbers of individuals and families in receipt of State-funded emergency accommodation: 4,283 adult individuals, 1,173 families, of which 1,014 are in the Dublin region, and 2,426 dependants associated with those families. The total number of homeless adults and dependants is 6,709. I said in a previous debate that approximately 140 people are rough sleepers on the streets. More than 1,000 families are in temporary accommodation arrangements which are not satisfactory. That is what we are trying to deal with and we are trying to put in place permanent solutions for them as opposed to temporary arrangements whereby they are in bed and breakfast accommodation and hotels.

Deputy Wallace said he is familiar with Rebuilding Ireland: Action Plan for Housing and Homelessness. The plan, which was launched in July, is not just about the delivery of housing. It also sets out to address the social failing that is homelessness by raising awareness, putting in place homelessness prevention measures, providing better services to those who are homeless, and ultimately, matching the additional supply that will be created to current accommodation needs and ensuring there is a route out of emergency accommodation for every single household.

Rebuilding Ireland provides for early and longer-term solutions to address the very high levels of homelessness, especially the unacceptable number of families in emergency accommodation in hotels. In that respect, Rebuilding Ireland commits that by mid-2017, hotels will only be used as emergency accommodation in limited circumstances. The plan provides for specific additional supports and services for families in hotels while they remain in hotel emergency accommodation. To move people and families on from emergency accommodation into more permanent housing solutions, under Rebuilding Ireland, 1,500 rapid-build units will be

delivered by 2018. By the end of this year more than 300 units will be on site or nearly completed, with a target of 800 for next year. There will be a major ramp up of rapid-build houses in 2017, which as Deputy Wallace said are direct-build housing, and they are coming on stream.

We are also chasing up vacant units as they provide a quick solution to the problem. A total of 1,600 vacant units will be acquired by the Housing Agency which will be funded with €70 million in capital Exchequer funding to find and acquire suitable portfolios of vacant properties for social housing, including homeless families, directly from financial institutions and investors. More than 500 properties have already been referred to the agency for potential acquisition and thus far the agency has made 181 bids on them, of which 70 have been accepted.

Changes are also being made to the planning process and to the Part VIII provisions on the delivery of social housing to speed up the process. The number of homeless housing assistance payment, HAP, tenancies will be expanded from 550 in 2016 to 1,200 in 2017. The 2016 target has been met and we are setting a very high target for next year to deliver permanent accommodation solutions to people in temporary accommodation.

Deputy Wallace asked if the money is really there. The money is there. On budget day, €1.3 billion was announced and confirmed as the spend for next year on housing, which is double what it was for 2016. A total of €5.5 billion of taxpayers' money has been allocated to tackle the issue over the next three to four years by this Dáil following a commitment by Government. The money is there. That is not the issue. It is a case of getting the system up and running again with the capacity to deliver. Deputy Wallace is correct that this is the number one priority and we must deliver on it. The resources are in place. It just takes a little time to get the supply back up to where it should be.

Deputy Mick Wallace: The Minister spoke about buying vacant units. In June this year the Minister, Deputy Coveney, said to us at the Committee on Housing and Homelessness that he would like to see the State buying up properties. He said he would like us to be proactive and look to acquire properties that are not occupied, in particular. Sadly, that has not happened nearly enough. It goes without saying that currently it is cheaper to buy than to build. Given that we have such a terrible homelessness crisis, buying houses is the shortest route to dealing with the problem, but we have not bought anything like enough housing units. I accept it is vacant units that are sought but if one takes the big blocks of houses or apartments that NAMA has been selling, if the State said it wanted 20% of those, it would be found that there have been up to 10% and 20% of empty units in some of the big blocks sold by NAMA. I do not understand for the life of me why the State has not been buying them. I am confident in predicting that the average selling price NAMA received in the past four years is less than €100,000 a unit. We are spending a lot more building housing units. If we had bought them, we would not have the homelessness figures we have because we would have had units ready to cater for homeless persons. I appreciate that not all of the units were perfectly located, but some of them were. We have not been proactive. It is not like the homelessness crisis started six months ago. It started years ago. I cannot rationalise it and do not understand it. Obviously, there are other factors involved, but our failure to control rising rents is a serious issue. We are not going to control rent increases in taking this approach. The decision to invite the real estate investment trusts here and charge them bugger all in tax has added to the increase in rents which, in turn, is adding to homelessness. The lack of long-term thinking in the past couple of years has been frightening.

Deputy Damien English: In recent years sufficient financial and human resources were not available to local authorities and Departments to enable them to tackle this problem which

has, undoubtedly, continued to get worse in the past 18 months to two years. Over 2,700 people will exit homelessness in 2016 because we have secured permanent housing solutions for them. More than 5,000 exited homelessness in the two previous years. Many people who became homeless in recent years have come through the system and now have permanent housing solutions. While we are making progress, there is no denying that additional families are entering homelessness. We hope to be able to catch up in that regard and get ahead in the coming months. We are trying to do this by implementing a range of actions across various Departments. I accept that this means the active purchase of properties by local authorities and housing agencies which are being very careful not to compete with others who are trying to buy the same properties.

We are trying to buy vacant properties. We are dealing with all of the lending institutions to identify and buy properties that may have been vacant for a period of time. Some €70 million has been provided to make this happen. Two other new schemes have been announced to give local authorities the finances they need. Under the first scheme, money is being provided to lease vacant properties and help their owners to bring them back into use. Under the second scheme, money is being provided to buy and refurbish houses. A number of new initiatives have been brought forward. Over 500 HAP scheme houses were delivered this year for people who were homeless. That figure will increase to 1,200 next year. We should be in a position, given the funding allocated, to provide over 3,000 housing solutions for people who are homeless. Funding has been ramped up to meet demand.

As the Deputy understands the building industry, he will appreciate that we cannot flick a switch overnight. I do not doubt that when all of these actions have been completed, we will have a construction sector that will be back on a stable footing. We will have a constant supply of housing to ensure we will not be in this position again. A major part of this will involve the delivery of enough social housing to deal with the demand. We cannot have people living in emergency accommodation on a long-term basis. That has to end and we are committed to ending it by June next year. The Deputy is sensible enough to understand this will take a little time. We cannot announce a plan to deal with a problem in July and have it fully solved by August. It takes a little time and we are beginning to get into it now. We will try to stay ahead as best we can.

Public Holidays (Lá na Poblachta) Bill 2016: Second Stage [Private Members]

Deputy Aengus Ó Snodaigh: I move: "That the Bill be now read a Second Time."

Molaim go mbeidh an reachtaíocht seo bogtha agus léite don Dara hUair. Is í an fheidhm atá leis an bpíosa reachtaíochta simplí go leor seo ná go mbeidh lá saoire baine breise againn amach anseo, agus an lá sin dírithe ar meas agus ónóir a thabhairt dóibh siúd as a bhfuilimid bródúil. Bheadh "Lá na Poblachta" mar theideal ar an lá sin. When I have raised this matter previously, as I have done consistently since 2013 when I first drew up this legislation, I have been asked why - cén fáth - we should have another bank holiday. I have explained that I was first moved to make this proposal at the decade of commemorations committee in 2012 when I raised the possibility of a once-off bank holiday in the centenary year of 2016 in celebration of the ideals of the Republic that had been declared on 24 April 1916. Although my proposal received a favourable reaction from most people, it was not accepted by Ministers.

When I investigated whether it would be appropriate to look for an additional bank holiday, I came across a statement made by a former Member of this House, Ruairí Quinn. In September 2006, as his party's spokesperson on enterprise, trade and employment, he made the case for additional bank holidays. He said "with only nine statutory days off each year, the Government should move to introduce two additional public holidays to bring us in line with the EU average of 11." Therefore, I expected to get the backing of the Labour Party when I sought to provide for one additional public holiday. When I introduced a Bill to that effect last year, however, the then Minister, Alex White, batted for the Government and shot down my proposal. As I am not easily deterred, I decided to propose this legislation again. I have not done so to be awkward or because I did not get my own way, but in the light of the tremendous year we have had since Alex White rejected my proposal. There has been a huge outpouring of enthusiasm across the country for what happened in 1916. People enjoyed taking part in local and national events and looking once again at the exact context for and meaning of the Republic that was declared in 1916. One of the most successful projects to be pursued as part of the national programme was the engagement with schoolchildren. I do not think anybody in this Chamber who met schoolchildren who had organised commemorations or attended some of the events that took place when Army officers visited schools would be deterred from saying it was a useful piece of history and nation-building, which is the key part. My proposal is about much more than an extra holiday. I will return to this point.

I learned last week or the week before that my proposal to establish a Republic Day had been selected for debate in the Chamber this evening. The following weekend, I found that, in addition to Ruairí Quinn, I had another supporter in this respect. Brian Hayes, MEP, would be far from a supporter of mine. We continuously clashed when he was a Member of this House. I think I only agreed with him once in the time he served here. Last week he said "additional public holidays" - not singular but plural - "should be granted to acknowledge the sacrifices made during the economic crash." He continued:

As a recovery country with pay restoration dominating national debate it's time to look at our public holidays. The European average is 11 and we lie second last with 9 public holidays a year. Finland (15), Malta and Spain (14) have a full week more public holidays than Irish workers.

While I agree with him, I do not think it should be just an additional public holiday. Given what we have seen in the last year and where we are today, we should have a new national holiday - Republic Day - on 24 April each year in acknowledgement of the sacrifices of the men, women and children who kept this nation alive for many centuries, those who fought to establish the Republic and the need to implement the republican ideals set out in the Proclamation, which is a seminal document. While I would like that to happen next year, if possible, I am realistic enough to know that it will take time to implement this measure.

6 o'clock

I also realise we need to give notice to the business community and everyone else in order that they can plan. Whether it happens next year, the year after or the year after that, I am not pushed. Once it is declared that it will come into effect, it will represent one of the lasting tributes to those involved in the Rising in 1916.

I have said as much in the explanatory memorandum to show this is not simply once-off legislation. In the explanatory memorandum I have stated that the purpose of the Bill is to have

a national holiday designated in law as Lá na Poblachta. The idea is that on this day there would be a series of events marking the sacrifices of the Irish men and women in the pursuit of the independent Irish republic and in recognition of the central role played by the 1916 Proclamation in encapsulating the ideas of Irish republicanism. Lá na Poblachta would be designated as 24 April each year and would be a public holiday. A programme of events would be held in each county.

That is the key difference from other public holidays. This would not be simply a day off. This would be a day off when people would be encouraged, forced or whatever it takes for people to see around them the ideas of the republic. There would be advertising encouraging us to reflect on what citizenship and equality mean and on what the sharing of our mineral resources means. Another question on which to reflect would be what it means to be patriotic in this day and age. These questions are sometimes forgotten when people are looking through the prism of finances. It is right for people to look through that prism, because they have to survive. Equally, however, we have to step back and think about what type of society we want to create, how it will be created and how we will achieve that. Furthermore, we should reflect on how we will ensure that when we pass over, we leave behind a legacy of which our children and grandchildren can be proud. I want them to be able to say we taught them a great deal about how to be good citizens of an Irish republic. I want them to be proud that the Irish nation has stood the test of time. The idea is that at least for one day in the year that would be the subject of the concentration of all our resources, thoughts and initiatives. People should reflect on those issues throughout the year as well, but if we could concentrate on that day or week this would be a success.

With that in mind, the Bill does not simply designate a single day as a bank holiday. It proposes the setting up of a board for Lá na Poblachta, the provisions for which are set out in a similar way to that of other boards. The model was taken from previous legislation dealing with how State boards should be run and it would ensure every county would run activities, the funding for which would come from the Exchequer. However, funding would not have to be limited to that source; it could also come from local councils. Local authorities played a tremendous and heroic role in this year's commemorations. In many ways they rescued the programme around the centenary events by putting their hearts and souls into it. Every community in the country ran events celebrating and commemorating what happened in that seminal week in 1916.

We are still, theoretically, in the middle of the decade of commemorations. It is rather strange that most of the events around 1916 and what happened in that year are now at an end. There has been no mutterings thus far about the rest of the decade of commemorations. This Bill would be ideal in that regard. It would focus minds on the fact that we are in a decade of extraordinary centenaries in terms of State events that occurred after 1916 which shaped the history of where we are today on this island and the history of the tan war, the Civil War, partition and everything that came afterwards.

Officially, the decade of centenaries was to run from 2012 to 2021. I am one of those who continues to argue that the decade of commemorations should cover one of the key aspects of Irish history which has not been looked at properly, the Civil War. Until we reflect on that maturely as a society, the poisoned legacy on this island will continue to impact on our politics and on society as a whole. This Bill is a way to move in that direction.

I sat on the last decade of commemorations committee. In fact, I was on the first commit-

tee set up by Bertie Ahern in 2006. At the time, the State belatedly decided it would celebrate 1916 again and it set in train a State commemoration programme in March 2006. The State had ignored the sacrifices and events of 1916 since it banned commemoration from 1976 onwards. That was regrettable and a self-defeating move at that stage. Since 2006 there was only a limited number of meetings until eventually the last Government, in fairness to those involved, started to take seriously the fact that the public were going to hold events regardless of whether the State funded them.

The State's first attempt at a commemorative programme was shambolic. Thankfully, those involved saw it for what it was and put in place someone who could deliver a programme or who could at the least co-ordinate and pull together the various strands. In John Concannon, the Minister had a tremendous aide when the programme was eventually put together. I congratulate him and the Minister on the programme the Government helped to put in place. I congratulate all the councils throughout the country on their work. In particular, I congratulate all the voluntary groups who got involved. They sometimes managed to get money from local councils; at other times they did not and did not ask for it. Regardless, they put on a programme of which they should be rightly proud. That pride would be reflected every year if this legislation were passed.

There might be flaws in the Bill - I am not a draftsman. Minor or major changes might be required on Committee Stage. However, I am calling on Government, the Labour Party and Fianna Fáil to at least not oppose the Bill. They should embrace it, row in behind it and put it to Committee, where we can tease out all the eventualities and whether it is appropriate. I believe it is appropriate. I have support from the former Deputy, Ruairí Quinn, who wants more public holidays. I have the support of Mr. Brian Hayes, MEP, who also wants additional holidays. Here is a way of doing that and doing it quickly because the legislation is before the House today.

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): When this Bill was originally brought forward in October of 2015, preparations were under way for the Ireland 2016 centenary programme. Now, one year on, we are in a position to assess the commemorations to date, and to consider whether introducing an additional bank holiday on 24 April every year is necessary or advisable. My view is that it is neither. The response and engagement from members of the public to the Ireland 2016 centenary programme over the past year has been unprecedented - 2016 will be remembered as a special year in our shared history. We have celebrated the centenary of the events that led to the birth of our sovereign nation. We have honoured the courage, idealism and dignity of those who gave their lives so that the dream of self-determination could become a reality. We have reflected on our journey over the past 100 years since the 1916 Easter Rising to imagine our legacy for future generations. We have revisited our past and embraced its complexities and nuances with maturity and an understanding that there are many different views on the events which took place. This culminated in more than 3,500 events being held across the country and another 1,000 internationally, all made possible through community spirit and engagement.

The Ireland 2016 centenary programme has been the highlight of the decade of centenaries programme which focuses on the significant centenaries occurring over the period 1912 to 1922. It was developed following extensive consultation with a range of stakeholders, including the expert advisory group on commemorations and the all-party consultation group on commemorations, where all views regarding the events of 1916 were heard and considered. I am currently considering the steps necessary to re-establish the all-party consultation group. There

was also a broader consultation process, which included active engagement with local authorities, schools, universities, business and voluntary organisations, arts and cultural institutions, historical societies and others, to inform, to stimulate debate and discussion about 2016 and to come up with ideas. We held a total of 84 public consultation meetings right across the country. It resulted in a rich diversity of inclusive programmes and events which ran throughout 2016 to commemorate the centenary of the 1916 Rising.

Throughout these consultations, the idea of introducing a public holiday to take place on 24 April in each calendar year was not identified as a priority, nor was it recommended by the expert advisory group on commemorations or the all-party Oireachtas group on commemorations. While a proposal to introduce an additional bank holiday is bound to draw populist support, something of which I am sure Sinn Féin is very aware, our job as public representatives is to consider the wider implications of such a move, and in particular, the additional costs for businesses.

There are significant economic costs associated with the introduction of a new public holiday in terms of lost national output both in relation to the private sector and in the delivery of public services. We are not talking about small change here, it is estimated that an extra bank holiday would cost anywhere between €250 and €400 million. Ireland has nine official public holidays, each of which marks a special date or event. A preliminary analysis has been undertaken by the Department of Jobs, Enterprise and Innovation of the direct and indirect costs and benefits for employers and employees arising from an extra bank holiday. It estimates that the total potential loss in productivity for an additional day's public holiday would be approximately €396 million. This covers the public and private sectors, and takes into account those sectors which are expected to remain open for a public holiday, those which have a choice and those which are forced to close. In all scenarios, there are extra costs for businesses.

The Small Firms Association, SFA, has voiced its opposition to any proposal at this point to introduce an additional public holiday. The group estimates the cost of an additional public holiday to private sector employers to be a minimum of €250 million. Labour costs are the biggest concern for small firms in striving to maintain their competitive position, particularly in light of the currency fluctuations we are experiencing since the Brexit vote. In addition to the direct cost of paying employees for the public holiday, private and public sector employers face additional charges in giving premium payments to those workers who do work on the public holiday. Now is not the time to be heaping additional costs on small businesses, particularly when we are all trying to deal with the unpredictability of the Brexit era.

I also have concerns about the ambiguous language used in the Sinn Féin Bill about the remit of the proposed Bord Lá na Poblachta. The Bill refers to "those who, during the centuries of occupation of Ireland by a foreign power, gave their lives, and liberty to pursue the freedom of the Irish nation". Furthermore, it asserts: "In promoting, encouraging, co-ordinating or funding the events referred to in subsection (3), An Bord shall ensure that such programme of events will include events to take place in each county of the thirty two counties of Ireland and shall have no cover charge". This Bill appears to seek to provide a remit for Bord Lá na Poblachta across the island of Ireland, which would not sit either within the Constitutional framework or within the inclusive principles adopted by Government for the decade of commemorations. This proposed remit is not linked to the period of the Rising or the decade of commemorations.

My Department and the Department of Foreign Affairs and Trade have liaised extensively with the authorities in Northern Ireland, as well as with local councils, civil society and com-

munity groups to help to ensure that this year's commemorations were both respectful and inclusive and sought to strengthen peace and reconciliation. The Ireland 2016 centenary programme, for instance, included a series of events to commemorate the Battle of the Somme.

I believe the inclusive approach we took this year helped to foster new understandings, rather than sow fresh divisions. We described the centenary programme as an invitation, it was never a question of forcing people to get involved, but rather encouraging as many people as possible to explore our shared history. It is very important that the State takes a balanced approach in negotiating this complex territory and in my view this Bill could significantly undermine this approach.

The establishment of a new public body, Bord Lá na Poblachta, to organise events on the proposed bank holiday, as set out in this Bill, would also give rise to additional administrative and operational costs. I fail to understand why the development of a new quango would be necessary in any event. The experience of this year's 1916 centenary commemorations has shown how the public service was able to come together effectively and collaboratively to deliver a significant programme of major events, without the need for a new bureaucratic entity.

In addition, the role of local authorities in delivering the Ireland 2016 centenary programme cannot be underestimated. County councils nationwide each developed their own Ireland 2016 plan, helping to deliver more than 3,500 events across the country throughout the year. The local authorities were invited by me to be part of the commemorative programme before any plans were launched and that goes back as far as November 2014. I did not want the commemorations to become Dublin-centric. They belonged to the people and I wanted them to take place in every county across the country. I acknowledge and thank the local authorities for engaging with their communities because they were the key that opened the door to communities so that the citizens of Ireland could be part of our commemorative programme. They all came up to the mark and we had a tremendous commemorative event across the country. It was very inclusive. Furthermore, primarily through our embassy network, more than 1,000 events have been held in over 100 cities around the globe, ensuring our commemorative programme has had a very significant international dimension.

Over the past year, I have been deeply moved by what I have seen and experienced across the country by the idealism, love of country and pride in community, the power of volunteering and our great hope for the future in spite of the difficulties that we have encountered. The schools programme was also a huge success, as children engaged with their history and now understand the true meaning of the Irish flag and all that it represents. I come from a Border county where the Irish flag was often used as a symbol of division when in fact it is a symbol of unity and peace. We did not need an additional public holiday to drive that public engagement or to create an additional space for the unprecedented level of public participation that we experienced. The existing bank holiday, on Easter Monday, was shown to provide an appropriate opportunity for a major public celebration to mark the end of the commemorative events, which took place over the Easter weekend. The core events of the 1916 centenary programme took place around that weekend, as they traditionally do, rather than on the calendar anniversary of the Rising in 1916. On Easter Monday of this year, some Members may have joined the 750,000 people who came onto the streets of Dublin city centre to participate in Reflecting the Rising, a collaboration between my Department, RTE, Dublin City Council and numerous other partners. I have to say that it was an incredible day. The atmosphere around the city was electric.

I now intend to examine proposals to develop similar public gatherings on an annual basis, which would extend beyond Dublin, for 2017 and beyond. These gatherings would utilise the existing bank holiday to create a multi-location event, with maximum public benefit.

Perhaps the most significant learning from this centenary year has been the power of community. Local communities have shown that they have an extraordinary capacity to come together to achieve great things when the right structures and supports are put in place. The centenary year has provided a focus for a widely shared desire to talk about Ireland, our identity, our hopes for the future, and our project of creating a society that exists for all our citizens in which all people believe themselves to be equally valued. The rich programme of events developed as part of the Ireland 2016 centenary programme has encouraged immensely valuable conversations throughout the year about citizenship, culture and identity. I am firmly convinced that in the coming decades, arts and culture will play an increasingly important role in our personal lives, in our society and in our economy. Now is the time for us to harness the energy and enthusiasm created by our centenary and channel this into future endeavours.

To this end, I am actively working on a significant legacy programme, which will encompass our arts and cultural sectors, with a specific focus on increasing cultural participation in every county right across the country. I believe that is a much more appropriate way to build on the success of the 2016 commemorations for the benefit of all of our citizens.

Deputy Éamon Ó Cuív: Ba mhaith liom ar dtús báire mo bhuíochas a ghabháil leo siúd a ghlac páirt sa díospóireacht seo athuair. Is aisteach an rud é, ach is iad na pointí ceannann céanna iad roinnt de na pointí a tháinig suas inniu is a tháinig suas anuraidh nuair a bhí an cheist seo os comhair na Dála cheana.

I would like to address first the issue the Minister addressed, that is, the huge success of this year. It has been a year in which people could show great pride in their country and what it has achieved over 100 years and look at the mistakes made but also at the totality of a country transformed from the world about which we all learned that existed in the period leading up to the Rising. We were able to commemorate sustained peace over a long period, a Constitution that we, the people, own and that can only be changed by the people, which is unusual even in the modern world, and a country where, in the main, everybody accepts that the way to change things is through political dialogue. It is a very different world from that faced by this nation back in 1916.

The second point is that it was a people celebration. There were fantastic State commemorations. Easter Sunday was a very important day but throughout the year in every parish in Ireland, people commemorated and celebrated the Rising and its aftermath in a dignified, community-based and inclusive way.

I was very fortunate to get an e-mail last autumn from the grand-niece of the officer who arrested and took the surrender from the 3rd Battalion offering to make available her grand-uncle's collection of five scrap books to do with his connection with the 3rd Battalion Old IRA. It is a fantastic legacy. This is a British soldier who fully appreciated the cause he had been fighting against and who, in 1938, gave back the field glasses he had confiscated, through Neville Chamberlain, at the conclusion of the agreement of 1938 and who, as early as 1948, came here with his wife and daughter on an invitation from the 3rd Battalion Old IRA to attend an event at which he was the guest speaker. Some of the correspondence is very interesting. It talks of reconciliation. In one letter he told them to have their fiery speeches first and he would come

in later. They wrote back immediately saying that he was their guest speaker, they did not care whether he was an after dinner speaker and that they wanted him to be their special guest. He came here again in 1966 for the 50th anniversary and was present in Boland's Mills with my grandfather, Éamon de Valera, who was President at the time. In 1967, in what I believe was one of the most interesting acts of reconciliation in a time when we did not think all this was going, and perhaps do not fully understand everything that was going on in this regard, the 3rd Battalion made this British officer an honorary member, sent him a fantastic certificate and told him he was now an honorary member of the 3rd Battalion Old IRA but that he did not have to give up his loyalty to England or swear an oath of allegiance to the Irish Republic.

That man's grand-niece attended the commemoration at Boland's Mills on Easter Monday. We made an exhibition out of a fraction of the material she had, and the welcome she received from the families of those who had fought in 1916 would warm one's heart. Occasions like that were the kernel of what our commemoration was about. I hope in the coming seven or eight years that kind of spirit will prevail.

Our Proclamation is striking in admonishing us to be oblivious of the differences carefully fostered that has separated a minority from the majority in the past. The first part of it must be the most misquoted sentence in Ireland because it refers to the children of the nation, and it has nothing to do with children in the pedagogic sense. Basically, it tells us to reconcile with all people on this island, put difference behind us and accept difference, which is much more important.

Regarding the specific proposals in the Bill, first, for as long as I can remember, people in this country have celebrated the Easter Rising on Easter Sunday and Easter Monday, irrespective of what time in the six-week window it occurred. I do not expect that to change in the future. Even though Easter fell very early this year, and being March there was a risk of cold weather, the Government was right to stick with Easter Sunday for the commemoration because in the minds of 99% of the people, Easter Sunday is the Easter Rising. We call it the Easter Rising.

Second, on a practical level, and the Minister has dealt with the issue of cost and so on, if we were to make a holiday of 24 April, we would have a guaranteed holiday on 17 March, 24 April and a holiday somewhere between 1 and 8 May, depending on when the first Monday of May fell. On top of that, there is the roving official holiday of Easter Monday which could fall on the 23rd, the 24th or whatever, which would mean that there would be two bank holidays on top of each other and there would have to be another bank holiday. Therefore, the practicalities and the distraction of moving Easter commemorations of the Rising away from Easter Sunday would be wrong.

The point is made that we have fewer bank holidays. Definitely, we have fewer public holidays, probably two less than the average. In this country most people think Good Friday is a public holiday, but it is not. Maybe we should count that as a de facto public holiday when we are making comparisons. Few work on Good Friday if they are not in the hospitality sector. All the pubs are closed even though they try to be open.

I propose, in recognition of the centenary year and in recognition of the importance of the Rising, that we would designate Easter Monday as Lá na Saoirse. I am purposely not using "Lá na Poblachta" because for some that might be emotive in the negative sense but all are happy and comfortable with the idea of independence. It would be symbolic, particularly as the Ris-

ing started on Easter Monday, to make that day Lá na Saoirse and to remind people every year of the importance of that day.

There are two major objections to the setting up of the board. When my party was last in government, there were complaints week after week on all sides of the House that there were too many quangos. Even though some of these bodies were not even costing €50,000, all we ever heard was there were too many quangos. It is funny how short our corporate memory is. The second objection, and one of the fundamental reasons I would object to setting up an independent board, is that I am not one who has been hugely in favour of taking the power of decision away from those of us who stand for election and are elected by the people.

The arrangements put in place were good, with the all-party Oireachtas committee and the expert committee, and I would ask the Minister to move urgently to reinstate the all-party Oireachtas committee in order that we can plan for 2017, 2018 and 2019. To me, the centenary of 1919 will be huge because it was the founding of our democracy. That is why the five pictures are in the front hall of Cathal Brugha, who was first President of the First Dáil, Eamon de Valera, Arthur Griffith, Michael Collins and W.T. Cosgrave. As the centenary of the founding of this Oireachtas or Parliament, I believe that will be a huge year.

Therefore, I would hope that arising from this debate the Minister might give consideration to my idea of designating Easter Monday as our independence day, if the Minister wants to call it that, and that furthermore she would reinstate the all-party Oireachtas committee, keep her expert committee, which if it needs refreshing, so be it, and that we would plan in the same meticulous way the community and national involvement in commemorating the years 1917 to 1920, inclusive. If we do that, the debate that has been sparked here today by Sinn Féin, which I credit it for doing, will certainly have had a good effect even if I cannot go along with another board and the taking of control over another facet of our life away from the politicians out to an independent quango.

Deputy Eamon Ryan: Like all speakers here today, I feel a real sense of pride at the way we have celebrated Easter 1916 this year and I commend the Minister and everyone involved because it was a job well done. It brought back a sense of national pride and celebration of what happened 100 years ago, that moment, that inspiration, that violent spark for the establishment of our freedom as a republic. I would have to agree, not on the reasons of cost but largely for two reasons, the first of which is practicality, that the date would be inevitably, as next year, cheek by jowl with two other public holidays, and that would make it impractical to have a further holiday in that period.

The second reason I would oppose it is there is a better alternative, even though I believe there is a case for an additional public holiday. The case best lies for a public holiday on Lá Fhéile Bríde, 1 February each year. The Minister will not be able to decide or look at that here, but maybe in her response she might give her view as to how that might sit as a public holiday. It seems to me that if we are to have an additional day, the case for which is well made by Deputy Ó Snodaigh, as with the former Deputy Ruairí Quinn previously or Mr. Brian Hayes MEP, surely to celebrate that feminine tradition in Irish life is what we should turn to.

There are a range of reasons for this. I could think of good practical reasons for it. The longest gap between our holidays is in that period between St. Stephen's Day and St. Patrick's Day, which is two men on either side. That long period without a holiday could well be and rightly interspersed with a break around 1 February each year. What it would also do-----

Deputy Éamon Ó Cuív: What about St. Valentine's Day?

Deputy Eamon Ryan: St. Valentine's Day is not a public holiday. I accept St. Valentine's Day has a connection to this city. Is St. Valentine's heart not in the Carmelite church on Whitefriar Street?

However, St. Brigid is the core patron saint to our country. It is not only a Catholic or Christian tradition, although Brigid is someone who is revered, not only in Ireland but in Wales, I understand, in the Eastern Orthodox tradition, in the Anglican tradition here as well as the Catholic tradition, but also she is wider, broader and bigger than that because she brings us back into prehistory to the festival of Brigid, a Celtic goddess, and also the feast day of Imbolc, that celebration of the arrival of spring that goes back into history. It makes sense for us to celebrate the arrival of spring, the turning of nature, the return of life, the return of light, and that is something we need to get back in touch with. We need to get back in connection with the traditions and the culture of our country and there is no stronger tradition or culture than Bríd or Brigid's.

It is important for us to recognise our feminine tradition and side. I would go the whole way. I would have female priests tomorrow no matter what the Pope thinks. We have a lot to do in here. We are still under-represented when it comes to women. The mechanism we introduced to increase the number of women in here has been a hugely progressive step but it is not going far enough. Our country will be far stronger and far better when we celebrate and follow our feminine side, and listen and involve. Why not then start by recognising our great patron saint, Bríd, as well as our other? Why do we merely celebrate Patrick and forget about Brigid?

This was a remarkable woman, a huge, fantastic and obviously spiritual leader in the historical analysis, and it is historic. The annals are there recording her life in the 5th and 6th centuries. She was an adviser to Brendan the Navigator and to Kevin. This woman was an appointer of bishops. She was a leader. She had 13,000 women and monastic settlement men following her order, but she was also a brewer. She was also a dairy woman *extraordinaire*. She was also a healer. She was also a midwife. She was even, it appears, if one believes the archeological analysis, there to remove an unwanted pregnancy at a most difficult time. This is a woman who could speak for many women and men in our country if we had a holiday to mark her name, and it would mark that critical point between the winter solstice and the spring equinox.

Having a public holiday at that time would give us a sense of hope. We live in a difficult climate as this country is so far North that it is dark in the winter. I do not know what the other Members think of this but when the clocks went back at the weekend and winter is arriving, there is a sense that it is tough. Our position is at a very far northern latitude. No wonder it was deep in our tradition to celebrate the arrival of spring. That is what we would do if we had Lá Fheile Bríde as a national holiday. When we look into it that makes sense. Certain other factors connect with it. In the United States, Abraham Lincoln signed the Act abolishing slavery on 1 February 1865 and 1 February is their national freedom day.

A public holiday on 1 February here would fall at just the right time of the year. The long winter period is the hardest. To have a public holiday at this time would allow us to take a break at that difficult time when we are getting through the winter blues and we are starting to think of the arrival of spring. Everyone thinks it does not feel like the first day of spring on 1 February but it is. It starts to prepare us for the return of the sun and return of the growth of the grass. For that reason alone, it would make sense to mark it by having a public holiday.

I put this serious suggestion to the Minister and she as a female Minister might consider it. She might bring the proposal to her Cabinet colleagues and tell them that it might be worth the economic cost. It might give us a period of reflection. As I understand it, the ancient tradition of Imbolc goes back to the Hill of Tara and the stones there record that particular day and time as being important. In the Minister's area more than anyone else's, it goes to the core of our connection to the earth, to creation and to our feminine side. For all those reasons I earnestly put forward the proposal that we create a new national holiday, but it should be on 1 February not at the end of April, which is very close to our May holiday and Easter holidays where we are already well served in terms of celebrating national days. Let us increase the number of public holidays from nine to ten and by going to ten let us celebrate our feminine side.

Deputy Jonathan O'Brien: I congratulate Deputy Aengus Ó Snodaigh on introducing this Bill again. As he said, it was put forward in the past. I agree with some of the Minister's contribution around the series of events that have taken place this year. The sense of national pride which many of those commemorations brought out was evident to see across the country. That is something we need to foster and expand and we need to do it in an inclusive manner. Nobody is arguing about that. For the Minister to suggest - perhaps it was intentional or it may have been the way it came across in her contribution - that a Bill which is being put before this Chamber to designate a day as Lá na Poblachta would be divisive and would undermine the series of events that have gone on this year is at best naive. It is probably calculated because she spoke about inclusivity, reaching out a hand and making sure everyone has a say, but then she went on to criticise the Bill and some of the language in it.

I will refer to some of the language in the Bill because the Minister referenced this. Regarding the proposed board, five functions are outlined for it in the Bill, but in her contribution the Minister conveniently added functions 3 and 5 into one function. For the purposes of clarity, I will quote Part 4, section 5(3) and we can see with what part of it the Minister does not agree. Section 5(3) states:

The function of An Bord shall be to annually promote, encourage, co-ordinate and fund a programme of events, in commemoration and appreciation of the contribution made to the Irish nation by those who, during the centuries of occupation of Ireland by a foreign power, gave their lives and liberty to pursue the freedom of the Irish nation. It shall also seek to raise awareness and promote discourse, analysis and understanding of the ideals and aspirations contained in the key revolutionary documents and events leading up to the declaration of the Irish Republic at the GPO on Monday 24th April, 1916.

I am not sure what the Minister's issue is with that function. The Minister conveniently mentioned function 5, which states: "In promoting, encouraging, co-ordinating or funding the events referred to in *subsection (3)*, An Bord shall ensure that such programme of events will include events to take place in each county of the thirty-two counties of Ireland and shall have no cover charge." I know what her issue is with that. It is that she looks at the country through a partitionist prism, which is a Twenty-six Counties prism. In her contribution she said: "I am actively working on a significant legacy programme, which will encompass our arts and cultural sectors, with a specific focus on increasing cultural participation in every county right across the country". That is where I would differ with the Minister. For me, my country is Ireland, all Thirty-two Counties. It is quite clear that the Minister's country is the Twenty-six Counties State. That is why there are differences of opinion when we talk about having events throughout the country. We include everyone. That includes our Unionist and loyalist brothers in the Six Counties. We are not excluding them but the Minister seems happy to exclude them in her

proposals to work on a legacy programme, which will be a Twenty-six Counties, as opposed to a Thirty-two Counties, based legacy programme. It is a bit rich to talk about being inclusive when she takes a partitionist view when it comes to our shared history.

The Minister mentioned the cost involved. I will quote what she said because it is important. She stated: “While a proposal to introduce an additional bank holiday is bound to draw populist support - something about which I am sure Sinn Féin is very aware”. That was a low remark because anyone who knows anything about the history of our party would be aware that we are certainly not trying to introduce a public holiday to commemorate 1916 as a populist move because for many years, when parties like the Minister’s party failed to commemorate 1916, we were commemorating it year after year. We were commemorating the Proclamation and the values and vision of those who gave their lives in 1916. It is not fair to say we are doing this for populist reasons because if that were the case, the likes of the Minister’s party would have been doing it since its foundation.

The Minister went on to state: “Our job, as public representatives, is to consider the wider implications of such a move and, in particular, the additional costs for businesses”. Again, that is where the difference in the ideology comes. We do not look at this issue simply in terms of costs. We look at it in terms of what it can bring to citizens across this island, not the Twenty-six Counties but all Thirty-two Counties. I find it insulting that the Minister tries to shoot down a Bill on the basis of costs yet she was the one who defended a court case in regard to the Moore Street buildings taken by a citizen who wanted to designate the entire battlefield area as a national monument. The Minister defended the State’s analysis of that and despite being defeated in that court case, she then decided to appeal it. It is very two-faced for the Minister to talk about costs when she is quite prepared to spend hundreds of thousands of euro of taxpayers’ money on the Moore Street development. She cannot have it both ways. She cannot talk about the legacies of 1916 and at the same time be happy to see the battlefield area around Moore Street being turned into a commercial development. She wants to save three houses, but people have seen through this.

In recent years Ireland has become a very multicultural society, something I welcome. We have seen people from many cultures come to our shores and the generosity of the Irish people in making them part of our community. We have seen examples of all of the values contained in the Proclamation about treating everyone equally. For all his faults, the former Minister for Justice and Equality, former Deputy Alan Shatter, introduced a very good initiative in having citizenship ceremonies. He almost made them a day of culture. It was an opportunity for individuals who were new to our shores to not only gain citizenship but also to learn some of the history of how we had developed as a nation. Many of these events were based on the Proclamation, the declaration of independence and the democratic programme. As we continue to grow as a nation and see more people come to our shores from different cultures, backgrounds and traditions, it is important for the individuals concerned to understand Irish history, culture and traditions. Many values within the Irish psyche come from the democratic programme and the 1916 Proclamation, among others.

I am disappointed but not surprised to learn that the Minister will oppose the Bill. When one strips away all of the rights and wrongs, the two of us come to the legislation from very different ideologies. We come to it from a 32-county basis of inclusivity, whereas the Minister comes to it with a Twenty-six Counties partitionist mindset. It is no wonder we will never meet on this issue.

Deputy Heather Humphreys: I have listened to the arguments made by Deputies on the draft Bill. However, I remain convinced that the proposal to introduce an additional bank holiday on 24 April every year is neither necessary nor advisable. The Ireland 2016 centenary programme has met with widespread support across the political, academic and community sectors. It has engaged communities at home and abroad in an unprecedented way and the benefits at community level and nationally cannot be underestimated. Its inclusive nature has enabled citizens to examine our history and encouraged them to consider the future of their communities. The local authorities developed their own individual programmes based on the national programme and this has encouraged active citizenship at local level and leveraged economic benefits across the country. The commemoration of the 1916 Rising, the historical moment which the State recognises as marking the birth of this sovereign nation, traditionally takes place over the Easter bank holiday weekend. In 2016 it saw over 1 million people on the streets of Dublin for a series of commemorative, reflective and celebratory events which were a great source of pride for all citizens. Feedback from members of the public and the media clearly indicated the very positive engagement of the general public with the commemorative events, as well as the extent to which citizens had felt a great sense of national pride and respect during this historic time. Easter Monday saw the largest public history and cultural events ever staged in Ireland, with more than 500 free talks, debates, exhibitions, music, theatre and other performances across a number of venues and zones in Dublin city centre. It was clearly demonstrated this year that the Easter Monday bank holiday could provide the appropriate space for a major public celebration to mark these significant and important commemorative events. Throughout the consultations on the Ireland 1916 centenary programme, the idea of introducing a public holiday on 24 April was not identified as a priority, nor was it recommended by the expert advisory group on commemorations or the all-party Oireachtas group on commemorations. I am looking at the steps necessary to re-establish the all-party consultation group on commemorations.

The introduction of a new public holiday would, undoubtedly, result in significant economic costs to employers and the Exchequer and could potentially impact adversely on the delivery of public services. This is not the time to heap additional costs on businesses, particularly when we are trying to deal with the unpredictability of the Brexit era.

I say to Deputy Eamon Ryan that I am all for women and supporting their role. I am pleased to say that in the past few months I have been able to appoint three very capable women as chairpersons of three cultural institutions. I agree with the Deputy that we need more women involved. He also talked about having more women involved in the church. I am glad to say that in the church I attend they are very much for women who are preaching just like everybody else. More importantly, the proposals contained in the Bill are not in keeping with the inclusive, respectful and measured approach adopted so far for the centenary commemorations this year which has sought to strengthen peace and reconciliation on the island of Ireland. I assure the Deputy that I am not divisive in any way. Throughout the commemorations I was very clear that I wanted them to be inclusive and respectful. The centenary programme included activities organised on an all-island basis. We had the all-island competition for schools, while a number of cross-Border and all-island events took place. Rising to Reconciliation was an event held in Belfast recently. I attended some events in the North and was very pleased to do so.

In the past few months my Department has been placing special emphasis on the re-imagine phase of the Ireland 2016 centenary programme to consider the long-term legacy and build on the momentum and very positive public response to the programme to ensure the positive learn-

ings are harnessed and built on for the future. To this end, I am actively working on a significant legacy programme which will encompass the arts and culture sectors, with a specific focus on increasing participation in cultural events in every county. That would be a much more appropriate way to build on the success of the 2016 commemorations for the benefit of all citizens.

Deputy Aengus Ó Snodaigh: Ba mhaith liom mo bhuíochas a ghabháil leo siúd a ghlac páirt sa díospóireacht seo athuair. Is aisteach an rud é, ach is iad na pointí ceanann céanna iad roinnt de na pointí a tháinig suas inniu is a tháinig suas anuraidh nuair a bhí an cheist seo os chomhair na Dála cheana.

Some of the points made in the debate about having an additional bank holiday are interesting and would probably be more appropriately teased out on Committee Stage if the Government or Fianna Fáil do not oppose the legislation. Deputy Eamon Ryan's proposals are interesting. As I said earlier, former Deputy Ruairí Quinn and former Deputy Brian Hayes, now an MEP, talked about additional public holidays, not just one.

7 o'clock

Ireland has nine public holidays and the average in Europe is 11 days. Many countries have substantially more than that.

I will respond to the comments from the Minister after responding to the proposal from Deputy Ó Cuív. His proposal does not address the shortfall in public holidays. Changing the name of an existing public holiday does not address it, but it would have been better than anything else. Given that his party has been in government most often since the founding of the State, I do not know why it was not done in that period. However, it would not address what I am suggesting.

The Minister's comments were quite disingenuous and contradictory across the board. Deputy Jonathan O'Brien has commented on some of them. It is disgraceful to say that this was not raised in the consultation. It was not raised in the public consultation events but in the key consultation forum. I raised it first in 2012 and in each year since then up to this year. I am a member of the public. Others have sent in submissions, not only to me but to other Deputies, seeking this over many years. It is disingenuous to say it was not raised just because it does not suit the Minister's agenda or narrative on this.

It is also contradictory to speak about all the events that were held in the Six Counties and then criticise my Bill for providing for a board that would organise events on a 32-county basis. In case Members did not read the Bill, and this deals with the point Deputy Ó Cuív raised, one of the reasons for establishing a board is that a future Minister with responsibility for arts and heritage could not be accused of being party political. The board would take it out of the hands of political parties and, in some ways, out of the Minister's hands. The board would be appointed by the Joint Committee on Arts, Regional, Rural and Gaeltacht Affairs, it having a special interest and expertise in these matters. It is not a case of me picking it.

With regard to the costs associated with setting up a board, in this case the Minister has full control of remuneration, terms and conditions. The Minister could set the remuneration at zero. I did not provide for any remuneration. As to the cost of the events, that was based on setting up a ciste for running the events. If the money is not there, it cannot organise them. The advantage is that it has to do something. It could encourage others. The events would not preclude other organisations, political parties, heritage groups or councils from organising their

own events. The key part is to try to ensure that what we have gained this year will continue. The enthusiasm regarding the Proclamation and the Tricolour and the explanation and understanding of the origins of the State and our history among young people today, based on a short period of time, has been substantial. The nation will benefit from that. The understanding of the roles and responsibilities of citizens could be taught and encouraged.

In addition, the board is not limited to having marches, parades or lectures. I specifically set out to ensure that the board would have events which would reflect Irish society as a whole, through art, historical and community events. It provides that it must have sub-committees to ensure that people who have ideas could share them. People want to share their ideas, and when they are shared the ideas hopefully can gain traction and be delivered on.

It is a little disingenuous to say that I am being populist. I am no such thing. I did not invite the masses to the Visitors Gallery or seek to have this legislation lauded from the hilltops. When I first mentioned it to the advisory group some of those who the Minister said never raised it in fact supported it at that group. The former Senators Maurice Manning and Martin Mansergh supported the idea of at least a one-off bank holiday this year and said there was merit in the proposal, yet it is shot down as if that never happened. The problem is that the Minister did not attend that meeting, because a former Minister attended. I can understand that she might not have a recollection of it. However, it was a key point and there was a discussion on it at the meeting. I have been a member of a commemoration committee in the Oireachtas since 2006 - I am probably the longest serving member of it - so I have at least some understanding of what was planned, when plans were shared and what the ideas were. Hopefully, I prompted many of the ideas and events, along with others, by putting ideas forward in the ten years I sat on the committee and gave of my wisdom, if one wishes to call it that.

We do not have a national patriotic or independence day similar to other countries. It is not necessary to have full independence to have such a day. Cyprus, for example, has an independence day even though it is partitioned. Canada has an independence day which it celebrates on 1 July, and it was the Fenians who caused that independence. The two Koreas, even though they are separated by a wall, have a liberation day on 15 August. It would be appropriate for this country to have such a day. The idea is that the day could be used. It would not be a day just for a bit of fun but to try to concentrate minds on citizenship. I have been very critical of the United States and its actions around the world, but look at the way it uses 4 July to revive patriotism and inculcate in its citizens an understanding of what its independence means. Some parts of its community, such as the Native American community, reject that independence altogether, but it is a day when everybody can debate whether it is good, bad or indifferent. We do not have such a designated day.

It was also a little disingenuous of the Minister to quote what ISME had to say, when it is obvious from the figures that we do not have enough public holidays. I have acknowledged that there is a cost, but there is also a benefit. Usually, more money is spent on bank holidays and businesses benefit from that. If there is a series of events in towns and cities, that will not prevent the shops from opening. The owners will have to pay additional money to have the staff work on those days, but they benefit from those days. Ask any business owner in Dublin city centre whether they benefited from the programmes that were organised by the State. The other point is that studies show that people are more productive when they are happy. People are happy when they have a bank holiday. The next day they are happy in their work and probably more productive.

Deputy Pat Breen: They could take a sick day.

Deputy Aengus Ó Snodaigh: That is a different issue. Brian Hayes MEP commented that given what people have been asked to do in recent years and the additional productivity forced on them for the same wages, it is about time we started to consider giving something back. I agree with him in that regard, but that is not the reason I am seeking this. I have a different reason. We are only half way through the decade of commemorations and this would be one of the lasting legacies from it.

Gabhaim buíochas leo siúd a ghlac páirt sa díospóireacht seo. Is trua liom é nach bhfuil an dá pháirtí mhóra sa Teach sásta ligean don phíosa reachtaíochta seo dul os comhair choiste ar a laghad. Bheadh sé go maith dá dtarlódh sé sin mar bheadh muid in ann leanúint leis an bplé seo agus iarraidh ar leithéidí ISME agus iad siúd teacht os comhair choiste agus na pointí a ardú linn, seachas a bheith ag diúltú dóibh anseo. Caithfimid plé a dhéanamh ar an bhfáth go bhfuil Éire thíos leis ó thaobh laethanta saoire baine de i gcomparáid le tíortha eile insan domhan.

Question put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 10 November 2016.

The Dáil adjourned at 7.10 p.m. until 2 p.m. on Tuesday, 8 November 2016.