



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 29 Samhain 2016

Tuesday, 29 November 2016

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: In March 1983, the chief prison officer of Portlaoise Prison, Brian Stack, was shot in the back of the neck. He was the only prison officer in the Republic to be murdered during the Troubles by the Provisional IRA. He died in September 1984 as a result of his injuries. It took 30 years for the Provisional IRA to admit that it murdered him despite many denials by the IRA and Sinn Féin spokespeople during that period. Deputy Adams, as leader of Sinn Féin, brought the sons, Austin and Oliver Stack, to a particular location in the northern part of the country to have the IRA tell them, after years of denial, that it did indeed murder him. However, the IRA attempted to qualify its complicity and its act by saying in its statement at the time, which was handed to the sons, that:

In Portlaoise a brutal prison regime saw prisoners and their families suffer greatly. This is the context in which IRA volunteers shot your father.

In his authorised biography, *Man of Kerry* by J.J. Barrett, Deputy Ferris described the late Brian Stack as a “particularly vindictive individual”. Those words and the IRA statement to which I refer give the impression of retrospectively trying to justify the cold-blooded murder because Brian Stack was nothing of the sort. He was a loyal, diligent and committed officer of this State. In my view, the situation has been compounded by a report in today’s *Irish Independent*, which reveals that Deputy Adams passed on the names of four individuals, three of whom are allegedly prominent public representatives, to the Garda Commissioner last February and said that Austin Stack, the son of Brian Stack, gave him the names. Austin Stack has been on radio this morning and has publicly said that at no stage did he ever mention any names to Deputy Gerry Adams. It seems to me to be a very serious situation for the leader of a political party to pass on the names of suspects to a Garda Commissioner and we are all supposed to go away off into the night and do no more about it. This is an extraordinary situation. In the first instance, I ask the Taoiseach to meet Deputy Adams and put to him the need to co-operate fully with any investigation. The IRA knows who committed the murder and it should come clean on the matter to give final closure to the Stack family.

I also want to make the Taoiseach aware of correspondence that the wife of the late Brian Stack has sent to the Tánaiste and Minister for Justice and Equality about reopening the Remembrance Commission, which was established to assist and support victims of the Northern Ireland conflict in the Republic. Given that his murder was only admitted to by the IRA in 2013, there is a very strong case for the reopening of the commission in respect of the late Brian

Stack. His family have been in correspondence for 18 months and have received nothing but acknowledgements. It seems that the State needs to move now and respond positively to that correspondence. I ask the Taoiseach to do so, given that Brian Stack was the only prison officer murdered in savage circumstances by the Provisional IRA back in 1983.

The Taoiseach: It seems to be an extraordinary development in respect of the contradictory statements that have been made here. It is correct to say that Brian Stack was murdered in cold blood outside a boxing stadium in south Dublin, which was admitted by the IRA in 2013. Austin Stack says he gave no names to Deputy Adams, the President of the Sinn Féin party. Deputy Adams is not here today and I am not sure whether he has advised his deputy leader on the truth of this situation. If names were furnished by Deputy Adams, including those of members who are serving public representatives, to the Garda Commissioner, that is a serious matter in itself. I am taking Deputy Martin's question but I do not have the detailed answer to the points being raised. It would be appropriate that if names were furnished to the Garda Commissioner by Deputy Adams, but which were not given to him by Austin Stack, the question is answered. The Garda Commissioner is either taking or will take action about that. I expect that when I speak to the Tánaiste and Minister for Justice and Equality, she might make a statement on this based on the information or correspondence she has received and look at the question of the Remembrance Commission that Deputy Martin has mentioned.

The previous Minister for Justice and Equality, Mr. Shatter, met the Stack family. To be honest, if I interview Deputy Gerry Adams, he is not going to tell me the position as it applies but he might have to tell others. In that context I have no objection to meeting Austin Stack or members of his family to hear their side of this story.

Deputy Adams needs to clear up the contradiction that has arisen. If the Garda Commissioner has been furnished with names presented by the President of Sinn Féin that Austin Stack says he never gave to him, then that issue needs to be addressed. We will look at the question Deputy Martin raised in respect of the Remembrance Commission. The Tánaiste and Minister for Justice and Equality will respond in so far as she can. I would be prepared to talk to Austin Stack and members of his family.

Deputy Micheál Martin: I thank the Taoiseach for his reply. I put it to the Taoiseach that Deputy Adams often asks the Taoiseach to meet him and others who are victims of other atrocities. I have no difficulty with that. It is equally legitimate to seek a meeting when it comes to the only prison officer murdered in this State defending the State. Portlaoise Prison was a difficult assignment for any prison officer at that time. In fact, following his murder there was an outbreak or attempted escape from Portlaoise Prison a year or so later in 1985.

The point I am making is that this was an atrocity. It was denied for 30 years by Sinn Féin and the IRA. In 2013, eventually, those involved owned up and said to Austin Stack that they murdered his father. They did not do it in the way they should have done it, without any context or anything like that. There is no excuse for what they did. It was quite cold-blooded. The question is how Deputy Adams came into the possession of those names and how he could be confident or competent to send or pass those names to the Garda Commissioner as suspects in the case. What is Sinn Féin going to do about it?

Given that this involves a defender of the State, a person who worked on behalf of the State, I think it merits such a meeting. On the Remembrance Commission issue, I believe the Stack family are due acknowledgement of the loss of their husband and father. They are also due

consideration by the Remembrance Commission, which could be opened up on a case-by-case basis. It was not possible to deal with this before now because it was only in 2013 that the murder was owned up to.

The Taoiseach: The position is that Deputy Gerry Adams, President of Sinn Féin, has presented names to the Garda Commissioner, as I understand it. He says he got the names from Austin Stack, son of Brian Stack, who was murdered. Austin Stack says he never gave him the names. Deputy Adams needs to explain that.

The IRA admitted the murder 30 years later. We have had questions in the House before about associations with membership of the IRA and about safe houses on this side of the Border which were, in some cases, allegedly used for sexual abuse. There was no follow through. This is a serious matter.

As I have said to Deputy Martin, I am prepared to talk to Mr. Stack and members of his family and to look at the question of the Remembrance Commission. The Sinn Féin party needs to address this. A man was murdered. The military wing associated with the party has admitted 30 years on that they murdered him. They will know who murdered him and who gave the orders to carry out that unwarranted execution. They know these things. There is a need for them to answer up.

An Leas-Cheann Comhairle: I ask the Taoiseach to conclude.

The Taoiseach: The family deserves to know the truth. For my part, I will speak to the Minister for Justice and Equality to find out what information is at her disposal. Obviously, the Garda Commissioner has responsibility for the investigation of issues related to the Garda Commissioner.

Deputy Mary Lou McDonald: I noted with interest the report in Friday's *The Irish Times* that the Taoiseach told a Fine Gael fundraising event that the outcome of the Brexit referendum could result in a united Ireland. The Taoiseach will not be surprised to hear that I welcome these comments if true. The First Minister of Scotland, Ms Nicola Sturgeon, spoke in the Seanad earlier today. She has been very clear on her position in respect of Scotland's interests. She has said that the option of another independence referendum remains on the cards should the British Government proceed with its plan to drag Scotland out of the Single Market. I do not purport to speak for the First Minister. These are matters for the people of Scotland to decide. However, I think citizens of Ireland would like the Taoiseach to adopt a similar stance in respect of Ireland, that is, that Irish unity should be on the table. As welcome as the Taoiseach's comments were, thinking out loud at a Fine Gael fundraiser is not enough. It is time to turn aspirations and notions into reality. The issue is Ireland and our interests. The Taoiseach cannot logically say to those in business and agriculture and people who rely on cross-Border services that Brexit will not have an effect on them because it clearly will. He cannot claim that the consequences of Brexit simply boil down to a hard Border versus a soft Border because the truth is that the Border - any Border - is the problem.

Yesterday, Sinn Féin launched our Towards a United Ireland discussion paper. We have sent the Taoiseach a copy of it. I have no doubt that he will find time in the coming days to read it. It is a document from us, but for everyone. We do not pretend that any one party has a monopoly on Irish unity. We want all parties that aspire to a united Ireland to become persuaders for unity. That means the Irish Government more so than all others. The Government will have a seat at

the table during the Article 50 negotiations. Therefore, in our view, it has a responsibility and an obligation to use those talks to advance the pursuit of Irish unity. When the British Government pursued Brexit, it did not give one thought to Ireland, to the consequences for Ireland or to the Good Friday Agreement. Brexit is a British problem that requires an Irish solution. The Taoiseach says that unity is one possible outcome of Brexit to his Fine Gael colleagues. Does this therefore form part of Ireland's negotiating strategy? Has the Taoiseach shared the same thought with our EU partners, namely, people such as François Hollande and Angela Merkel?

The Taoiseach: I am not responsible for newspaper reports that may consist of second or third-hand information so I am glad the Deputy has raised the issue here again. I have dealt with it on a number of occasions. Brexit is one of the most critical issues of the past 50 years and will impact this country more than any other European country. That is why we have a particular interest in maintaining the links we have with Northern Ireland and the United Kingdom and preserving the peace funds and INTERREG funds and so on that we have. We have made it perfectly clear, however, that the question of a united Ireland is contained in the Good Friday Agreement, which I support fully, and of which I, as Head of Government, am a co-guarantor with the British Government. The Good Friday Agreement and its successor agreements contain a very clear measure to the effect that if people north and south of the Border decide by referendum that there should be a united Ireland, they should have that opportunity. We support this measure. My point, as articulated at the function at which I spoke, is that this measure must be part of a continued guarantee of the negotiations that will take place between the European Union and on our future relationship with the United Kingdom. This is an internationally binding agreement, signed and accepted by everybody. The observation and fulfilment of the Good Friday Agreement and its successor agreements are binding issues for both countries. The Minister for Foreign Affairs and Trade, Deputy Flanagan, has been at pains on so many occasions to refer to this repeatedly in his conduct with associations and people in Northern Ireland. The North-South Ministerial Council knows this is part and parcel of the ordinary work in which we are involved.

I will answer the question the Deputy may be asking. Does this mean that a Border poll is imminent? No, it does not. Does it mean that the Government is calling for a Border poll now? No, it does not. Does it mean that the Government is looking at the longer term as to what the people in Northern Ireland and the Republic might do in accordance with the Good Friday Agreement? We will guarantee that right and opportunity is protected in the language of the future negotiations. This is an international, legally binding agreement of which the Republic is co-guarantor and it will be followed through on fully. That time is not now, Deputy McDonald.

Deputy Mary Lou McDonald: I welcome and share the very strong view the Taoiseach has expressed of adherence to the Good Friday Agreement. That progress came after a very protracted and vicious conflict and it was hard-won on all sides. The Taoiseach is aware that this internationally-binding agreement recognises the Border as a contested border and that the matter is contemplated within it. The agreement also makes provision, as the Taoiseach rightly points out, for the democratic and peaceful means by which partition might be ended, with the consent, it goes without saying, of people North and South. I agree with the Taoiseach on all of that.

My question was rather more pointed. When the Taoiseach thinks out loud that Brexit might spur or cause what he called, if I am correct, an uncomplicated route to Irish unity, I want to understand what that means. I am not asking the Taoiseach to act in a pre-emptive or coercive manner and nor would it be acceptable for any Taoiseach to do so. That is not the point I am

making. I am asking the Taoiseach to pin his colours to the mast as regards Irish unity over the medium and longer term. Is this something to which the Taoiseach aspires as Head of Government? Will he be part of a dialogue and a respectful, democratic conversation about the reunification of our country?

The Taoiseach: When I visited Prime Minister May at Downing Street very shortly after she was elected, we both agreed, in the context of these matters, that there would be no return to a hard border and that we would keep, for want of a better term, the “invisible” Border we have now, which is very different from what applied before and which would preserve the benefits of the common travel area that has, as Deputy McDonald is well aware, existed since the 1920s. I mentioned this, in the first instance, to Chancellor Merkel of Germany, President Hollande of France, Mr. Barnier, Presidents Tusk and Juncker, as well as all the others, because they understand - at a European level - that there has been a peace process in Ireland for quite a long time arising from the Good Friday Agreement, which Europe supports. We want to preserve that. This means that while some may seek alternative strategies or special status of one sort or another, we have a particular set of circumstances that I discussed with the First Minister, the deputy First Minister, the North-South Ministerial Council and the Executive Assembly. That means we will have a land border with the European Union when the UK leaves. We have PEACE and INTERREG funds and we want to preserve those benefits so the people of the island can have the intertwining of our economies progress in the way we would like. I have set out our priorities, which are our citizens, our trade, our economy, the Border, the common travel area and our future relationship with the European Union.

An Leas-Cheann Comhairle: Tá an t-ám istigh.

The Taoiseach: These matters have been raised with other leaders. I take part in every discussion about Northern Ireland and the Republic. A central focus of that is the Good Friday Agreement-----

An Leas-Cheann Comhairle: The Taoiseach will have to use another opportunity to elaborate further.

The Taoiseach: -----and its successor agreements. It is an internationally-binding agreement which I support and of which I am co-guarantor.

An Leas-Cheann Comhairle: There must be some discipline regarding time.

The Taoiseach: Gabh mo leithscéal.

An Leas-Cheann Comhairle: Perhaps Deputy Grealish will lead the way. He has three minutes.

Deputy Noel Grealish: I will try, a Leas-Cheann Comhairle. I have timed my speech and it is slightly more than three minutes. There has been a great deal of discussion inside and outside this House about the urgent need for the accident and emergency departments in our hospitals to be improved. Hundreds of patients are having to spend nights on trolleys in unacceptable conditions. I would like to highlight the particular problems at University Hospital Galway, which is one of the biggest hospitals in the country. I ask the Government to implement a solution that could be introduced in the short term to resolve the problems at the hospital, at least in part. The accident and emergency department at the hospital is one of the two busiest in the country, with well over 60,000 people attending it every year. Management and staff are doing their best to

cope with working conditions that are impossible at times. Patients are being shoehorned into every nook and cranny as they await treatment. Those who have to be examined in corridors without privacy are stripped of their dignity.

I do not need to remind the Taoiseach of the words he used in this House this time last year after a visit to University Hospital Galway. He said that “the emergency department at University College Galway is not fit for purpose” and described it as “one of the most inadequate facilities in the country”. Every day of the week, this department is desperately trying to cope with patient numbers that are two or two and a half times in excess of the numbers for which it was built to cater. The logjam in the accident and emergency department is having a knock-on effect on other aspects of the hospital’s operations. Planned surgeries for almost 5,000 patients at University Hospital Galway were cancelled in the first nine months of this year. This has been blamed in part on overcrowding in the accident and emergency department, which has been causing elective surgeries to be postponed. There are plans in the pipeline for the construction of a new accident and emergency unit. The rate of progress in this regard makes me fear that another 500,000 people or more will have to endure the trauma of the current facility before the new unit actually opens.

There is another option that would considerably ease the pressure on the current accident and emergency department. Its attraction is that it could be implemented in a relatively short period of time and at a relatively low cost. A minor injuries unit at Merlin Park University Hospital could handle a large proportion of the people who currently present at the accident and emergency unit at University Hospital Galway. A similar service is operating at 11 locations around the country. The unit at Roscommon County Hospital is open seven days a week from 8 a.m. to 8 p.m. and handles cases like cuts, bruises, burns, sprains, broken legs and broken arms. Just one in four of those who attend the accident and emergency department at University Hospital Galway end up being admitted to the hospital. This suggests that a huge number of people could be treated at a minor injuries unit at Merlin Park University Hospital. Will the Taoiseach agree to provide such a unit as a matter of urgency, before another generation of people from Galway and adjoining counties endures the limitations of a facility that does not belong in modern Ireland? Will he confirm a report in last week’s *Connacht Tribune*, which quoted Government sources as saying that the Minister for Health, Deputy Harris, “will announce the go-ahead for a new Emergency Department” when he visits the hospital in December? If this report is accurate, how long will it be before the new accident and emergency department is open?

The Taoiseach: Deputy Grealish is perfectly entitled to raise this issue, which has been raised by a number of Deputies in recent times. The fact of the matter is that the accident and emergency department at University Hospital Galway is too small and, as a result, the foyer leading into it is consistently jammed with people. As the Deputy has rightly pointed out, just one in four of those who go through the foyer into the accident and emergency unit actually end up going into the hospital for treatment. Even though this is a central issue, few others have had the accuracy to refer to it. As Deputy Grealish knows, this unit was originally designed in the 1950s and was upgraded in the late 1960s. It caters for 1 million people in the greater region. There is a need to look at what the situation should be in five, ten or 15 years’ time for the greater spectrum of care for patients in the university hospitals. As the Deputy has pointed out, the university hospitals in Galway are University Hospital Galway and Merlin Park University Hospital.

I understand that the Minister for Health intends to visit the hospital in December, as Deputy

Grealish mentioned. Following my own visit last year, a commitment to have a new accident and emergency department provided for University Hospital Galway was included in the programme for Government. The Saolta group, which deals with these matters, as the Deputy is aware, has advised that a cost-benefit analysis of the new accident and emergency department project has been submitted to the HSE national estates directorate. It has been considered and was accepted on 15 November last. We will now move on to deal with the provision of funding for the project in the review of the capital programme, which is to be carried out in 2017.

There is a consultant-led service at University Hospital Galway that opens from 8 a.m. to 8 p.m. and that takes all medical patients to the emergency department following triage of their particular conditions. There is access to key facilities such as diagnostics in order to facilitate rapid decision-making and so on. The service sees approximately 30 patients a day. In the course of examining the operational flow through the emergency department in 2005 and 2006, an internal reconfiguration was put in place to create a minor injuries area that would take away many of those who are in the system waiting to be admitted and who may, in fact, not need to be admitted. This is, as the Deputy points out, also the case at Roscommon County Hospital, which is now busier than ever. All non-core clinical accommodation was moved out of the department to create additional capacity. The emergency department now accommodates 62,000 attendances annually. Despite recent improvements in that patient flow - achieved by keeping the acute medical assessment unit, AMAU, free of boarded patients during periods of peak attendance at the emergency department - the Saolta Group advises that University Hospital Galway is extremely challenged. A 75-bed unit is being completed, as the Deputy knows.

An Leas-Cheann Comhairle: Go raibh maith agat.

The Taoiseach: When the Minister visits, as the designs that have been completed have been accepted, it is now a case of putting it in for financial backing so the next generation will not have to go through what has happened here. Finally, I would say-----

An Leas-Cheann Comhairle: The Taoiseach will have another opportunity.

The Taoiseach: We need to look at the possibilities for Merlin Park for the next period and perhaps to move out some of the services currently located at University Hospital Galway and allow it to achieve the excellence in cancer it is looking towards.

An Leas-Cheann Comhairle: I have to be fair to the House. I call Deputy Grealish.

Deputy Noel Grealish: I thank the Taoiseach for his response but I would like him to give a firmer commitment on when the new emergency department will be built and opened at University Hospital Galway. This has been going on for the past number of years but no member of Government or Minister has given a commitment on when it will actually happen.

I welcome the Taoiseach's comments on the minor injuries unit at Merlin Park. This is a major issue and such a unit would solve much of the overcrowding at University Hospital Galway. As well as bringing down the number of people at the emergency department in University Hospital Galway and reducing the worrying risk to patients from the current overcrowding, it would greatly reduce the length of time people must wait to be seen and treated. Current waiting times at the hospital are unacceptable. In the first seven months of this year, only 58% of the people attending the emergency department were dealt with in the first six hours and a quarter of the total were still waiting after nine hours. Both figures are well below the national average, and that is not to mention the 2,000 plus who were waiting 24 hours or more. Perhaps

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the most shameful statistic, from figures provided by the HSE, is that 50% of patients aged 75 and over in Galway were waiting more than nine hours to be either discharged or admitted, which is more than 3,300 of the most vulnerable members of our society.

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy Noel Grealish: I will finish on this point. Patients turning up at the minor injuries unit in Roscommon, and this shows how successful Roscommon is-----

An Leas-Cheann Comhairle: Sorry, Deputy. I have to be fair to the House. Members are taking too much advantage of my generosity.

Deputy Noel Grealish: -----wait an average of one hour in the unit and are seen and out within two hours. That is the success of a minor injuries unit. I hope the Taoiseach will consider one for Merlin Park.

The Taoiseach: The Minister opened an endoscopy unit at Roscommon County Hospital that is doing brilliant work. We have moved quite a long way in respect of this emergency department. It was contained in the programme for Government and was given priority. The design has been completed and has been accepted by HSE Estates. It is now a question of being able to provide for that within the adjustment of the capital programme for 2017. I would also make the point that, as the Deputy knows, a 75-bed unit has just been completed and will be commissioned and equipped by the end of this year, hopefully. That will free up a number of other wards that can be closed for refurbishment in order to help this situation.

The staffing numbers have increased somewhat in the emergency department. There are 54 whole-time equivalents there, including newly appointed clinical nurse managers who do an absolutely first-class job.

An Leas-Cheann Comhairle: Go raibh maith agat.

The Taoiseach: This is not the way we would like it to be but I think we are in a clearer position than before. I cannot give a date but it will continue to be an absolute priority having moved through to acceptance of the design by the HSE, moving to the review for capital programme and with the other areas that will make it better for everybody.

Deputy Eamon Ryan: We heard the sad news today of the death late last week of a man called Paul Gorman in Dundalk. It seems the cause of death was that he had been sleeping out overnight and was exposed to the cold weather. We pass our thoughts and prayers to his family. Similarly, we heard yesterday that the number of people sleeping rough in Dublin increased by 50% to 140 in the past year. Those working in the area are concerned that does not fully reflect the level of the crisis in housing and homelessness facing us. There is talk that people are starting to sleep in tents in green areas in Dublin. This reflects the scale of the crisis. Tent cities will possibly grow up in the city unless we start to address this issue. There are over 5,000 people in emergency accommodation. Can the Taoiseach tell me that we will have space for those 140 people during the cold period in the year, and facing into the new year, so that no more people die of exposure from sleeping out? While emergency hostels are opening, they are not enough to deal with the crisis.

Second, and more important, what does the Taoiseach want to do to deal with the rent crisis, which is the underlying reason for the homelessness crisis? I know the Minister for Housing,

Planning, Community and Local Government has a building plan, but that will take several years. It is matched with a support plan for the construction industry, which I fear will only make the rent and housing crises worse. What other measures will the Taoiseach consider? I see the Minister for Housing, Planning, Community and Local Government is here now and may be able to assist in the answer. Will we do as they do in Belgium when the temperature drops below a certain level and open up State buildings to make sure we do not have any shortfall, or will we do what Germany does by allowing rent increases mirror only what has happened in a particular area over the previous four years and restrict the level of rent increases - not allowing an increase above 20% - so that families are not forced into homelessness and emergency accommodation, or men and women forced to sleep rough? We are not doing enough. I know we have a constitutional right to the protection of property but the Constitution also imposes social duties. We are not treating this homelessness crisis with the severity that it needs, particularly the short-term crisis of people sleeping rough. What will the Taoiseach do this cold winter to avoid any further deaths on our streets?

The Taoiseach: This is a matter of priority for Government, specifically for the Minister for Housing, Planning, Community and Local Government, and that is why a most comprehensive housing programme, including dealing with sleeping rough and homelessness in all its forms, has been central to what we are trying to do. This programme has serious backing from Government with over €5 billion on the table for the years ahead. That involves emergency shelters, expanded Housing First programmes, acquiring vacant housing, the returning to habitable use of voided units, exits from homelessness and so on. Additional emergency accommodation is being brought on stream in the Dublin region during the winter months. The Minister and the Government, as well as everybody else, would like to see that there is nobody on the streets this Christmas, as was achieved last year. Another 200 emergency beds are being provided for homeless people on the streets, bringing the number to 1,800. Given that the Dublin Region Homeless Executive estimates that there are approximately 115 rough sleepers, the additional bed spaces, coupled with the Housing First programme, will bring about an improvement in the situation here.

Deputy Ryan is aware that the Housing First programme means that for complex cases the services necessary to give them the opportunity to be able to live in a home are put around them. That will provide permanent, stable and supportive housing to long-term homeless individuals and thus reduce their reliance on emergency accommodation at any one time. Under the Minister's programme, it is intended to triple the Housing First units in Dublin from 100 to 300. This has been very successful in other countries and is now something that is being implemented here with very beneficial results. The Housing Agency will acquire 1,600 vacant housing units in the period ahead.

Along with the provision of stable housing, health care services have a particular role to play in looking after homeless people. The Government has committed to providing that by way of allocating an extra €2 million to the HSE for these services in 2016 and a commitment to treble that to €6 million for 2017 and 2018. That means that those individuals will be able to receive a high level of support for their needs. They can access the range of health services and supports they require while living in the supported temporary accommodation or in long-term accommodation. Of that €2 million, €450,000 was given to the Peter McVerry Trust to support temporary accommodation on Charlemont Street for a further 10 beds. Some €450,000 was also allocated to Crosscare St. Mary's of Dorset Street, and €200,000 was allocated to Sophia Housing long-term accommodation on Seán McDermott Street, which is specifically aimed at

focusing on homeless couples with complex needs. That additional funding will also provide four extra care staff there.

The programme for Government commits to step-down facilities after drug rehabilitation. That additional funding will also enhance GP services and so on. There is a great deal going on. I am sure that the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, would be happy to tell Deputy Ryan of the full range of initiatives and the progress that is being made in this area.

Deputy Eamon Ryan: A great deal is going on but the problem is getting worse. The simple figure is that there has been a 50% increase in the past year in the number of people sleeping rough. I acknowledge that new centres are opening with 100 beds here and 70 beds there, but 5,000 people remain in emergency accommodation. In the Taoiseach's response, he did not address the fundamental underlying issue as I articulated it, that there is a rental crisis. What is different and unusual about the crisis, particularly in this city at this time, is that people are being forced into homelessness because rental prices are going up so dramatically that they cannot afford to stay in their accommodation. The Government should look at addressing that underlying problem by looking at other mechanisms of trying to restrict the rental increases in order that people are not forced out of their homes and to give renters the rights that we have so far failed to give them. I was amazed when listening to the debate on the Finance Bill in this House about the endless tax breaks and incentives we give to try to get the construction industry to develop. There was no mention of a vacant site levy being introduced ahead of schedule. There was no mention of a site value tax or other measures that might actually push the building industry to build, not just by-----

An Leas-Cheann Comhairle: Go raibh maith agat, a Theachta.

Deputy Eamon Ryan: -----giving them tax breaks, but by starting to give them obligations. What is the Taoiseach doing to address the main fundamental underlying problem in this, which is that renters-----

An Leas-Cheann Comhairle: Thank you, Deputy. The Taoiseach to respond.

Deputy Eamon Ryan: -----in this city and this country have no rights? What additional powers does the Taoiseach think he could give them to avoid the fundamental cause of the problem?

An Leas-Cheann Comhairle: The Taoiseach to respond.

The Taoiseach: The Minister will introduce a vacant site levy as soon as he can. By 9 December, there will be three new hostels open in Dublin with 210 extra beds. The new rental strategy will be presented to the Dáil in the next few weeks. That is based on security, supply, standards and services. This city is the most affected area but it is not the only place in which there is a homelessness problem, as Deputy Ryan is well aware. I am sure that he can get all of the detail from the Minister for Housing, Planning, Community and Local Government. The detail is extensive.

The problem has been exacerbated by the shortage of supply of proper accommodation and that is why Government has focused on the rough sleepers, the homeless, those in hotel rooms and bed and breakfasts and those who are becoming homeless because of elements of the rental strategy. All of these five pillars are proceeding together. It is the most extensive and compre-

hensive programme to deal with the housing shortage, housing supply, rough sleepers, homeless people and all other forms. We hope that this Christmas and this winter, there is nobody on the streets who is looking for a bed and that there is an opportunity in those very complex cases to continue the Housing First programme and bring them to a location in which the services can be provided around them to give them the opportunity of having their own place.

Order of Business

An Leas-Cheann Comhairle: I call Deputy Róisín Shortall to announce the Order of Business for the week and to make the proposals regarding the arrangements for the taking of that business.

Deputy Róisín Shortall: Today's Government business shall be No. 8, motion re Horse and Greyhound Racing Fund Regulations 2016, referral to committee without debate; No. 9, motion re change to Standing Order No. 29, to be taken without debate; No. 10, motion re seventh report of the Committee of Selection, to be taken without debate; expressions of sympathy on the death of Mr. Peter Barry; and No. 1, Statute Law Revision Bill 2016 [*Seanad*] - Second Stage. Private Members' business shall be No. 27, Flood Insurance Bill 2016 - Second Stage, introduced by Fianna Fáil.

Wednesday's Government business shall be No. 17, Health Insurance (Amendment) Bill 2016, Order for Report, Report and Final Stages; No. 18, Adoption (Amendment) Bill 2016 Order for Report, Report and Final Stages; and No. 1, Statute Law Revision Bill 2016 [*Seanad*] - Second Stage, resumed. Private Members' business shall be No. 28, Secure Rent and Tenancies Bill 2016, Second Stage, introduced by Sinn Féin.

Thursday's Government business shall be No. 1a, Planning and Development (Housing) and Residential Tenancies Bill 2016 [*Seanad*]; No. 30, Prisons (Solitary Confinement) (Amendment) Bill 2016 - Second Stage which will be debated in the evening slot, followed by No. 31, Cannabis for Medicinal Use Regulation Bill 2016 - Second Stage.

In relation to today's business, there are four proposals. It is proposed that:

(1) the motions re the Horse and Greyhound Racing Fund Regulations 2016, Referral to Committee, the change to Standing Order 29, and the seventh report of the Committee of Selection shall be taken without debate;

(2) Expressions of sympathy on the death of Peter Barry shall take place after the motions without debate following the Order of Business and shall be brought to a conclusion after 20 minutes, if not previously concluded, with each contribution not exceeding two minutes;

(3) Taoiseach's Questions shall take place immediately following the expressions of sympathy; and

(4) Second Stage of the Flood Insurance Bill 2016 shall be brought to a conclusion, if not previously concluded, at 10 p.m.

In relation to Wednesday's business there are two proposals. It is proposed that:

(1) There shall be no Taoiseach's Questions and questions to the Minister for Agriculture, Food and the Marine shall take place after questions on promised legislation; and

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(2) Second Stage of the Secure Rent and Tenancies Bill 2016 shall to be brought to a conclusion, if not previously concluded, at 6.30 p.m.

In relation to Thursday's business, there is one proposal. It is proposed that the Dáil shall sit later than 7.48 p.m., to adjourn on the conclusion of proceedings on the Second Stage of the Cannabis for Medicinal Use Regulation Bill 2016, which shall take place for two hours following the Prisons (Solitary Confinement)(Amendment) Bill 2016 - Second Stage.

An Leas-Cheann Comhairle: I have several proposals to put to the House. Is the proposal for dealing with Tuesday's business agreed to?

Deputy Caoimhghín Ó Caoláin: I have a question. In the first draft of the Order of Business from the Business Committee, I note that it was intended to have statements in the House today on the death of Mr. Fidel Castro, the former President of Cuba, but that has been deleted. Today is the day for recognising the contribution of Mr. Castro not only to the development of Cuba and its people but also internationally on many levels. Given that international figures are participating in ceremonies in Cuba today, it would be appropriate for us to reflect on his death and contribution. I appeal to the House that we do not let the day go by without ensuring that this is done. Whatever the reason behind the decision, and I hope it is only related to technical arrangements, if it cannot be facilitated today, though that is my appeal, I hope that it can be facilitated this week. I seek clarification from the Taoiseach on same.

An Leas-Cheann Comhairle: Deputy Barry, is your question on the proposal for Tuesday that I am putting before the House?

Deputy Mick Barry: It relates to the Order of Business for the week, so the Leas-Cheann Comhairle can take it now or later. I do not mind.

An Leas-Cheann Comhairle: We are just dealing with Tuesday's business at the moment. Does Deputy Shortall, on behalf of the Business Committee, have any comment to make, or the Government, on the question from Deputy Caoimhghín Ó Caoláin? If not, I will put the question.

Deputy Róisín Shortall: I have no information on the reason that was withdrawn.

The Taoiseach: The country will be represented at the funeral today in Havana by Ambassador Hyland, who is based in Mexico.

Deputy Caoimhghín Ó Caoláin: I think it is appropriate that the House records its sympathy to the people of Cuba, the ambassador, Hermes Herrera, and the President of Cuba, whose brother, the former President, has died. It was the intention of the Business Committee.

Deputy Micheál Martin: It was not.

Deputy Caoimhghín Ó Caoláin: I would like an explanation as to why it was-----

An Leas-Cheann Comhairle: If there is an opportunity, you will be able to expand on that. The Minister of State, Deputy Doherty, has indicated.

Deputy Caoimhghín Ó Caoláin: The House should agree to proceed with what was clearly initially intended.

An Leas-Cheann Comhairle: I will put the question after the Minister of State, Deputy

Doherty, intervenes.

Deputy Regina Doherty: I thank the Leas-Cheann Comhairle. Could I make a suggestion because I do not believe there was a clear intention yesterday? There was confusion among different people having different phone conversations, and a Business Committee meeting would be more appropriate to deal with this. Perhaps it could be added to the agenda on Thursday.

An Leas-Cheann Comhairle: I am putting the question.

Deputy Micheál Martin: On a point of order-----

Deputy Caoimhghín Ó Caoláin: What was proposed?

An Leas-Cheann Comhairle: That it be discussed at the Business Committee.

Deputy Micheál Martin: Can I make a point before anybody discusses anything? Could we get the precedence and the protocols for what happens when leaders of state die?

Deputy Thomas Byrne: Former leaders.

Deputy Micheál Martin: Former leaders. I am not aware of previous-----

An Leas-Cheann Comhairle: Perhaps the Business Committee-----

Deputy Micheál Martin: There is an important issue here. I can think of former leaders of other states who passed away about whom there would be uproar in here if attempts were made to debate those, and I am not casting any aspersions on-----

An Leas-Cheann Comhairle: The Business Committee-----

Deputy Micheál Martin: There are protocols attached to votes of sympathy that are long standing in the House. We need to establish those. We cannot make them up on a whim. It is my understanding that this happened after the Business Committee met.

An Leas-Cheann Comhairle: The Business Committee has a brief for proposing the Order of Business and the Minister of State, Deputy Doherty, has suggested that the Business Committee would consider this, look at the protocols-----

Deputy Caoimhghín Ó Caoláin: With respect, I have suggested that the House would consider this proposal because clearly, and Members will have a copy of the Business Committee's proposal, it was decided and it has since been deleted. I propose-----

An Leas-Cheann Comhairle: Are you proposing an amendment to No. 1?

Deputy Caoimhghín Ó Caoláin: Certainly. I do believe-----

An Leas-Cheann Comhairle: And your amendment is-----

Deputy Caoimhghín Ó Caoláin: I believe that contributions on the death of Fidel Castro, who was a figure of major international importance and a friend of Ireland, and irrespective of the opinions of Members-----

An Leas-Cheann Comhairle: Deputy Ó Caoláin, it is very clear. If you want to propose an amendment, propose an amendment and I will put it to the House.

Deputy Róisín Shortall rose.

An Leas-Cheann Comhairle: Deputy Shortall, unless you have some proposal relating to the Business Committee, I am moving on.

Deputy Róisín Shortall: I have. A new procedure was agreed at the Business Committee last week where there was disagreement among the parties on the taking of business. It was proposed that there would be telephone contact between the Members the night before and, if agreement could not be reached, a meeting of the Business Committee would be convened the following morning. I suggest that rather than dividing the House on this issue, we seek to reach agreement on it this evening, bearing in mind the suggestion made by Deputy Martin, and that we seek to resolve this matter tomorrow morning.

An Leas-Cheann Comhairle: So the Business Committee will take the opportunity of considering it this evening.

Deputy Caoimhghín Ó Caoláin: Rather than divide the House, I am willing to accept that the Business Committee will reconsider the proposition and I hope it would strongly take on board my commendation. I am sure the view is reflected by many in this House that the death of Fidel Castro should be appropriately recorded in this House.

An Leas-Cheann Comhairle: Having regard to the suggestions from the Minister of State and Deputy Shortall, is the proposal for dealing with Tuesday's business agreed? Agreed. Is the proposal for dealing with Wednesday's business agreed to?

Deputy Mick Barry: There are more leaks coming from the expert water commission than can be found in the entire water system for the country.

An Leas-Cheann Comhairle: This is not a Second Stage debate on leaks. We are not here to consider leaks - that might be a pun.

Deputy Mick Barry: The question that I wish to ask is this.

Deputy Micheál Martin: There are expert leakers.

Deputy Mick Barry: Given the level of leaking that is taking place and given the level of public concern at what is being said, can we agree that the Business Committee would discuss on Thursday the idea of setting aside time next week for a full discussion in the House on the water charges issue?

An Leas-Cheann Comhairle: Deputy Barry has a representative on the Business Committee and I am sure she will raise that.

The Taoiseach: I might help the Leas-Cheann Comhairle here. As a result of the situation that applies, the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, has informed me that this report will be published early this evening and will go directly to the specific committee set up in the Oireachtas to deal with it.

An Leas-Cheann Comhairle: I thank the Taoiseach for that helpful intervention. In view of that, is the proposal for dealing with Wednesday's business agreed to? Agreed. Is the proposal for dealing with Thursday's business agreed to? Agreed.

Deputy Micheál Martin: One of the more optimistic sentences in the programme for Gov-

ernment reads, “We are committed to sustaining the progress made to date on waiting lists, and are committed to” further investment, etc. As the Taoiseach will be aware, the reality is that the waiting lists have gone in the opposite direction and are at an all-time record high. Quite appalling figures in a range of medical disciplines in almost every hospital throughout the country are going through the roof. There is a real crisis here. The programme for Government commits to “agree[ing] annual performance targets with each Hospital Group/Trust and CHO (Community Healthcare Organisation) on waiting times, linking to activity based funding.”, and states, “We will establish a Performance Management Unit providing assistance to hospitals and service providers in reaching their targets.” Given the abysmal results in terms of the worsening of the waiting times and the waiting lists, can the Taoiseach indicate what progress has been made on those programme for Government commitments?

The Taoiseach: It is worth noting that there are 3.2 million outpatient attendances at hospitals every year, that 100,000 patients have elective inpatient procedures and that 800,000 have planned day-care procedures. The number of patients who are waiting to be seen or treated, while unacceptably high, needs to be considered in the context of the total number of patients who are seen and treated.

The programme for Government commits to €50 million in 2017 for waiting list initiatives, with at least €15 million of this money allocated specifically to the National Treatment Purchase Fund, NTPF, which the Deputy has raised on a number of occasions. In direct response to those increases, the HSE has provided the Minister for Health with an action plan - to be implemented in the second half of this year - that is aimed at reducing the number of patients on waiting lists. Key actions of that plan include: clinical validation of patients waiting for inpatient or day-case procedures for over 15 months; focusing specifically on providing procedures for the 5% of patients on inpatient and day-case procedure waiting lists for over 18 months; and driving the process of improvement at hospital group and individual hospital level with the support of the special development unit.

Data has shown improvements in the overall endoscopy situation and in the waiting lists relating to and waiting times for endoscopy of 15 months. The Minister recently opened endoscopy units at the Beacon Hospital and Roscommon County Hospital. The Minister is conscious of the major role of the endoscopy procedure, both in advancing the treatment of gastrointestinal diseases and as a diagnostic and investigative tool significantly improving outcomes for patients. I will advise Deputy Martin in respect of the performance indicator system to which he refers.

Deputy Caoimhghín Ó Caoláin: More than 1,000 people in direct provision centres across this State will receive their Christmas bonuses this week - I say that with tongue in cheek to some degree. It will amount to €16.23 for adults and €13.26 for children.

3 o'clock

Given that adults only receive €19.10 per week and children receive €15.60 per week, it is clear that all of these families will have what one could only call a very poor Christmas. The Government is responsible for a system of detention that guarantees poverty for asylum seekers. The McMahon report recommended increases in payments for children and the opportunity to work for adults while their cases are being assessed. When will these recommendations be implemented? Of the 4,301 people in direct provision centres at present, 614 are in direct provision for more than five years. It is a scandalous situation and absolutely unacceptable. In

the most recent review of progress in implementing the McMahon report, the Government admits that 82 of the 173 recommendations have only been partially implemented or have seen no progress. When does the Taoiseach expect the outstanding recommendations to be implemented and can he update the House on the status of the immigration and residency reform Bill?

Finally, the key recommendation of the working group was the introduction of a single application procedure in the protection process. The International Protection Act 2015 provides for such a procedure. Can the Taoiseach indicate when he expects the commencement of the International Protection Act?

The Taoiseach: I will ask the Minister of State at the Department of Justice and Equality, Deputy Stanton, who is dealing with these issues and who has visited most of the direct provision centres, to respond to the Deputy.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I have visited most of the centres by now and much progress has been made with respect to the McMahon report. We are putting in place a provision whereby people can cook meals for their families and we are putting families into family-specific units. I have visited those and spoken to the people and they report that they are quite happy there. Many people move into and out of provision all the time so the number is approximately 4,000, as the Deputy said. We hope to have the legislation enacted at the end of this year, if not sooner. If not, it will be very early next year. Much work has been done on commencing the Act in law and having it working soon.

Deputy Catherine Connolly: Mar Chathaoirleach ar Choiste na Gaeilge, na Gaeltachta agus na nOileán, tá soiléiriú ag teastáil uaim ar Acht nua na dteangacha oifigiúla. Cá bhfuil sé? Go háirithe, maidir leis an gcóras, cén chaoi is féidir leis an gcoiste an tAcht nua sin a phlé? Sin atá ag teastáil uaim. Tá a fhios agam go bhfuil an tAcht beartaithe ag an Rialtas ach tá muidne ar an gcoiste ag iarraidh go dtiocfadh sé os ár gcomhair go práinneach, ionas go mbeimid in ann obair as lámh a chéile agus Acht nua a chur chun cinn. An bhfuil gá le cinneadh sa Dáil chun an tAcht nua sin a chur os ár gcomhair nó an féidir leis an Taoiseach, an tAire sinsearach nó an tAire sóisearach an cinneadh sin a dhéanamh?

The Taoiseach: Tabharfaidh an tAire sóisearach freagra don Teachta. Tá obair á dhéanamh agus tá obair déanta ag an Aire Stáit maidir leis seo. Déarfaidh mé leis go bhfuil sé práinneach go dtabharfadh sé eolas cruinn don Teachta agus don Teach.

An Leas-Cheann Comhairle: I call the leader of the Rural Alliance, Deputy Mattie McGrath.

Deputy Micheál Martin: That is an unexpected promotion.

Deputy Mattie McGrath: It is. Any day one gets it, one takes it. The programme for Government includes specific commitments in the health area, and Deputy Grealish has raised some matters regarding Galway. My question is about South Tipperary General Hospital. A total of 41 people are on trolleys there today, which is the highest number in the country. It is a small hospital compared to Cork University Hospital, CUH, or Beaumont Hospital, so this is totally intolerable. Despite the money announced for the winter initiative nothing has happened to help the hospital. In spite of my colleague, Deputy Lowry, planning to helicopter in motel-type accommodation here, which is pie in the sky and which the Minister must have told him about or somebody else must have dreamt it, nothing has happened. There is a chronic situation in that hospital. If the Taoiseach and the Minister for Health are not going to open Cashel hospital,

will they sell it and get a private operator to take it over and ask it to run it?

An Leas-Cheann Comhairle: Is there proposed legislation for this?

Deputy Mattie McGrath: Of course there is. It relates to chapter 6 of the programme for Government with respect to health initiatives. There is a chronic situation in Clonmel hospital. To have 41 people on trolleys in a hospital that size is outrageous.

An Leas-Cheann Comhairle: I thank the Deputy for his brevity.

The Taoiseach: I am not sure Deputy Mattie McGrath is actually proposing that move or that he is telling the people down there that the hospital should be taken over by a private enterprise.

Deputy Mattie McGrath: I am. If the Taoiseach is not going to open-----

An Leas-Cheann Comhairle: Allow the Taoiseach to respond without interruption.

The Taoiseach: I will have the Minister for Health respond to Deputy McGrath on what is a valid question.

Deputy Marc MacSharry: Page 64 of the programme for Government refers to the Government commitment to making greater use of effective but costly medicines. Page 33 of the Health Service Executive service plan indicates that 2016 will see new drugs being a significant feature. At the weekend we saw press reports that the decision has already been made not to make the game-changing and life-saving drug Orkambi available to those of the 1,200 cystic fibrosis sufferers in this country who are suitable to be treated with it.

I ask that a decision be made in the same vein as that made previously by the then Minister, the former Deputy, James Reilly, when he, despite a decision by the National Centre for Pharmacoeconomics, NCPE, and the committee within the HSE not to provide the drug Kalydeco to relevant and suitable patients, overruled that decision at the time and made it available. I ask that the Government immediately move to make a decision and direct that Orkambi be made available to those patients who require it such as that of the Golden family in Sligo whose daughter, Grainne, sadly passed away as a very young girl some 12 months ago. Her dying wish was that other children would not have to go through the same suffering and experience the same fate she had.

If it is merely the cost of the medicine rather than the value of life, I would make a simple point. The cost of acute beds per day is between €1,000 and €1,200. Many cystic fibrosis patients at their sickest spend up to nine months per year in an acute bed. At that cost, that works out between €270,000 and €324,000 per year. To provide this game-changing and life-saving drug to those people at a cost of €160,000 would be between 49% and 59% of the cost of providing the acute care that we are providing. In essence, it would be cost saving and free up many of the acute beds we heard Deputy Grealish and my leader, Deputy Micheál Martin, highlight as needing to be freed up because of the waiting list throughout the country. I appeal to the Taoiseach to take the right and just decision in this instance.

The Taoiseach: This is a matter that is of considerable stress and interest to those who suffer from cystic fibrosis for whom this might be an improvement in the quality of their lives. The company involved, Vertex, needs to be realistic in respect of what it is charging. The Minister, Deputy Harris, is not alone in his difficulties in respect of Orkambi for cystic fibrosis patients.

The same situation applies in Australia, Canada, England and Scotland where this drug has not been approved as part of the public health system. The Minister has written to all the other Ministers for health in those countries seeking their co-operation in joining in a realistic set of discussions with Vertex in order that they can positively influence this drugs company to be more realistic in what it is demanding.

The Minister has also invited Cystic Fibrosis Ireland for an up-to-date briefing on where the process is at now. He has been in touch with Opposition spokespersons about this. However, as Professor Barry said yesterday, it is time for the company to put patients first and to reduce its price significantly. A five-year gross budget impact would be almost €400 million and the NCPE noted the significant opportunity cost associated with reimbursing the drug. We are fully supportive of the discussions that need to take place directly with the company on a renewed basis. These are not political decisions. Politicians are not in a position to be qualified to make the clinical judgments as to the extent of improvement in the quality of life for the patient and the cost that is being charged. The HSE has been involved with Vertex since June of this year. It is disappointing that Vertex has given no ground. I have the letter here from the Minister for Health to the Australian Minister asking that people would get together in a number of countries and talk to Vertex in this respect. The NCPE which undertook the assessment of Orkambi noted that the drug was not considered cost-effective at the price of almost €160,000 per patient per year as submitted by the manufacturer. The clinical assessment of the NCPE estimated that the cost-effective price in this instance was closer to €30,000 or five times less than what the company is demanding. The five-year gross budgetary impact would be almost €400 million and, therefore, the company needs to be realistic in its discussions with the HSE based on the professional clinical assessment of the value of the drug in terms of the improvement of the quality of life of the patient. The other countries I have mentioned are in the very same boat. This drug has not been approved on the public health system for cystic fibrosis sufferers in those countries. I hope that Vertex becomes realistic in its discussions about the price it is demanding and what might be more appropriate, which would not only allow cystic fibrosis sufferers to benefit from Orkambi but many others to benefit from other drugs as well. I hope the discussions take place again quickly. The Minister will brief cystic fibrosis sufferers to give them the up-to-date position.

Deputy Carol Nolan: I want to raise again with the Taoiseach the issue of school transport again. I raised the issue a month ago and was told the findings would be published. We still have no findings. I attended a meeting with Bus Éireann officials last week along with the Minister of State at the Department of Education and Skills, Deputy Halligan, and many other Deputies from rural constituencies who are experiencing serious problems with this issue. The meeting was nothing more than a deflection from the real issues at play. The meeting was to discuss communication problems between public representatives and Bus Éireann. This is not good enough. The elected members of Edenderry municipal district in County Offaly wrote to the Minister of State about this issue at least one month ago but they have received no reply. This is another example of rural neglect. These are rural communities with no public transport. Children are being dropped off at school at 7 in the morning and this is just not good enough. We need the review published as soon as possible because this issue is unacceptable and it will not go away. I will keep agitating.

The Taoiseach: The Minister of State, who is dealing with this, is not present. Perhaps the Minister for Education and Skills might like to comment on it.

Minister for Education and Skills (Deputy Richard Bruton): This scheme has a budget

of €175 million. Under it, there are guaranteed places for people who fall within the eligible categories and, after that, concessionary places are made available. We have maintained a high level of commitment in this area but most of the requests are for people to move outside the established rules. The Minister of State has undertaken to examine it and he has sought with Opposition Members to find resolutions but these are not easy to find. That is why it is taking considerable time to consider this.

An Leas-Cheann Comhairle: I call Deputy Healy-Rae and ask him to remember that Deputy Durkan needs time to ask his question.

Deputy Danny Healy-Rae: I have to raise again the serious problem of elderly people in County Kerry waiting for cataract operations. I have raised this many times previously and, indeed, Deputy Michael Healy-Rae has raised it as well. It is just not good enough. We have five Ministers for health and we have a raft of HSE managers, yet many elderly people will not be able to see this Christmas-----

An Leas-Cheann Comhairle: Indicate to the Taoiseach-----

Deputy Danny Healy-Rae: Just one second. They have to wait for a year and a half to two years for an operation that takes little over an hour. It is very unfair to leave people blind in the latter days of their lives for so long. We have five Ministers for health. If they are not able to deal with the problem - I have it raised many times before - they will have to pull out because they cannot give people a simple operation. What will they do about it? Will this be left-----

An Leas-Cheann Comhairle: If the Deputy continues, I will not be able to allow the Taoiseach to reply.

Deputy Danny Healy-Rae: I am sorry.

An Leas-Cheann Comhairle: Do not be sorry. The Taoiseach has seven seconds to reply.

Deputy Danny Healy-Rae: It is very bad for people.

An Leas-Cheann Comhairle: The Deputy has to consider that I cannot overrule the Order of Business, even for the Taoiseach. The Taoiseach has five seconds.

The Taoiseach: It can be very debilitating for an elderly person who is unable to read or watch a television because of cataracts. They take time, though, to be appropriate for an operation. I will have the Minister for Health look at the waiting list in Kerry and advise the Deputy of what the position might be.

An Leas-Cheann Comhairle: I will have to apologise to Deputy Durkan unless it is a short question. He is normally orderly.

Deputy Bernard J. Durkan: When will the Garda Síochána (malicious injuries compensation) Bill come before the House?

The Taoiseach: Legal advice has been received on that and it is being analysed. Progress is being made and we will advise the Deputy of the up-to-date position.

Prohibition of Micro-Plastics Bill 2016: First Stage

Deputy Sean Sherlock: I move:

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That leave be granted to introduce a Bill entitled Bill an Act to prohibit the manufacture, sale and import of any cosmetic product containing micro-plastics as a raw material, and to provide for related matters.

An Leas-Cheann Comhairle: The Deputy has five minutes.

Deputy Sean Sherlock: I will put the House back on track timewise. I will finish well within five minutes.

I seek leave to introduce the Bill. It was introduced by the Green Party and roundly rejected by Fianna Fáil and Fine Gael in the Seanad last week. The arguments relating to the transparency directive and, in particular, in respect of the articles relating to the free movement of goods and services on which the Bill was rejected are spurious. However, Article 36 provides the protection of human health and flora and fauna and protection of marine life. We believe strongly that there is a precedent in respect of this type of legislation. When the smoking ban was introduced by former Minister for Health, Deputy Micheál Martin, there was a notification period of three months but it did not prevent the legislation from going through the House. It got fair wind and a fair passage. This legislation is similar in so far as everybody in the House has stated that they support it. Fianna Fáil, as I understand it, is on record as saying that it would introduce its own Bill because it felt the Green Party Bill was not strident enough in respect of the penalties it proposed. We are happy to have this Bill amended in any way if Fianna Fáil feels strongly enough that the measures we propose are not strident enough in respect of the banning of micro-plastics.

We also feel strongly that there is not a sufficient momentum on the part of the European Commission to legislate in this area. Given the important role of member states, it is appropriate that they should in their own right introduce public health measures that they deem appropriate in the public interest. I hope there will be cross-party support for this. This is an opportune Bill because it seeks to address the issues raised by the Minister for Housing, Planning, Community and Local Government in response to the Green Party and Senator Grace O'Sullivan in the Seanad last week. It is opportune without being opportunistic.

An Leas-Cheann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Horse and Greyhound Racing Fund Regulations 2016: Motion

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

That the proposal that Dáil Éireann approves the following Regulations in draft:

Horse and Greyhound Racing Fund Regulations 2016,

copies of which have been laid in draft form before Dáil Éireann on 21st November, 2016, be referred to the Joint Committee on Agriculture, Food and the Marine, in accordance with Standing Order 84A(4)(k), which, not later than 15th December, 2016, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Standing Orders: Motion

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

That, in accordance with the recommendation of the sub-Committee on Dáil Reform under Standing Order 107(1)(a), until further notice in the 32nd Dáil, Standing Order 29 of the Standing Orders of Dáil Éireann relative to Public Business be amended, with effect from 6th December, 2016:

(a) by the deletion of subparagraph (d) and the substitution of the following:

‘(d) The sequence in which Leaders shall be called upon to put questions shall be in accordance with the rota over nine weeks/27 sitting days, approved by the sub-Committee on Dáil Reform, determined on the basis of the number of members in each group, and with questions for each group distributed across each Tuesday, Wednesday and Thursday that the Dáil sits: Provided that no group shall have more than one question each day. The rota as applied to particular dates shall be circulated periodically to members by the Journal Office.’;

and

(b) in paragraph (f), by the deletion of all words from ‘Provided that’ down to and including ‘that Standing Order’.

Question put and agreed to.

Committee of Selection: Motion

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

That Dáil Éireann approves:

(a) the Seventh Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 24th November, 2016, and nominates Deputy Eamon Scanlon to the Select Committee on Members’ Interests accordingly, and

(b) pursuant to Standing Order 93(2):

appoints Deputy Maria Bailey as Chair of the Select Committee on Members’ Interests.

Question put and agreed to.

Death of Former Member: Expressions of Sympathy

An Leas-Cheann Comhairle: Ba mhaith liom fáilte a chur roimh chlann Peter Barry atá anseo linn tráthnóna. Fuair Peter Barry bás ar 26 Lúnasa i mbliana. Tá siad anseo fá choinne comhbhrón a dhéanamh. Tá rún comhbhróin os comhair an Tí. Bhí aithne agam fhéin ar Peter Barry. An chéad lá a tháinig mé isteach anseo, bhí sé ann. Bhí sé anseo na blianta roimhe sin freisin. Is fear é a raibh an-mheas agamsa air agus a raibh an-mheas ag gach uile dhuine air. I welcome the members of the Barry family who are here with us today - Tony Barry, Delia Barry, Karen Barry, David Barry, Donagh Barry, Rosemary Barry, Clodagh Barry, Tom Barry, Peter Barry, Fiona MacCarthy, Johnny MacCarthy, Deirdre Clune, Michael Clune and Robert Clune.

I now call on the Taoiseach to commence the expressions of sympathy.

The Taoiseach: Ba mhaith liom ar dtús mo bhuíochas a ghabháil leis an Leas-Cheann Comhairle as ucht an ócáid seo a chur os ár gcomhair. Cuirim fáilte roimh chlann de Barra go dtí an Dáil. I welcome the members of the Barry family to the House as we formerly mark Peter's outstanding service to his country. There are few Irish politicians or personalities to whom, on the news of their death, drinks would be raised all over the world. In late August 2016, in accommodation looking out over the Pacific, in kitchens in the busy suburbs of Boston and in skyscraper apartments in Beijing, Irish people, young and not so young, might well have picked up their cup of tea and thought even for a moment of Peter Barry. This weekend, the media reported on the psychological and socialising benefit of the hot drink. Apparently it makes us feel warmer to those around us and more social in our circumstances. If this is true, it is fair to say that the Barry family managed to achieve whole waves of socialisation and did so globally. For Irish people, as we all know, a cup of tea healed broken hearts, cured homesickness, broke the ice and got the new neighbours tasting real, proper tea, possibly for the first time. Travelling to America, Irish people always knew that the safe arrival of certain foodstuffs could be depended on by having a blind eye turned by a generous heart in the customs officials' hut at JFK. The box of Barry's, however, was fail-safe. It would always make it home.

As Peter's son, Tony, pointed out at his funeral mass, Peter Barry did not inherit a global brand; he built it over many years of dedication and hard work. That dedication was replicated in Peter Barry's public service as Lord Mayor of his beloved Cork, as a Member of this House for many years, as a Minister in several Departments and, finally, as the first serving Tánaiste of the Fine Gael Party. His contribution to the peace process was immense. In the difficult years after the H-block protests and deaths on hunger strike, as Minister for Foreign Affairs, Peter Barry persisted in his work with then Taoiseach Garret FitzGerald. He did so with characteristic quietness, patience and resolve and it is in no small part due to his work that we now have peace on this island. History has already recognised the key part he played as a Minister for Foreign Affairs in making a reality of the Anglo-Irish Agreement. With Garret FitzGerald, to whom he was utterly loyal, he established a basis of trust with the leaders of constitutional nationalism while resolutely standing firm in the face of any attempts by the British to back down. The Anglo-Irish Agreement would be seen as an enduring achievement on this island, an achievement which he made possible and which contributed to the Good Friday Agreement and successive agreements.

Peter Barry was first elected to Dáil Éireann in 1969 to represent Cork. By 1973, he was Minister for Transport and Power in Taoiseach Liam Cosgrave's coalition Government. I remember that period very well. During my own by-election in 1975, as Minister for Transport and Power, Peter Barry brought about the lighting up of two of the darker areas of the country,

electrically speaking, in Ballycroy and the Black Valley in Kerry. They were two legacies of his Ministry. They were areas that had not been connected to any electrical power. Thereafter, he served as Minister in various portfolios in education, environment and, as I have said, foreign affairs, working with distinction in each role to which he brought equally his characteristic style and *élan*.

His political instincts saw him become Tánaiste to his friend and mentor, Garret FitzGerald. I had the pleasure of working with him for several years and in my time as Fine Gael leader and Taoiseach, he was always available and always generous with his advice, support and encouragement. In this, as in all matters, I knew him as an extraordinarily talented man who carried that talent lightly. Political opponents would say he might have disagreed with their view but he was always able to differentiate between an opinion and its holder, therefore treating them and all that he met with his usual dignity and respect. Peter was a man of innate decency, modesty and was direct and uncomplicated in his loyalty to his late wife, Margaret, his family, his country and his party. As a couple, they walked the stage of politics with consummate ease and respect. His political and personal values were of the highest order and represent the best in political and public life. With his passing, we in the Fine Gael family have lost one of our best and greatest figures. We looked up to him not only for his magnificent business expertise and political insight, but also for his common sense, kindness and wisdom.

Born on Friday, 10 August 1928, in a sense Peter Barry grew up with the new State. He was acutely aware that in Fine Gael, our founders were the men and women of 1916. He had a particular sense of what Michael Collins envisaged for his Ireland and its place in the new world. He equally had particular affinity for what it meant and could mean to belong to this still young republic, those same views perhaps that drew his daughter Deirdre to politics and public life. The man we pay tribute to here was a Deputy, Lord Mayor of Cork, Government Minister and Tánaiste and we respect him as such, but to his family, he was an adored father, grandfather and someone loved beyond words and beyond his time on this earth. It is with them, his family, that our hearts must lie today. On behalf of the country he served with courage and grace, we thank him and say go raibh míle maith agat ar fad. He has gone just that bit ahead of us to a place unknown. May his soul know peace and happiness for eternity.

Deputy Micheál Martin: Ar mo shon féin agus ar son pháirtí Fhianna Fáil, ba mhaith liom comhbhrón a dhéanamh le clann de Barra ar bhás Peter agus le páirtí Fhine Gael. Polaiteoir agus fear gnó den scoth a bhí ann. Duine cneasta, lách agus éirimiúil ab ea é. D'oibrigh sé go dian dícheallach Domhnach is dálach ar son a mhuintire. Bhí sé dílis dá chathair agus do mhuintir na tíre seo. Is léir go raibh agus go bhfuil fós tionchar faoi leith aige ar chúrsaí na tíre seo agus ar dhul chun cinn na tíre seo maidir le cúrsaí eacnamaíochta agus go háirithe ó thaobh chúrsaí síochána de.

On my own behalf and on behalf of the Fianna Fáil Party, we wish to extend our deepest sympathy to the Barry family again on the loss of Peter and also to the Fine Gael Party because, as the Taoiseach said, he was one of their best since the formation of the party. In many ways, it could be argued that he inherited what would have been termed at the time the Irish Ireland wing of the Cumann na nGaedheal party of the late 1920s - the Michael Collins inheritance of the movement. That stood him in good stead in later life particularly in his stewardship as Minister for Foreign Affairs and in being so effective in negotiating a breakthrough and watershed in Anglo-Irish relations and in the context of relations on these islands, namely, the Anglo-Irish Agreement. He was a dedicated, committed public servant, but he was a man of stature and a man who achieved much outside of politics. In particular, he grew a small business on Princes

Street where he tasted the tea assiduously. I read a very good article on this. Indeed, I am pleased to refer people to a great programme by John Bowman at 8.30 a.m. on Sunday morning for those who get up early. There were two wonderful programmes in the series that I listened to recently on the way to a particular commemoration. I got a great insight into the nature of the man and his approach to life as well as his humility, sense of perspective and a very well-grounded philosophy of life. When it came to tea tasting, it was a particular achievement to get the most hardened Fianna Fáiler to accept that Barry's Tea was the best tea to drink, even in Cork city. That is no mean achievement in itself.

I was struck by the Taoiseach's articulation of the virtues of tea. Given the minority Government situation we are in and the rather fragile existence that we live, maybe the leaders of all the parties should drink tea together on a more regular basis to give greater stability and *esprit de corps* to this particular arrangement.

The people had great respect for Peter Barry. He commanded respect - he did not seek it - because he respected others and their opinions. I was struck by a comment of his daughter, Deirdre, at the time of the funeral. She remarked on how he was treated a little differently in the constituency. John Dennehy, a former colleague of ours in Cork South Central, would often talk of particular local meetings. We were at such a meeting last night with the Minister for Housing, Planning, Community and Local Government, Deputy Coveney. The Deputies and councillors would turn up. The chairman of the local committee would make an apology for Mr. Barry who, of course, could not be there on the night because of other functions. The remark would never be critical or anything like that. He was always in early. There was such respect for what he had achieved in terms of the city, the employment he had created and the leadership he gave as a public representative. That was significant.

He was a great supporter of the arts in the city of Cork and nationally and a great supporter of sport as well. It is fair to say that he was Cork GAA's first official corporate sponsor in the 1990s. It is equally fair to say that Cork hurling and Gaelic football were far more successful in the 1990s than currently. It reflects the potential. He was generous in that regard. He was a lifelong member of the Blackrock GAA Club and a great supporter of St. Michael's GAA Club as well as many other sporting clubs that he quietly supported. Of course, he was a great advocate and supporter of rugby and the legendary Cork Constitution club as well.

He was an effective Minister. He served as Minister for Transport and Power under Liam Cosgrave's Government in the 1970s. He also served for a period as Minister for Education. Without doubt, his period as Minister for Foreign Affairs represented his greatest achievement in politics in the context of the Anglo-Irish Agreement and the sets of relationships he built up with Unionist politicians, Nationalist politicians and people and personalities of the calibre of Fr. Denis Faul and others who held him in the highest of esteem. There is no doubt that this work sowed the seeds of later work that bore such fruit in the form of the Good Friday Agreement and the progress and the great leaps made in terms of bringing peace to the island of Ireland.

We salute his legacy. It is a rich legacy of which his family, including his sons, daughters, brother and grandchildren in particular - I understand there are 21 grandchildren whose company he enjoyed immensely - can be very proud. His was a life well lived and he made a significant contribution to the betterment of his fellow human beings on this island and internationally. No greater thing could a person wish in his life than to say truly that he did his work, he did his bit, and that it made a difference and improved the quality of life of others. That is,

in essence, why people should be in politics. He achieved that and we salute him and his contribution. We mourn his passing.

Deputy Caoimhghín Ó Caoláin: Ar mo shon féin agus ar son pháirtí Shinn Féin, ba mhaith liom comhbhrón a dhéanamh le mic agus iníonacha iar-Thánaiste agus iar-Theachta Peter Barry, a bhfuair bás i mí Lúnasa. On my behalf and on behalf of Sinn Féin I want to extend sincere sympathy to the family and loved ones of the former Tánaiste and Member of this House, Peter Barry, following his passing last August.

I did not know Peter personally but his exploits as a politician and as a businessman are well known. It is clear to everyone that he excelled at both. He shunned, apparently, the description of businessman in favour of that of tea taster when registering in the Dáil register over his lengthy political life. He succeeded in turning the family business, Barry's Tea, into one of the great iconic Irish brands that is loved and revered throughout the country and overseas, as has already been recorded, but nowhere more so, I suspect, than in his native Cork.

Peter followed his father, Anthony, into public life when he was first elected to the Dáil in 1969. He served continuously for 28 years, being elected on no less than nine occasions until his retirement in 1997. During that time, Peter held ministerial office at the Departments of Education, Environment, Transport and Power and Foreign Affairs. He also served as deputy leader of his party, Fine Gael, and briefly as Tánaiste in 1987. Among such lofty roles, perhaps more importantly for a Corkman, was that of Lord Mayor of the city of Cork. Peter held the role in 1970-71, an office held by his father before him and one which Peter's daughter, Deirdre, with whom I have had the pleasure of serving in this House and who is now an MEP for Ireland South, would also go on to hold. That is perhaps a family record not only in Cork but across the island.

Peter had a long and distinguished career in public office but it is clear from the many expressions and comment on his death that he was a dedicated family man and a loving husband to his wife Margaret, who passed away in 2013. I have no doubt the Barry family gathered in the Distinguished Visitors Gallery today are remembering her as well as we meet and pay tribute to Peter. He was a loving father to his children Deirdre, Tony, Fiona, Donagh, Conor and Peter and a grandfather to 21 garpháistí, many of whom are here today to remember their grandfather.

I extend my sympathy to the entire Barry family and the sympathy of my party to all of Peter's friends and loved ones. I wish to extend my sympathy to the Taoiseach and his colleagues in Fine Gael, recognising that they have lost a party colleague and stalwart. Ar dheis Dé go raibh a anam dílis.

Deputy Brendan Howlin: It was with great sadness that I learned of the passing of the former Tánaiste and Minister for Foreign Affairs, Peter Barry. Peter served as a Minister in the Fine Gael-Labour coalition Government in place when I first entered the Oireachtas. He was regarded as an unfailingly loyal colleague and was trusted and respected. His counsel was sought by parliamentary colleagues on all sides of this House.

He was a friend of my political mentor, Brendan Corish. They shared many anecdotes. I am reminded of one by the remarks of Deputy Martin. He talked of the esteem in which Peter Barry was held in Cork. I am reminded of a story that Brendan Corish told. He was recounting the events of one Saturday night. He had finished his clinics in Wexford and had gone home to Belvedere Road in Wexford. There was a knock on the door. A man looking for advice was

there. Brendan Corish, as was his wont, said, “Do come in”. The man said that before he came in, he had to say to Brendan Corish that he had never voted for him, that he always gave his number one vote to Sir Anthony Esmonde, but that he could never go to a gentleman with the problem he had.

Peter’s central role in negotiating the Anglo-Irish Agreement planted the seeds that many others, including Dick Spring and Albert Reynolds, were able to develop in later years when working to construct a lasting peace in Northern Ireland.

During his time in this House, his wisdom and insight during times of enormous strain were of huge value to Members and his sense of right was important for people to hear. He was a noted benefactor and supporter of Blackrock National Hurling Club as well as the Fine Gael organisation in Cork and is dearly missed, no doubt, by his home community. On behalf of the Labour Party, I extend my deepest sympathies to Peter’s children - Deirdre, Fiona, Tony, Donagh, Conor and Peter - and all his extended family and friends gathered in Leinster House today and the many more who are undoubtedly watching these proceedings. Ar dheis Dé go raibh a anam dílis.

Deputy Eamon Ryan: On behalf of the Green Party, I wish to very briefly add our words of sympathy for the family of Peter Barry. It should be remembered that what is important in politics is a certain amount of decency, which Mr. Barry epitomised. I never worked with him, but my colleagues, former Deputies John Gormley and Trevor Sargent, told me they had the highest regard for him through their dealings with him because he was a decent man and brought to politics a certain decency, a little more of which, perhaps, we could do with today.

I have a parting “Thank-you” for him. He rescued our Senator, Grace O’Sullivan, from a French naval frigate once. She had been arrested while protesting at an atoll in the South Pacific. In the fashion of Irish politicians, it was the Foreign Minister at the time, Peter Barry, who went to work representing all the people of Ireland in helping to release her. We must thank him for that but, more widely, we must thank him for his contribution to the peace process and for the civility and general decency he brought to the Irish political world.

An Leas-Cheann Comhairle: I call on the current representatives of Mr. Barry’s constituency, Cork South-Central.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): Like other Deputies, I welcome the Barry family to Dáil Éireann. I am sure this is an occasion tinged with sadness but much pride as well. As a Cork person who grew up on the Blackrock Road, approximately 100 yards from where Peter and Margaret Barry and their family lived, I remember very vividly as a young boy hearing about and revering Peter Barry as a pillar of society. He had been Lord Mayor before I was born and was a significant figure in many ways in Cork and continued to be so for many years. He built a business at a time when Cork was struggling. He introduced others to politics at a time when many people shied away from it. As referred to by Deputy Martin, he always supported sports clubs and was effectively the first corporate sponsor of Cork GAA, as far as I can recall. He was a huge support to other big sports clubs such as Cork Con, the “Rockies” in Blackrock and St. Michael’s, making no distinction between sports but simply supporting his community and the people in it. I know it was an extraordinary honour for him to be given the freedom of Cork City in 2010 because he wrote to me afterwards. He made a very powerful speech that day and impressed a huge number of people. Perhaps I might be bold enough to suggest that the appreciation for him in his

home city, whether as Lord Mayor, a recipient of the freedom of the city or a councillor, meant as much to him as some of the much more high-profile work he did as a national figure, holding very significant portfolios in education, transport, environment, labour, industry and commerce and, of course, what he is best known for, foreign affairs.

On a personal level, I am probably correct in saying that my late father entered politics because of Peter Barry's intervention. It is unusual that a politician in Dáil Éireann would try to persuade a neighbour who literally lives next door to run for the Dáil for the same party. That says an awful lot about Peter Barry and the kind of person he was. He tried to bring people who he thought could change things for the better into politics to work with him, rather than fearing the competition that may come from the running for election of two Deputies living next door to each other in a very competitive constituency. I remember my father talking about the conversations he had with Peter in the late 1970s when they were both business people. Peter Barry had a very strong view that we needed to try to attract more business people into local government in order to try to find a way of rebuilding a Cork economy that was very much struggling at the time. That was the motivation that led to my family getting involved in politics.

Much has been said about Peter Barry's role as Minister for Foreign Affairs at a time when the country faced real tension and difficulty linked to the politics and complexity of Northern Ireland and its relationship with the South. Peter was a constitutional nationalist but also a pragmatist. He was also a very tough man when he needed to be, both in politics and business. All these attributes resulted in his playing a pivotal role in the putting together of the Anglo-Irish Agreement when he was in a position of real power and influence. When things could have turned for the worst, he was determined to try to ensure that did not happen. That thinking and that approach were subsequently the foundation for a peace process that we now all enjoy.

Finally, on a personal level, we are remembering and honouring someone who made an extraordinary contribution to Cork in business, sport, history, the arts and many other fields that he quietly funded and for which he never sought any recognition. I hope that his family will leave here somewhat consoled, supported and reassured by the comments made today and since he passed away in August by all political parties and none. The respect that Peter Barry continues to enjoy as a giant of politics and business in Cork will last for a very long period.

Deputy Michael McGrath: It gives me great pleasure to add my voice to the words of tribute for the late Peter Barry, a man whom I met on only a small number of occasions. Of the family, I know his daughter Deirdre best. I acknowledge Peter Barry's incredibly distinguished record of public service. It is not often enough remarked upon that the families of politicians pay a price for the work we do and the fact that we are away from home so much. Peter's late wife, Margaret, and their children all undoubtedly paid that price. I think the reward for the latter is the pride they undoubtedly have for the enormous work he did for Cork, for the country and internationally.

As a young boy growing up in Cork and becoming aware of what was going on in our country in the mid-1980s and of the political figures of that time, I gained much respect for the late Peter Barry and his steadying influence, particularly in his four or so very difficult years as Minister for Foreign Affairs at such a fraught juncture in the politics of our island. As a young man, I was struck by the ease with which he moved among people. He moved very gently among all sorts of people from all sections of society. Not all politicians have that ability but he certainly had it. It was something he did very comfortably and it was very natural for him.

His business experience made him a better politician, as the Minister, Deputy Coveney, has said. It brings home to all of us the need to bring more experience and people with business qualities into politics. He did an enormous amount of work quietly, and even at his funeral in Cork at the end of August, somebody heavily involved with the Society of St. Vincent de Paul remarked to me that the work he did and the help he gave to people in a very quiet and dignified way is an untold story of Peter Barry. He gave a contribution and support to Cork GAA and many sporting organisations, which is well and truly acknowledged, but he did many small things quietly that helped people significantly. I know that for a fact.

He had a real sense of duty of public service to bring his undoubted qualities to bear in public policy. The same is true of his daughter, Deirdre, who does not need politics but has chosen that route from a sense of duty and a desire to serve the people she represents. I am delighted to have had the opportunity to say these few words and to acknowledge the immense contribution of the late Peter Barry to politics, public life and, not least, to the people of Cork he represented so well for 28 years.

An Leas-Cheann Comhairle: I call another Deputy from Cork South-Central, Deputy Ó Laoghaire.

Deputy Donnchadh Ó Laoghaire: Cuirim fáilte roimh mhuintir de Barra anseo tráthnóna inniu agus déanaim comhbhrón leo. I pay tribute to a former Deputy, Minister, Ard Mhéara and freeman, Peter Barry, somebody who made a very substantial contribution to life in his country and city. He remains held in the very highest regard and his service to his country was considerable. I particularly note that although much of the discussion has been about his contribution as a Minister and Deputy, in Cork the honour of being a freeman is quite significant. The family has a particular connection to the office of Lord Mayor, which is held in very high regard by the people of Cork because of the tradition of MacCurtain and MacSwiney. It is clearly very important to the family and worth recognising that, although it was before my time, he was regarded as an excellent Lord Mayor who represented the city with great distinction.

Comment has already been made on his support of many sporting organisations in the city and county. He had a very close affinity with Cork Constitution rugby club, as well as the “Rockies” and Cork hurling and football in the form of a corporate sponsor. I suppose it would be impossible not to remark on his legacy as a businessman with regard to tea. I grew up in a world where Barry’s tea was an enormous national brand, but it was very interesting to hear at the funeral how he managed to grow the business from a relatively small shop on Princes Street, although I could be corrected on that. The business became a national and international brand. Cork is a place that is very proud of its various food, drink and produce but there is probably hardly any brand more strongly associated with Cork than Barry’s tea. Deputy Martin remarked that perhaps we should all have tea and I am sure the Government would be delighted to have a supplier with as much reliability as the late Mr. Barry would have been.

I did not know former Deputy Barry particularly well. I think I met him once. In all the tributes I heard, the one word standing out was that he was a gentleman. There seems to be a very strong consensus on that across all parties and background. It was very impressive to see the whole life of the city represented at his funeral. He was clearly a man with a great deal of courtesy, decency and civility. All sides of the House could learn a great deal from that. Ar dheis Dé go raibh a anam dílis.

An Leas-Cheann Comhairle: A number of groups, including Independents 4 Change and

the Rural Alliance, have given me some discretion to allow a short intervention from Deputies Kevin O’Keeffe and Sean Sherlock and the Minister of State, Deputy Dara Murphy.

Deputy Kevin O’Keeffe: I, too, pay tribute to Peter Barry. I welcome his family today and I know Deirdre. As young fellows we all looked up to Peter Barry for the role he played in foreign affairs. The Barry name is synonymous with County Cork, and although there are many other Barrys, Peter Barry, I am sure, would be up with the likes of Kevin Barry and Tom Barry. Peter Barry’s ancestors came from north Cork, with Ballyhooly just up the road from me, and I would like to be associated with that, whatever about the political side. Peter Barry demonstrated that business and politics can work hand in hand and it is one of his legacies. I sympathise with his family.

Deputy Sean Sherlock: I will shortly quote an article written by Michael Clifford some months ago when he described Mr. Barry. I can relate to Deputy Martin when he spoke about the use of “mister” in Mr. Barry. I did not know him personally but to all of us who knew of Mr. Barry, he was held in such high respect. Mr. Clifford used the following apposite words: “For many who encountered him, he was just a decent man who did his best to make a difference using competence, charm and a not a little steel when required.” Ar dheis Dé go raibh a anam.

Minister of State at the Department of the Taoiseach (Deputy Dara Murphy): I welcome the Barry family, many of whom I consider very good friends, and I express continued sympathies. I am from the adjoining constituency and those from Cork will know that most of the great things from Cork come from the north side. That includes Peter Barry as it is where he grew up. I had the pleasure, as Lord Mayor, of proposing him for the freedom of the city, and there was a really strong sense in the council at the time that there was cross-party support for what Peter Barry had done for our charities, our community groups and particularly our sporting organisations as well as what he achieved in politics. He was a great mentor to all of us, not least me in an adjoining constituency, dealing with big beasts like Bernard Allen and Liam Burke. His legacy to the people of Cork and politics means we are left in a much stronger position by virtue of Peter’s presence.

I concur with what has been said. During my term as Lord Mayor, two people gave me the same advice. One was a sitting Minister for foreign affairs and one was a former Minister. They were Deputy Martin and Peter Barry. They told me the best job I would have in politics would be Lord Mayor and I should enjoy it while I had it because it gets much rougher after that. As Deputy Ó Laoghaire and others have said, Peter Barry and others have shown politics in a good light, and sometimes when we get into a robust debate, it is good to remember that no matter where one comes from, it is always worthwhile being a gentleman.

Members rose.

4 o’clock

Joint Committee on the Future Funding of Domestic Water Services: Appointment of Members

An Leas-Cheann Comhairle: I wish to inform the House that pursuant to the Order of the Dáil of last week, the following Members have been appointed to the Joint Committee on the Future Funding of Domestic Water Services: Deputies Kate O’Connell, Colm Brophy, Martin Heydon, Jim Daly, Alan Farrell, Barry Cowen, Willie O’Dea, Mary Butler, John Lahart, Eoin Ó Broin, Jonathan O’Brien, Jan O’Sullivan, Paul Murphy, Thomas Pringle (with Deputy Joan

Collins as a substitute), Noel Grealish and Seamus Healy.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Alan Kelly - the filling of State board vacancies by the Department of Transport, Tourism and Sport; (2) Deputy Michael Harty - the superbug infections at University Hospital Limerick; (3) Deputies John Lahart, Jim O'Callaghan and John Curran - the funding of Our Lady's Hospice in Harold's Cross and Blackrock; (4) Deputy Catherine Murphy - access to radiological facilities and the availability of theatres at Temple Street Children's University Hospital; (5) Deputy Marc MacSharry - the HSE's position on the exclusion of the orkambi drug from the long-term illness scheme for cystic fibrosis sufferers; (6) Deputies Brendan Griffin and Billy Kelleher - the delays in gynaecological services at Cork University Maternity Hospital; (7) Deputy Jonathan O'Brien - the housing situation for survivors of the Carrickmines fire; (8) Deputy Carol Nolan - the impact of JobPath rules on jobseekers; (9) Deputy Donnchadh Ó Laoghaire - the health and safety standards at Mercy University Hospital in Cork; (10) Deputies Clare Daly and Ruth Coppinger - the report on the symphysiotomy redress scheme; (11) Deputy Mattie McGrath - the delays for children in accessing ear, nose and throat services in County Tipperary; (12) Deputy Richard Boyd Barrett - the concerns about the number of children using adult mental health facilities; (13) Deputy Fiona O'Loughlin - the needs of an ASD unit in an Educate Together primary school in Kildare town; (14) Deputy Peter Burke - the staffing arrangements at the North Westmeath Hospice; (15) Deputy Mick Wallace - the taxes paid by an American vulture fund in 2015; and (16) Deputy James Lawless - Garda resources in the Kildare division.

The matters raised by Deputies Alan Kelly, Michael Harty, Clare Daly and Ruth Coppinger, and James Lawless have been selected for discussion.

Ceisteanna - Questions

National Risk Assessment

1. **Deputy Brendan Howlin** asked the Taoiseach if he has updated the national risk assessment following the receipt of submissions to his public request. [36043/16]

2. **Deputy Bríd Smith** asked the Taoiseach his views on whether the election of Donald Trump means he should revise his strategic risk assessments plan. [36055/16]

3. **Deputy Gerry Adams** asked the Taoiseach if he will report on the national risk assessment for 2016. [37381/16]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

The Department of the Taoiseach co-ordinates the production of the national risk assessment, which is a high-level overview of the strategic risks facing the country. Since 2014, this has been completed on an annual basis. Each year, my Department prepares a draft overview of strategic risks based on input from all relevant Departments. This document is published for consultation to facilitate public engagement about the strategic risks facing the country. Following the consideration of submissions, the draft is updated and finalised by my Department

in consultation with other Departments. The final national risk assessment for 2016 was approved by the Government and published in October. It includes information on how all of the submissions that were received were considered in the preparation of the final risk assessment document for 2016. The 2016 national risk assessment highlights 29 distinct risks across five different categories: economic, environmental, geopolitical, social and technological. Certain risks were highlighted as having particular importance in 2016, including uncertainty about Brexit and the UK's relationship with the EU, weakening global economic growth, infrastructural deficits, international terrorism and expenditure pressures. The national risk assessment exercise will be repeated in 2017. This will give the Government an opportunity to consider again and update the strategic risks facing the country in consultation with stakeholders including Members of the Oireachtas.

Deputy Brendan Howlin: As the Taoiseach has indicated, the national risk assessment identified risks in economic, environmental, geopolitical, societal and technological areas. There are significant risks in all of those areas now. The value of doing a risk assessment can be questioned at a time when the grounds are shifting with such speed and alacrity. The issue of Brexit was very much on the agenda when the overview of strategic risks was assessed. I would like to ask the Taoiseach about another strategic risk that is imminent. I refer to the implications for the stability of the euro and the euro area of the referendum that is due to take place in Italy in the coming days. It is feared that there may be multiple bank failures if the proposal of the Renzi Government in Italy fails. Prime Minister Renzi has proposed a constitutional change to the Italian Parliament's bicameral system that would significantly dilute the power of the Italian Senate. The Taoiseach will know that no risks at all are attached to seeking to dilute a bicameral system by removing a second chamber. If the vote in Italy goes as the opinion polls are now indicating, and if Prime Minister Renzi resigns as he has said he will do in such an event, it is possible that there will be a significant and immediate risk to the stability of the euro. The indebtedness of the Italian banking system is estimated to be €360 billion. The eight most vulnerable banks have equity deposits of €225 billion. What is the value of our national risk strategy when real risks present without much warning? Are there ongoing preparations to deal with the real potential risks that may arise in the coming days?

Deputy Bríd Smith: I know the Taoiseach does not have a crystal ball. None of us has a crystal ball. As we have heard, the draft national risk assessment plan covers some key areas for us. I want to draw the Taoiseach's attention to two areas that are relevant following the election of Donald Trump. There are global concerns about the President-elect's attitude to the issue of climate change in the context of the Paris Agreement. I would like the Taoiseach to tell us whether there is some means of revising the climate change assessment in the risk assessment document, which does not extend beyond the fines we might incur if we do not reach our targets. I remind him that climate change is about much more than fines. Paragraph 2.3 of the risk assessment refers to the "importance of multinational corporations to Irish economy and [the] risk of unfavourable international tax changes". I suggest that the assessment does not look at the risks associated with our fawning over multinationals, our leniency towards them, our emphasis on them and our reliance on providing them with an extremely low corporate tax regime. I believe we need to look at such factors again in the context of Donald Trump's statement that he intends to reduce the US corporation tax rate to 15% and probably to an even lower level to ensure they are part of our assessment of risk. We fawn over the multinationals in this country. We do our best to make sure they stay. We have lenient tax laws and workers' rights provisions. We do not tax them properly. We do not want to collect the taxes they are supposed to pay. That is why the State is appealing the Apple judgment.

In addition to Google, Apple and the big pharmaceutical companies, there are multinationals in the finance sector in this country. It is interesting to note that Donald Trump is proposing to appoint the co-founder of Cerberus, Stephen Feinberg, as one of his financial advisers. We learned this week that Cerberus paid €1,900 in tax on profits of €77 million for the sale of Project Eagle. I know the Taoiseach will argue that we have closed off the section 110 tax loophole. If we had collected the effective 12.5% rate on those profits, we would have had an additional €9.6 million in our coffers to deal with mental health, housing and all the issues that we keep saying we are strangled in dealing with because of the lack of fiscal space. It was estimated the other night during the debate on the Finance Bill that the closure of the section 110 tax loophole would probably not yield more than €50 million. That does not make sense given that an additional €9.6 million in tax should have been paid as a result of the sale of Project Eagle. Many other vulture fund sales could bring in far more tax receipts. I would like the Taoiseach to comment on that. How will the contents of the risk assessment document relating to corporation tax changes be affected by the election of Donald Trump and the appointment of advisers like Stephen Feinberg? We all know he will say “nice one lads, we only paid €1,900 on €77 million, let’s keep this going”. Such people are going to look at ways of doing this for themselves in other parts of the world like the United States thereby depriving citizens all over the world of the finance that is needed to deliver decent public services.

Deputy Caoimhghín Ó Caoláin: I would like to begin by welcoming the First Minister of Scotland, Nicola Sturgeon, who addressed the Upper House earlier today. In my opinion, her visit underlines the importance of the connections between Scotland and the island of Ireland.

The national risk assessment paper identifies Brexit as one of five major risks facing the State in the time ahead. Each day brings new information about the likely impact of Brexit and, in fact, this further information is changing the very assessment provided almost every other day. I can tell the House, as somebody representing and living within a Border constituency, the impacts of the Brexit decision are presenting every day in the lives of my community and the people I represent.

The British Prime Minister, Theresa May, recently told the Confederation of British Industry conference she is committed to introducing the lowest corporate tax in the world’s 20 biggest economies and President-elect Trump has also set as one of his major economic goals a cut in corporation tax and the return of overseas investment and jobs to the US. How confident is the Taoiseach that measures introduced for budget 2017 will protect the Irish economy from both the US and Britain dramatically reducing their corporation tax rates? Has the Cabinet discussed these developments and the specific references I have made *vis-à-vis* Theresa May and Donald Trump?

Notwithstanding the corporation tax announcement by Theresa May, the recently leaked memo from the British Cabinet Office points to serious divisions and the lack of a common strategy within the British Cabinet over how that Government should approach Brexit. Another embarrassing leak from the British Government suggests the British are trying to have their cake and eat it. This has sparked a stern response today from the Prime Minister of Luxembourg, who rejected any idea of cherry-picking on the Brexit negotiations.

All of this indicates a very difficult and challenging situation and I ask the Taoiseach if he is concerned. Last week in Cardiff, at the British-Irish Council, the Taoiseach said the Brexit negotiations would take longer. Will he elaborate on what exactly he means by that statement? Regarding the absence of Theresa May, there has been a lot of criticism that she did not attend

or take part in the meeting. Does the Taoiseach agree her absence was not helpful?

I come from an inland constituency but I have had representations made to me from a whole raft of different experiences across the island of Ireland. To take the situation of the fishing industry, it has been decimated since the 1972 negotiations and some Irish vessels rely wholly on British ports to land their catches. Some 27% of the total value of all fish landed by Irish fishing boats goes through British ports. Has the Government examined the likely impact of Brexit on the Common Fisheries Policy and our fishing industry in particular?

Deputy Micheál Martin: The biggest potential non-standard shock to the economy that the national risk assessments consider is the Brexit vote. I do not get a sense that the nation is possessed of the grave threat that Brexit poses to our economic model. It fundamentally changes what we have been working with for 50 years in terms of us being with Britain in a European Single Market. The ESRI, with the Department of Finance, has done considerable work in terms of identifying the gravity of the situation regarding reduced national income, reduced employment and reduced public revenues that will flow from all of that down the line. Has the Taoiseach initiated any other long-term macroeconomic analysis of the implications of Brexit, other than the work of the ESRI?

On an issue I have raised previously with the Taoiseach, I believe cyber attacks are a very serious national risk, given what we have seen in other countries, such as Lithuania and the United States. There are ongoing active threats against European democracies. Given connectivity is vital for the modern economy, there is a need to increase investment in the whole area of combatting cyber attacks.

The Taoiseach: Deputy Howlin raised the question of the weakness of the euro. Under the economic heading, the areas identified were weak global economic growth, trading relations with the UK, a loss of competitiveness, the importance of multinational corporations, the risk of unfavourable international tax changes, vulnerabilities in the banking system, turbulence in the euro area debt markets and monetary policy uncertainties. Each of those are dealt with in the report.

We do not know the result of the Italian referendum, which is a on a knife edge, as I understand it. The polls indicate the proposition is behind and Prime Minister Renzi has made his comments on this. It remains to be seen what the outcome will be. Clearly, when the lira applied, Italy devalued and devalued in respect of many of the industries that were there. We will see what happens. There are also uncertainties in other areas, for example, in Austria, where an election for the presidency is pending, and other areas of Europe are quite fragile. These are all potential impacts and risks of one sort or another on the euro and the eurozone. Even with regard to the Brexit position, different statements have brought about fluctuations in the strength of sterling versus the euro, which has had an impact on jobs here already. The purpose is not just to identify the risk, but to allow for proper discussion of people's ideas of how we might deal with these changing circumstances as they apply.

Deputy Smith raised the issue of section 110. There is a €50 million assessment but others say it might be much more than that when it eventually comes through. It remains to be seen what other instruments are out there that may have to be attended to. These things were quite complex in the beginning and were designed for a specific purpose. When they were not being used for that purpose, the Ministers closed them off.

Corporation tax is a national competence of each individual country. What the American Administration does or wants to do in respect of corporation tax is its business. The line of investment and the interest in investment into this country remains very strong. We have had evidence again today of two further investors making serious commitments to Ireland because they see the opportunity to have high-quality young people emerging into work in their industries, as distinct from the issue that is always mentioned, namely, corporation tax. The incoming Administration, when it is appointed, will obviously make its decisions in so far as Ireland is concerned. We view the portfolio we offer in terms of our track record, our legal base, our technology capacity, our young people and the fact our corporate tax rate has been static, transparent and accountable right across the board.

The Apple case is being appealed on two fronts, one by Apple and the other by Ireland, on the basis that the Revenue Commissioners have never done sweetheart deals and have been utterly independent, accountable and transparent in the way they have done their business since they were set up. Obviously, the Commission has made its determination and a ruling that some of that money may well be due to other countries. We are only entitled to collect tax here on the economic activity generated here. There are no brass-plate companies here, the double Irish is gone, stateless is gone and we have introduced the new concept of the knowledge box at 6.25%, which is proving very attractive. The investment by one company of its intellectual property here distorted the GDP figures last year. However, this is fully compliant with OECD requirements and there may well be others who find this very attractive for further investment in intellectual property in Ireland, which would mean further research, innovation and development, which would obviously mean higher quality jobs coming on stream.

Deputy Ó Caoláin raised the point about Prime Minister May. Clearly, until Britain actually leaves the EU, it remains a full member. It will accept its full responsibilities and pay its full contributions. When Article 50 is triggered, that does not mean it has left and it will not have left until the exit process and transition process are completed and it is unclear how long that is going to take. If the Prime Minister decides to change the rate of corporation tax that applies in Britain, that is the British Government's absolute right under the European treaties, as it is ours.

If corporation tax is reduced, that has to be made up for in some other way and that is a matter for the Government. Until such time as the definition of what we have to decide on, borders, the Single Market and economic and customs union - these are matters that have yet to be put up front - we have put several measures into the budget. They will not deal with everything and we are reconsidering matters such as access to low-interest credit, etc. There is a British Supreme Court decision due next week on the question being asked in the UK. Deputy Martin was right to say Brexit is the single critical issue.

With 67,000 cyber attacks against the American Government last year, it might be appropriate to have a discussion here in order that people might gain an understanding of what it is we should be doing. The Minister of State at the Departments of the Taoiseach, Foreign Affairs and Trade and Justice and Equality, Deputy Dara Murphy, will be happy to respond to that. We have given him extra resources. The Data Protection Commissioner has been properly facilitated in terms of remit, staff and so on. She has much better offices here in the city centre, which is good.

Long-term economic analyses are being undertaken all the time but we have not commissioned a Government analysis yet because the point on the horizon for which we should aim will not become clear until movement occurs. The sectoral work is quite detailed and I will

brief the leaders as needs be. I have not commissioned a formal long-term economic analysis other than those that show possibilities as to might emerge from Brexit.

Deputy Caoimhghín Ó Caoláin: Will the Taoiseach answer the question about the Common Fisheries Policy and Brexit? He did not discuss that.

The Taoiseach: It has come to light very much in the past. This will be quite a complex issue. We discussed the matter at the North-South Ministerial Council in part. We did not get into detail about it, other than to say that we need a working, effective outcome. The claims of who owns what for many years have been rejected on both sides. There is a situation regarding fishing rights, volume and stock at stake. There is a great deal of discussion about that in respect of Irish and British waters. The Common Fisheries Policy is part of that. Our situation in recent years has been determined by accurate scientific analysis in terms of the quotas allocated to Ireland. However, there will be much more discussion on this matter in the period ahead.

Ministerial Advisers

4. **Deputy Brendan Howlin** asked the Taoiseach his plans to appoint new special advisers. [36045/16]

5. **Deputy Gerry Adams** asked the Taoiseach the status of the appointment of additional special advisers by him and the Ministers of State at his Department. [37380/16]

The Taoiseach: I propose to take Questions Nos. 4 and 5 together.

There are five special advisers employed by my Department. I have three special advisers, including my chief of staff, and all were appointed with effect from 6 May 2016. The Government Chief Whip has two special advisers, one was appointed with effect from 6 May 2016 and a second was appointed with effect from 3 October 2016 due to the increased emphasis on parliamentary liaison.

In August 2016, I appointed a chief strategist for the Independent Alliance. Most recently, I appointed a political co-ordinator for the Independent Ministers in Government who took up his post this week. While not special advisers, these individuals are members of the political staff of my Department. I have no plans presently to appoint any new special advisers in my Department.

Deputy Brendan Howlin: I thank the Taoiseach for his reply. Is it true, as reported in *The Irish Times*, that a ministerial adviser has been made available to Deputy Harty? What is the legal basis for such an appointment? Is every Opposition Deputy to have access to the resources of a special adviser or is that only to be made available, in the words of Deputy Harty to Opposition Deputies who are “well-disposed” to the Government?

Deputy Caoimhghín Ó Caoláin: I acknowledge the Taoiseach’s response in terms of his own Department but I want to ask about the appointment of special advisers across Government. Deputy Howlin has referred to one. It was reported recently that the Minister of State at the Office of Public Works, OPW, Teachta Canney and the Minister of State with responsibility for training, skills and innovation, Teachta Halligan, made a case in early October for the appointment of special advisers. Under guidelines, Ministers of State are permitted to hire special advisers only in “exceptional circumstances” subject to approval by Government. Senior

Ministers are able to appoint two special advisers. I know there has been much controversy about such posts in the past but I acknowledge that it is an important role in terms of assisting Ministers with their workloads and responsibilities. The real point of contention centres on Ministers of State affording salaries in excess of the pay cap levels. What criteria were applied in the two instances I have cited in determining special circumstances for the two recent special adviser appointments to the Ministers of State, Deputies Canney and Halligan, respectively?

Deputy Micheál Martin: I thank the Taoiseach for his reply. Advisers can have an important role in the context of Government. I have no difficulty with that. There are six non-members of Fine Gael in the Administration and a handful of other Deputies in the arrangement for supporting the Government. It is quite intriguing that Deputy Harty, who does not have ministerial status, has access to an adviser. We need urgent clarity on that. Could the Taoiseach outline the specific staffing resources assigned purely to managing relations between Fine Gael and the others, who are made up of different groups? One adviser appears to have the sole role of managing the Minister for Transport, Tourism and Sport, Deputy Ross.

Deputy Brendan Howlin: Only one?

Deputy Micheál Martin: I met that individual during the talks with the Independents. He came across as a very intelligent, pragmatic person who has had his work cut out for him since. He must be finding it very testing and challenging indeed to keep the Minister focused on his ministerial duties.

Deputy Finian McGrath: He was very good on “Claire Byrne Live” last night.

Deputy Micheál Martin: I have to question whether that is an effective use of resources. Can the Taoiseach outline the specific staffing resources? I take it that their focus is the implementation of Government policy and proper co-ordination and cohesion on policy. We are also advised that the person responsible for transport suddenly has a greater interest in justice and is dictating the scene there to the neglect of the transport portfolio. I note that the Minister for Transport, Tourism and Sport is claiming credit for the tourism figures even though he has been in office only six months. At least he is focusing on tourism despite the fact that he can hardly claim credit for it.

The Taoiseach: The information I have refers to my Department, the Chief Whip and the Minister of State at the Department of Defence. I am not aware that a special adviser has been appointed to Deputy Harty.

Deputy Brendan Howlin: It was stated in *The Irish Times* that he has access to a special adviser.

The Taoiseach: These things have to be approved by the Minister for Public Expenditure and Reform, something about which the Deputy knows. He grappled with these issues in times past. I do not have that information here. As I understand it, a special adviser has not been appointed to Deputy Harty. He is the Chairman of an important Oireachtas committee but special advisers, as I understand it, are appointed to Ministers and Minister of State for particular reasons and their appointment must be sanctioned by the Department of Public Expenditure and Reform.

Deputy Caoimhghín Ó Caoláin: The Taoiseach did not reply to my question.

Deputy Brendan Howlin: In today's edition of *The Irish Times*, it is stated that Deputy Harty has access to a special adviser appointed through a member of the Government. I presume that is with the Taoiseach's consent. I would be very surprised if it is without the Taoiseach's knowledge. We are very careful about any special advisers. I am strongly of the view that special advisers perform a very useful and important function. The Taoiseach will remember the practice that no special adviser can be appointed without the consent of the Minister for Public Expenditure and Reform, certainly, but they also cannot be appointed without the consent of the Taoiseach. Is the Taoiseach learning for the first time that Deputy Harty, ostensibly an Opposition Member who says that he is well disposed to the Government, has access to ministerial advisers? Do others in opposition have equal access? Is it intended to provide other Opposition Deputies access to advisers who are actually recruited to work with Ministers? On what legal basis would that be provided?

Deputy Caoimhghín Ó Caoláin: The Taoiseach completely ignored the question I asked. While he may wish to kick the can in respect of Deputy Harty's arrangements, I asked him a question about Ministers of State who have had special advisers approved. I would think it unlikely that the Taoiseach was unaware of those appointments. I have asked him to explain the special circumstances that gave rise to the approvals in each of the cases of the Ministers of State, Deputies Canney and Halligan. I would like to know the special circumstances, given that it was a requirement that the appointment of advisers to Ministers of State needed to be approved.

The Taoiseach: I assume that these things apply in the case of the range of work and responsibilities relating to Ministers of State. I am being upfront with the Deputy when I say that what I have before me is information relevant to the Department for which I have responsibility. All of the details in respect of all those appointed in the various Departments are not to hand. I am, of course, asked when consent or approval is to be given for the appointment of special advisers. I will have to-----

Deputy Brendan Howlin: Does the Taoiseach have a view on it?

The Taoiseach: -----check the extent of approvals that have been given to Ministers of State, or, as it is put in Deputy Adams's question No. 5, "for additional special advisers by him and the Ministers of State in his Department". I think I have dealt with the Deputy's question on appointing new special advisers.

I will give Deputy Howlin a full report from the Department of Public Expenditure and Reform on the Ministers that have special advisers, the number of them, the Ministers of State-----

Deputy Brendan Howlin: And their roles.

The Taoiseach: Yes, and their roles. We will of course do that.

Deputy Finian McGrath: Yes. There is no problem about that.

Deputy Caoimhghín Ó Caoláin: Will the Taoiseach provide it to Deputy Howlin or to all of us who posed the question to the Taoiseach?

Deputy Finian McGrath: We will not exclude you, Caoimhghín.

The Taoiseach: Deputy Ó Caoláin is elected to this House on the same basis as myself, Deputy Howlin and everybody else. Of course I will supply him with that information.

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Deputy Caoimhghín Ó Caoláin: I thought there might be a residual special relationship between the Government and Deputy Howlin.

The Taoiseach: No. Just because Deputies Ó Caoláin and Howlin are divided by a passageway, does not mean they are divided by-----

Deputy Caoimhghín Ó Caoláin: The Taoiseach did not address the questions I posed. I do not accept that he is not aware of the arrangements of the two Ministers of State. I believe that is stretching credulity.

The Taoiseach: It is not stretching credulity. The Minister of State, Deputy Canney, is dealing with very extensive flood response business at the moment, which covers €1 billion in expenditure and-----

Deputy Brendan Howlin: The Fine Gael Ministers are getting-----

Deputy Micheál Martin: Is Deputy Canney passing on the baton in February?

The Taoiseach: -----deals with very sensitive cases around the country in which flooding has occurred. The Minister of State, Deputy Halligan, is a very busy man and is dealing with SOLAS, training, apprenticeships, school transport, which was raised in the House as a matter of priority, and other matters. I will send Deputy Ó Caoláin a full report.

Deputy Brendan Howlin: I presume there are six special advisers available now to the three Ministers of State who attend Cabinet meetings. It is new that there are three Ministers of State attending Cabinet meetings. The two Independent Ministers of State, Deputies Halligan and Canney, have special advisers. Have there been any applications from Ministers of State of a Fine Gael persuasion to have advisers or do they not get a look in?

The Taoiseach: I have many applications. Believe me, I have.

Deputy Caoimhghín Ó Caoláin: I am a little bit intrigued by the Taoiseach's earpiece.

The Taoiseach: Sometimes I cannot----

Deputy Caoimhghín Ó Caoláin: I am not quite sure if he is following the racing from Kempton Park or somewhere or if he is here with us at all.

The Taoiseach: No. I am not listening to Cavan radio or anything else. Sometimes I find it difficult to pick the Deputy up.

Deputy Caoimhghín Ó Caoláin: I am not sure with whom he is in touch.

This is very important and it is a serious matter. We have all acknowledged the important role that advisers play.

Deputy Finian McGrath: Good.

Deputy Caoimhghín Ó Caoláin: Nobody is arguing about that. However, the criteria laid down relate to special circumstances - these appointments are not supposed to be made willy-nilly. I would like to know the special circumstances that were assessed for each of the Ministers of State to whom I have referred. I look forward to receiving the Taoiseach's reply as soon as possible.

Deputy Micheál Martin: Could the Taoiseach outline the specific staffing resources assigned purely to managing relations between Fine Gael and the other Government Deputies? Could he send it on to me if he does not have it at his disposal, as well as the individual arrangements pertaining to the Independent Ministers and Ministers of State?

The Taoiseach: I will.

Deputy Micheál Martin: Arising from that, what is the arrangement for the Minister of State, Deputy Canney, and the incoming Minister of State, Deputy Moran?

Deputy Finian McGrath: Boxer.

Deputy Micheál Martin: He is to become Minister of State in February. They tossed a coin as to who would get the first attempt at being Minister of State.

Deputy Brendan Howlin: Will he inherit the adviser?

Deputy Micheál Martin: Will Deputy Moran get the same adviser that Deputy Canney has or will he have the luxury of picking his own? This is a very unprecedented thing to happen, to be honest. I have never come across a situation before in which turns are given to people on the basis that it is one person's turn one year and another person's turn the next and that a coin is tossed over it.

Deputy Brendan Howlin: For such a vital issue.

Deputy Finian McGrath: Partnership Government. Power-sharing.

Deputy Micheál Martin: In my naivety, I asked if it was for the full term of two and a half years each. One of the Deputies looked at me as if I had lost my marbles and said, "Are you joking me? Sure this thing will not last at all. We will go one year at a time". Someone should intervene and stop that.

The Taoiseach: I will give Deputy Martin the full information on that. For Deputy Ó Caoláin's information, sometimes when the microphone switches on, I find it hard to pick up the first sentence or two. The earpieces are provided to give absolute clarity so that I can hear the Deputy with accuracy.

Deputy Caoimhghín Ó Caoláin: It is not the horse racing so.

The Taoiseach: I will have the full information relating to Deputy Ó Caoláin's question sent on to him.

Cabinet Committee Meetings

6. **Deputy Ruth Coppinger** asked the Taoiseach the dates of the future scheduled meetings of the Cabinet committee on housing. [36061/16]

7. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet committee on housing last met. [37379/16]

8. **Deputy Joan Burton** asked the Taoiseach the number of times the Cabinet committee on housing has met. [37682/16]

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The Taoiseach: I propose to take Questions Nos. 6 to 8, inclusive, together.

The Cabinet committee on housing last met on 7 November. It is scheduled to meet later today and again in December. It has met 11 times - on 12, 20 and 26 May; 2, 9, 15 and 30 June; 7 July; 28 September; 27 October; and 7 November - to date.

The committee is meeting regularly to oversee implementation of the action plan for housing and homelessness, which is a priority for Government.

Deputy Ruth Coppinger: I am glad the Taoiseach has his hearing piece on because-----

The Taoiseach: I have.

Deputy Ruth Coppinger: -----if we had to identify a single issue, this, to me, is the most important in the country bar none. The Taoiseach is the chairman of the Cabinet committee on housing. He is chairing the only committee that has all of the relevant Ministers, that is cross-departmental in nature and that is meant to cut out cross-cutting issues and all of that jargon. However, everything that committee does is subservient to ensuring the making of private profits on the market.

It is absolutely terrible to be homeless at any time but to be homeless at Christmas is the most upsetting thing, particularly for children. I can say that having dealt with people who are facing into it. We have all been familiar with children asking their parents how Santa will come and how he will know where we are, etc. It is the most horrific time for any family to face homelessness. I do not think that there is any other Taoiseach in recent history who has stood over families being homeless for successive Christmases. Not only were those to whom I refer homeless last year, many are facing a second Christmas of homelessness. I am not talking about people who experience an abundance of social issues that might lead them to become homeless. I am referring to the likes of Ms Erica Fleming, who is well known, who worked as a receptionist for a well-known paint company and who pays taxes and has done for many years in this country. A woman like that, with her daughter, should be able to get a roof over her head in this city but because of policies the Taoiseach is standing over, she is now facing homelessness for a second Christmas. I do not know if the Taoiseach has anything to say to her or to the other families in the same position.

Last week in the Dáil the Taoiseach referred to the tsunami of homeless as having had a "slight increase". I challenge the Taoiseach on that because the increase is not slight. The latest figures on homelessness in Dublin were published last week. I will confine my comments to Dublin for the moment. I am aware that there is a homelessness problem in other parts of the country but the bulk of homelessness in the country is in Dublin, which is why I am focusing on it. There were 2,110 children in 1,026 families in emergency accommodation in the last week of October. A total of 67 families with 133 children became newly homeless last month. I will repeat that for the Taoiseach - 67 families became homeless last month. The Taoiseach told the Dáil earlier today that his Government has the most comprehensive housing programme in the history of the State. Indeed, the former Minister for the Environment, Community and Local Government, Deputy Alan Kelly, used to say the same thing. The Government's housing programme is clearly not working and I would like the Taoiseach to admit that. I would like him to admit that we have an emergency and to say that there will be a change of course.

There has been an increase of 45 in the number of homeless children in Dublin since September 2016. There has been an increase of 639 in the number of homeless children since Oc-

tober 2015. These statistics were provided in response to parliamentary questions I submitted a week ago. There has been an increase of 349 in the number of homeless families since October 2015. In total, there are now 5,146 homeless families in emergency accommodation in Dublin. That does not include the 140 people who were counted sleeping rough on the streets last week - the Taoiseach referred earlier to a figure of 115. Nor does it include the 70 people sleeping on the floor in the Merchant's Quay café or those sleeping in tents in the Phoenix Park. I do not know if the Taoiseach has seen them. The total does not include people sleeping in derelict buildings or on park benches. Indeed, according to Fr. Peter McVerry, the true figure for rough sleeping would be twice as high if all of those people were included. Furthermore, the figure does not include the 16 women per day who are turned away from refuges and who face the choice of homelessness or returning to a violent abuser. The total does not include homeless non-nationals who are dealt with by the Department of Social Protection's new communities unit. The true homelessness figure is much higher than the official one.

What is causing this? The Taoiseach chairs the Cabinet committee at which several Ministers attend. I do not have time to go into the record of each Department but in terms of Social Protection, cutting the dole for young people will not help. The lack of refuge spaces, for which the Minister for Justice and Equality is responsible, will not help. The response of the Minister for Finance was to focus time and attention on the first-time buyer's tax rebate of €20,000 which will go straight into the pockets of developers and push up the price of housing.

Deputy Caoimhghín Ó Caoláin: This is a shared speaking opportunity.

Deputy Ruth Coppinger: I am sorry. I did not realise I was on a time limit.

An Ceann Comhairle: Deputy Coppinger is not on a time limit but normally the other Deputies would be accommodated.

Deputy Ruth Coppinger: I am sorry-----

An Ceann Comhairle: We also need a reply-----

Deputy Ruth Coppinger: Okay.

An Ceann Comhairle: There is not much point in asking questions if there is no opportunity to get answers.

Deputy Ruth Coppinger: I am sorry but it is rare to get a chance to ask the Taoiseach questions on such an important issue. Mr. David McWilliams who is not a card carrying member of any left-wing or socialist party has said that the deposit rules were relaxed by the Central Bank in order for prices to rise which will coax builders who are sitting around waiting for such price rises into beginning to dig foundations. This is State-sanctioned house price inflation.

One of the main reasons for people becoming homeless is the failure the Fine Gael Party, in particular, to do anything to tackle landlords and their control over tenants. Mr. David Erlich of the Ires Real Estate Investment Trust, REIT, told *The Irish Times* last week: "It's a great market, we've never seen rental increases like this in any jurisdiction that we're aware of". I hope the Government's private rental policy, to be announced next week, will introduce rent controls.

If the Taoiseach had to pick just one thing to do immediately it would be to remove the clause in the Residential Tenancies Act which allows landlords to evict tenants on the basis of selling the property. This is the key provision that is being used to make people homeless. Landlords

simply have to state that they intend to sell the property, tenants take that at face value and they leave. The Taoiseach has done nothing to suggest that he will remove that clause.

Deputy Caoimhghín Ó Caoláin: The Ceann Comhairle indicated that there would be 15 minutes shared between three questioners but there is now less than two and half minutes left. Is the Ceann Comhairle going to offer leniency to the other-----

An Ceann Comhairle: No.

Deputy Caoimhghín Ó Caoláin: He is not.

An Ceann Comhairle: I cannot. There are 45 minutes in total for the questions. I will say that we cannot continue in the current fashion whereby the person in possession talks at length and other colleagues are not allowed to-----

Deputy Caoimhghín Ó Caoláin: I would like-----

Deputy Ruth Coppinger: If I had been aware of that and given a time limit, I would have stuck to it. Perhaps the Ceann Comhairle could have indicated that in advance.

Deputy Caoimhghín Ó Caoláin: I accept what Deputy Coppinger has just said.

An Ceann Comhairle: We will bring proposals to put a time limit on contributions so that we can have answers.

Deputy Caoimhghín Ó Caoláin: I would like the Taoiseach to note that the cold, lifeless body of 49 year old Paul Gorman was found last Friday morning in the trolley bay at the Longwalk Shopping Centre in Dundalk. He was homeless and died on a particularly cold night when temperatures fell below zero. I want to take the opportunity today to extend my condolences to his family. His death clearly highlights the dangers for rough sleepers.

The number of rough sleepers is up over 50% on last year, despite what the Taoiseach and the Minister for Housing, Planning, Community and Local Government have pledged would be done in regard to emergency bed provision. According to the latest figures from the Dublin Regional Homeless Executive, DRHE, about 140 individuals were found to be sleeping on the streets and in doorways. That figure has been challenged, as Deputy Coppinger pointed out, by the Peter McVerry Trust which argues that the actual figure is more likely to be twice that number. On the "Today with Sean O'Rourke" programme on RTE radio this morning a researcher spoke of discovering a cadre of homeless people in Cork who have set up a little camp. They are living in fear and in totally outrageous circumstances. We need to wake up to the real problems here because the true facts of the situation are not being established.

With no time left I can only ask the Taoiseach what the Cabinet committee on housing is doing to address this worsening problem and whether it will address the discrepancies in the recording of homeless figures that I have just highlighted.

Deputy Brendan Howlin: There is a consensus in this House that addressing the two issues that have been set out, namely rough sleeping and homelessness, needs urgent attention. The Cabinet committee brings together the various actors at Government level but there is no simple solution to this. It is an issue of supply and we must get the supply right. There is a number of proposals coming from the Opposition. Although there is an overarching housing plan, there is good legislation coming from various Members of the Opposition, including the Labour Party

which has drafted legislation on two issues. I ask the Taoiseach to give these two issues careful attention. The first is that of rent certainty and the second is the implementation of the Kenny Report on building land which is long overdue. We are all responsible for the fact the recommendations of that report have not been implemented which would ensure that building land was affordable. Will the Taoiseach give fair wind and real consideration to legislative proposals coming from this side of the House?

An Ceann Comhairle: I will provide an additional two minutes and ask the Taoiseach to give a very brief response.

The Taoiseach: It is ridiculous that we only have 15 minutes for this. While valid contributions have been made, they went on a bit and obviously I cannot answer the questions properly when we are now in the red sector of the clock to the tune of 1 minute and 45 seconds.

There are 1,800 beds to be provided for emergency sleepers in Dublin. Deputy Coppinger made the point that the former Minister for the Environment, Community and Local Government, Deputy Alan Kelly, used to make the same point about the most comprehensive housing programme but he could not have done so because what is in place now is much more comprehensive. The purpose of having the Cabinet sub-committee is to draw all those people together, namely, the housing unit in the Department of Housing, Planning, Community and Local Government and the relevant personnel who can indicate what has happened about the targets we have set. On 9 December, three further hostels will open in Dublin with 210 beds.

This is a phenomenon and the supply question, which is one of the few from the Opposition point of view that put its finger on the real problem, must be dealt with because if we do not have supply we cannot deal with those who need these services. Homelessness, rough sleepers, hotel bedrooms, bed and breakfast accommodation and voids coming back in are all part of it. The Business Committee might allow for a regular hour and a half discussion on the progress being made towards housing because this is completely unsatisfactory. Many valid questions are being raised and I do not have time to give Members answers from all the material that is here. We might have an opportunity to do that, which the Minister with responsibility for housing would be quite happy to take up and give people details of any particular areas or issues they raise in respect of housing.

Priority Questions

Departmental Expenditure

18. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs if her Department will expend the full allocation made available to her Department in the Estimates for 2016; if not, the likely shortfall in expenditure in 2016 and the reasons; and if she will make a statement on the matter. [37560/16]

Deputy Éamon Ó Cuív: Looking at the expenditure report of the Department month on month, it is clear there is a huge underspend in the Department. Will the Minister end up in a situation whereby money is returned to the Exchequer? What can be done to avoid that when there is so much work to be done, both in the arts, heritage, Gaeltacht, regional and rural development, and the islands? How did this happen?

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): While it is too early at this point to accurately forecast the full end of year out-turn, I can advise that all current funding is expected to be expended in full and no capital savings beyond those which can be carried forward by deferred surrender into 2017 are envisaged at present.

Public financial procedures provide that a maximum of 10% of the capital envelope of a Vote may be carried over by way of deferred surrender to the following year for spending in that year on priority capital programmes. For my Department, this means that a maximum of just over €13.5 million in capital funds can be carried over into 2017, subject to the approval of the Minister for Public Expenditure and Reform.

There have been delays in the drawdown of funding across a number of programme areas within my Department's Vote. These relate in the main to the rural and regional programme, which transferred to my Department in June last, and the arts programme in respect of certain once-off decade of centenaries projects.

With regard to the rural and regional programme, the main delay in drawdown is in regard to Leader. This is because the new Leader programme has only recently commenced.

In terms of the arts programme, there have been some delays in drawdown of funding regarding the permanent reminders component of the Ireland 2016 centenary programme. There were unavoidable delays in regard to the national monument at 14-17 Moore Street and the major redevelopment at the National Archives. While some progress has been made on these projects, the full expected drawdown of funds will not now occur this year.

All expenditure within my Department's Vote will continue to be carefully monitored between now and year-end to ensure the best use of all available financial resources.

Deputy Éamon Ó Cuív: Could the Minister confirm that the allocation for the Leader programme for this year was €40 million and that, at the end of October, the expenditure was €8,333,000, meaning that €32 million, or three quarters of the fund, had been left unspent? Can she explain how she will get the total carry-over to €13 million or less, which is the figure I thought she mentioned, when she has an underspend of €32 million on that one sub-head? My understanding is that there will be no capital expenditure on Leader, other than on administration, which would amount to approximately €10 million, bringing the figure up to €30 million. Can the Minister explain to me, out of the €30 million, and that is not allowing for any other underspending of capital, where that money will be spent between now and the end of the year because it certainly will not be spent on Leader?

Deputy Heather Humphreys: Regarding the Leader funding, there was €40 million in the budget. I have just reallocated under €35 million. That was made up of €22 million from the Leader rural sub-economy programme; that is, €22 million out of the €40 million. The balance of almost €13 million came from the arts programme, which mainly related to allocations originally made in respect of the decade of centenaries programme. I reallocated the €22 million in Leader funding to other programmes and projects that benefit rural Ireland, including town and village regeneration, which got an extra €6 million. The rural economic development zones, REDZ, programme got an extra €5 million. The national countryside recreation strategy got an extra €4 million and CLÁR got an extra €3 million. Waterways Ireland got an extra €3 million and the rural broadband scheme got an extra €1 million.

Deputy Éamon Ó Cuív: To give the Minister one example, she said she allocated extra funding under town and village renewal but after ten months, nothing of the €4 million initially allocated had been spent. Can the Minister explain how she will get all of these builds done in the last month? She spoke about the CLÁR programme. I have not seen any announcement by the Minister's Department on the approval of specific projects under the CLÁR programme even though she has allocated funds. The Minister might outline when we can expect announcements on specific projects under CLÁR and how they will be completed by the end of the year? Finally, does the Minister not think it is very bad practice to have a carry-over of, say, €13 million? I have no doubt she negotiated the Estimate on the basis that she needed more money and I have no doubt also that the Department of Public Expenditure and Reform, DPER, said to her that she could not spend what it gave her this year. Does she not accept that is totally unacceptable in terms of the good running of the Department?

Deputy Heather Humphreys: All of the budgets are being kept under review. As the Deputy will appreciate, this happens. It is normal in any budgetary year. I am keeping spending under close review and I am keeping in touch with DPER. There are a number of weeks to go before the end of the year and spending continues. On the programme side, as I said, I expect to spend all of my current expenditure apart from the capital amount a Minister is allowed to carry over at the end of the year.

On the CLÁR programme, we hope to be in a position to announce that very shortly.

Library Projects

19. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the departmental scheme under which the decision was made to fund the Mary Robinson library. [37402/16]

Deputy Peadar Tóibín: Yesterday, we learned that the former President, Mary Robinson, is to withdraw her application for tax relief under section 1003 of the Taxes Consolidation Act 1997, which was linked to the controversial proposal for a purpose-built library at her former family home in Ballina. It is a good development because it means there will be a saving to the State of some millions of euro. What was the Minister's role in making the decision on the go-ahead of that project? Under what programme or section in the Department was that decision made? What role did the Taoiseach have with regard to the decision?

Deputy Heather Humphreys: My Department approved a grant to Mayo County Council in respect of the proposed Mary Robinson centre in Ballina under subhead A7 of my Department's Vote, which supports cultural infrastructure and development.

It should be noted that my Department supports a range of capital projects in the cultural area, both scheme-based and once-off. For example, the permanent reminder projects, which were developed as part of the Ireland 2016 centenary programme, were all once-off projects promoted by a mixture of public entities, including Government Departments and offices, State agencies and local authorities.

5 o'clock

In the case referred to by the Deputy, my Department received a formal request for funding

in July 2015 from the project promoters, Mayo County Council. This funding was provided in the normal way in the context of the 2016 Revised Estimates. In February 2016, my Department offered a capital grant in principle to Mayo County Council of up to €2 million towards the cost of construction of the proposed centre, subject to the standard conditions that apply to all such capital grants.

The board of the Victoria House Foundation issued a statement yesterday indicating that it is now to review the options for developing the proposed centre in Ballina following the decision to donate the Mary Robinson archive to NUI Galway. It was indicated that this review would be completed in the first quarter of 2017. My Department is liaising with Mayo County Council on the matter and I will consider any proposals which may emerge from the review, when completed.

Deputy Peadar Tóibín: The people of Mayo, in particular, Ballina, are rightly proud of the legacy of Mrs. Mary Robinson for her work, as an *iar-Sheanadóir*, as a former President and as a former UN High Commissioner. It is important, if possible, that the Minister should work with the two organisations to ensure the archive has a facility for display in Ballina in Mayo but it is also important that we protect the taxpayers' money.

I understand that the Minister accepted a guarantee of indefinite value from Mayo County Council with regard to the potential cost of this project. In other words, Mayo County Council stated that if there were unforeseen costs the Department would not accept, Mayo County Council would. This, in effect, is a blank cheque from a State organisation on a particular project. Did it not cause alarm to the Minister, given that she is also dealing with the Galway Picture Palace controversy where there is funding going into what looked to a certain extent like a black hole without the service being made available to the people of Galway as of yet?

Deputy Heather Humphreys: This project, as I said, is being developed by Mayo County Council. I met it in relation to the plans early last year when I was briefed on the project. My Department then got a formal request for funding towards the Mary Robinson centre from Mayo County Council in July of 2015, and the request was for €2.175 million. Funding of €2 million for the Mary Robinson centre was subsequently included in the 2016 Revised Estimates Volume, which was published by the Department of Public Expenditure and Reform on 17 December 2015. We have approved the grant to the local authority but no funding has been drawn down. The grant offer is subject to the standard conditions that apply to all capital grants and these must be met before any funding is drawn down. All funding needed to bring the facility into public use must be in place and documented before a contract with a developer is signed and before any grant payments are made by my Department.

To clarify regarding the responsibilities of the spending, the onus to ensure compliance with The Public Spending Code, published by the Department of Public Expenditure and Reform, falls in the first instance to the project promoter, which in this case is Mayo County Council. Under the provisions of The Public Spending Code, a cost-benefit analysis is required for projects with a total cost of €20 million or more. My Department will be satisfying itself that the project is in compliance with the relevant requirements of the code before any funding is released to Mayo County Council.

Deputy Peadar Tóibín: It must strike the Minister as unusual that a State body, the county council, entered into an agreement with the Department on this project in which the local authority gave a commitment that it would cover the unforeseen costs that would arise given that

we have found out subsequently that the building in question has major structural problems and would have needed major investment for the project to have gone ahead. Perhaps the Minister would address that as I did ask it in the first part of the question.

The second issue is the role of the Taoiseach. Has the Taoiseach discussed this with the Minister? Did the Department of the Taoiseach discuss it with her? Did his Department discuss it with her Department? We understand that the *imprimatur* of the Taoiseach was fully behind this project before all those cost-benefit analyses were carried out.

Does it make sense for the materials which were created while a well-pensioned former public representative was in the employment of the State to be the subject of a tax relief in the future? Should the Taoiseach be able to apply for a tax relief in the future for an archive that he has produced? Is it not time to get rid of the tax relief for archives from public representatives?

Deputy Heather Humphreys: To be clear, there is nothing unusual about this process. We work regularly with local authorities and we support local authorities in developing projects in their counties. In fact, I can give the Deputy a list of projects that were awarded grants under departmental schemes. Projects which were awarded grants in recent years include the Wexford Opera House, Comhaltas Ceoltóirí Éireann, the Fire Station Artists' Studios, the North Inner City Task Force, Athlone Little Theatre, Boston College Active Research Limited, Druid Theatre in Galway, the Gaiety Theatre in Dublin, the Gate Theatre, Other Voices and Na Píobairí Uilleann. Those are examples of other projects that requested funding.

Deputy Peadar Tóibín: There were guarantees made on the project.

Deputy Heather Humphreys: The Taoiseach did not ask me to provide funding for this project but I was aware that he was supportive of the project because he made it known. Naturally, he spoke publicly about his support for the project. As a Deputy for Mayo, why would he not want to support a worthwhile project in his constituency?

Foireann Roinne

20. D'fhiafraigh **Deputy Éamon Ó Cuív** an Aire Ealaíon, Oidhreachta, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta cad é líon na bhfolúntas foirne sa Roinn nach bhfuil líonta go fóill; cad iad na rannóga lena mbaineann siad; cad iad na céimeanna nó na gráid atá i gceist; cén uair ar éirigh na folúntais seo; an bhfuil sé i gceist an tríú príomhoifigeach a cheapadh i rannóg na Gaeilge, na Gaeltachta agus na noileán; cén uair a líonfar na folúntais seo; agus an ndéanfaidh sí ráiteas ina thaobh. [37561/16]

Deputy Éamon Ó Cuív: Cé mhéad folúntas foirne atá sa Roinn? Cén fáth nach bhfuil siad líonta? De réir mar a thuigim, tá roinnt folúntas sa Roinn le tamall agus, ar chuma éigin, níl siad líonta. Tá sé an-deacair an obair a dhéanamh mura bhfuil folúntais líonta de réir mar a éiríonn siad. Ar ndóigh, an lá go siúlann duine amach as post, ba cheart go siúladh duine eile isteach ina áit.

Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Seán Kyne): Déantar athbhreithniú rialta ar líon foirne na rannán go léir i mo Roinn ar aon dul leis na riachtanais ghnó a thagann chun cinn mar chuid de phróiseas pleanála na Roinne don fhórsa oibre. Nuair a thagann post folamh chun cinn ar aon chúis, ní chaitear leis

ar bhonn aonair mar phost atá le líonadh go huathoibríoch. Ina áit sin, déantar scrúdú criticiúil ar riachtanas leanúnach phoist gan líonadh dá leithéid mar chuid de phróiseas pleanála mo Roinne don fhórsa oibre, ag cur tosaíochtaí foirne reatha eile i gcuntas i gcomhthéacs pholasaí an Rialtais i ndáil le pá agus soláthar foirne na hearnála poiblí, de réir mar atá curtha in iúl ag an Roinn Caiteachais Phoiblí agus Athchóirithe.

Tá trí phost á líonadh faoi láthair i rannán Gaeltachta na Roinne. Is iad seo stiúrthóir na Gaeilge, folúntas a tháinig chun cinn i mí Eanáir 2016, príomhoifigeach, folúntas a tháinig chun cinn i mí Mheán Fómhair 2016, agus oifigeach feidhmiúcháin, folúntas a tháinig chun cinn i mí na Nollag 2015.

Rinne an tSeirbhís um Cheapacháin Phoiblí an feachtas earcaíochta do phost stiúrthóir na Gaeilge a fhógairt ar an 9 Meán Fómhair 2016 ar www.publicjobs.ie. Meastar go líonfar an post seo a luaithe a bheidh an comórtas curtha i gcrích sna seachtainí atá amach romhainn.

Tá post mar phríomhoifigeach á líonadh ag mo Roinn freisin i rannán na Gaeltachta trí chomórtas inmheánach. Déanfar agallaimh don phost seo a réachtáil ar an 12 Nollaig 2016. Meastar go gceapfar duine ón phainéal a chuirfear le chéile mar thoradh na hagallaimh sin mar phríomhoifigeach faoi dheireadh na bliana.

Tá mo Roinn ag breathnú freisin ar an fhéidearthacht a bhaineann le hoifigeach feidhmiúcháin a thrasaistriú chuig an oifig sna Doirí Beaga. Níl aon chinneadh déanta go dtí seo maidir leis an tríú príomhoifigeach a cheapadh do rannán na Gaeltachta.

Deputy Éamon Ó Cuív: Gabhaim mo bhuíochas leis an Aire Stáit as ucht an cheist seo a fhreagairt. An bhfuil aon fholúntas eile in aon áit eile sa Roinn nach bhfuil líonta? An é an scéal atá ann ná go bhféadfar lucht na Gaeilge, na Gaeltachta agus na n-oileán ar an trá fholamh? Níl sé sásúil ar chor ar bith go bhfuil cuid mhaith de na folúntais seo ann le bliain anuas agus go bhfuil an Roinn ag caint timpeall i gcirocal ó thaobh iad a líonadh. Sa deireadh ní raibh ach príomhoifigeach amháin ann agus bhí an Roinn gan aon stiúrthóir ag plé le gnóthaí Gaeilge, Gaeltachta agus oileánda. Tá sé sin thar a bheith mí-shásúil.

An bhfuil aon fholúntas eile sa Roinn nach raibh líonta i gcaitheamh an ama seo nó nach bhfuil líonta i láthair na huairé? Cén fáth ar thóg sé bliain a oibriú amach go dteastódh stiúrthóir na Gaeilge sa Roinn?

Deputy Seán Kyne: Go bhfios dom, níl aon fholúntas in aon áit eile seachas iadsan i rannóg na Gaeilge. Ba í Máire Killoran stiúrthóir na Gaeilge ach tá folúntas ann don phost sin ó mhí Eanáir 2016. Ansin bhí olltoghchán ann agus thóg sé am Rialtas a chur le chéile. Tharla sé sin i dtús mhí na Bealtaine. Ina dhiaidh sin, bhí orainn cead a fháil ón Roinn Caiteachais Phoiblí agus Athchóirithe. Ansin bhí an samhradh orainn. Rinneadh an cinneadh agus d'fhógair an tSeirbhís um Cheapacháin Phoiblí ar an 9 Meán Fómhair 2016. Thóg sé am é sin a dhéanamh ach beidh an post líonta roimh an Nollaig. Aontaím leis an Teachta gur phost fíorthábhachtach é ó thaobh an straitéis 20 bliain agus Acht na dTeangacha Oifigiúla de agus beidh ról tábhachtach ag an duine sin as seo amach.

Deputy Éamon Ó Cuív: Ní ghlacaim leis an bhfreagra atá tugtha don Aire Stáit le tabhairt dom. Bhí a fhios ag an Roinn go raibh Máire Killoran ag imeacht sara d'imigh sí. Ní thuigim cén fáth nár réitíodh amach san am go raibh an Roinn ag fanacht go n-imeodh sí go raibh stiúrthóir na Gaeilge le bheith ag teastáil ar aon chúil. Ní thuigim cén ceist mhór a bhí le plé ag an Roinn Caiteachais Phoiblí agus Athchóirithe maidir le líonadh post an stiúrthóra. Níl an

tAire Stáit ag rá liomsa go m'bhféidir go gcuirfí deireadh leis sin agus go bhfágfaí rannóg na Gaeilge, na Gaeltachta agus na n-oileán taobhach le príomhoifigeach amháin, rud atá tarlaithe.

Go bhfios domsa, gach aon lá ó mhí Eanáir seo caite agus sa tréimhse roimhe sin nuair a bhí fógra tugtha aici, bhí Rialtas in áit agus bhí dualgas ar an Rialtas sin cinnte a dhéanamh. Ní leithscéal ar bith é an olltoghchán. Chuile lá le bliain anuas, nuair a bhí a fhios ag an Roinn go raibh Máire Killoran ag imeacht, bhí Rialtas in áit. Cén fáth gur thóg sé bliain, nó geall leis, an post seo a líonadh nuair atá an oiread sin oibre le déanamh ó thaobh na Gaeilge de agus nuair atá an Straitéis 20 Bliain don Ghaeilge le cur in áit?

Deputy Seán Kyne: Ó cheapadh mise mar Aire Stáit ar an 19 Bealtaine, bhí an post seo á líonadh. Bhí sé ar bharr mo liosta. Bhí mé i dteagmháil go minic le feidhmeannaigh mo Roinne agus leis an Ard-Rúnaí. Bhí seisean i dteagmháil leis an Roinn Caiteachais Phoiblí agus Athchóirithe. Rinne an Roinn sin cinneadh tar éis tamaill cead a thabhairt do mo Roinn dul ar aghaidh agus an post a líonadh. I rith an tréimhse roimh an olltoghchán, agus ina dhiaidh, ní raibh an Roinn sásta cinneadh mór a dhéanamh gan Rialtas nua curtha le chéile agus cinneadh déanta maidir leis an bpost seo agus leis an bpolasaí a bheadh ann.

Mar a dúirt mé, beidh an post líonta roimh an Nollaig agus beidh an duine ag obair ag tús na bliana agus ag dul ar aghaidh leis an obair tábhachtach atá le déanamh.

Irish Language

21. **Deputy Mattie McGrath** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs if she will review the funding allocation provided for the development and growth of the Irish language with specific reference to the fact that the number of Irish language summer camps has been reduced from 92 in 2015 to 59 in 2016, a drop of 35%; and if she will make a statement on the matter. [37693/16]

Deputy Mattie McGrath: Níl aon airgead ag grúpaí Gaeilge. There have been reductions in the money provided to Conradh na Gaeilge, Foras na Gaeilge and other organisations that are providing valuable supports to community groups and groups such as naíonraí and coláistí samhraidh. Níl aon seans acu an obair a dhéanamh.

Deputy Seán Kyne: Ní aontaím nach bhfuil aon airgead acu. At the outset, I emphasise that almost €60 million has been provided in the 2017 Estimates for the Irish language and the Gaeltacht and islands programme, including funding for An Foras Teanga. This represents an increase of €2.3 million over the 2016 baseline provision.

I assume that the Deputy is referring to the annual summer camps scheme funded by Foras na Gaeilge. In that context, there are three general points I wish to bring to the attention of the House. First, Foras na Gaeilge, as an agency of An Foras Teanga - a North-South implementation body - is co-funded by my Department with the Department for Communities in Northern Ireland. Consequently, its budget is subject to approval by the North-South Ministerial Council, NSMC. Second, the indicative provision of €13.239 million in my Department's Vote for An Foras Teanga in 2017 is intended to fund both agencies of the body - Foras na Gaeilge and the Ulster-Scots Agency - in addition to providing ring-fenced funding for Clár na Leabhar Gaeilge agus Colmcille. Third, in regard to funding for specific programmes of work, the dispersal of Foras na Gaeilge's budget is primarily an operational matter for the agency within the

framework of the NSMC approved business plan and budget.

With regard to the specific issue of summer camps, I understand from Foras na Gaeilge that funding was provided to 69 summer camps attended by 3,002 young people in 2016, but that if additional funding had been available, it would have been possible for it to provide funding for a further 45 applications which met the criteria of the scheme. From a wider perspective, the House will be interested to know that in addition to the summer camps funded by Foras na Gaeilge, my Department provided funding for 183 summer camps attended by 6,077 children in Gaeltacht areas and for 26,004 children attending the summer colleges scheme under Scéim na bhFoghlaimoirí Gaeilge.

I am aware that good work is under way in regard to providing opportunities for young people to learn, to improve and to use the Irish language in a social and recreational context outside of the formal education setting. However, it is also clear that there is an even greater demand for participation in such schemes and that more could be done with the availability of additional resources. The Minister, Deputy Humphreys, and I met recently with Foras na Gaeilge regarding these and other associated matters, and I am committed to continuing to seek additional funding for the Irish language within the overall budgetary resources available to the Government.

Deputy Mattie McGrath: They are fine words but the programme for Government states that the Government will increase investment in the Irish language, yet Foras na Gaeilge has had to reduce the number of Irish language summer courses. The public agrees that additional support should be made available and that has been shown in a Millward Brown survey, in which 61% of people in 2016 agreed that the State should provide additional support for the Irish language. It is our heritage. Only 18% were against it. The majority of Teachta Dála also agreed that €18 million should be invested in the plan brought forward by 80 Irish language and Gaeltacht groups. However, the proposed funding for the Irish language is truly disappointing.

How can the Minister's Department claim to be fulfilling its responsibility for the implementation of the 20-Year Strategy for the Irish Language 2010-2030, which we all fought for, when, according to Conradh na Gaeilge, both the Foras na Gaeilge budget and the Údarás na Gaeltacht capital budget have been reduced by over 50% since 2008? Sin é an tslí. I also understand there is no new funding allocated for these budgets in 2017, while the operational budget for Seachtain na Gaeilge was reduced by 40%. We speak here gach bliain faoi chabhrú le Seachtain na Gaeilge, but there is no support for it. It cannot run on air. The Minister must do something in that area and give some tacit support.

Deputy Seán Kyne: First, there were substantial increases in Údarás na Gaeltachta's capital budget for 2016 compared with 2015, including €2.4 million in additional resources allocated this autumn. That will allow Údarás na Gaeltachta, instead of using its own resources in 2016, to divert that to 2017 to invest in a series of programmes for job creation and additional capital works. There has also been an additional €2.3 million overall increase in the baseline figure over the 2016 allocation for the Irish language. There is €13.239 million, which is an indicative figure, available for An Foras Teanga, to fund both Foras na Gaeilge and the Ulster-Scots Agency. That is to be agreed at the North-South Ministerial Council in December. As I said, the Minister, Deputy Humphreys, and I met Foras na Gaeilge last week and we will continue to push for additional funding, in the Revised Estimates and elsewhere.

Deputy Mattie McGrath: Words are no use. There is a huge disparity between what the

Minister of State is saying and what I am being told. If this is what the Minister and the Department understand to be a robust commitment to the 20-year strategy, then serious questions have to be answered, and níl aon fhreagra anseo. When the budget was being delivered, the Ministers for Finance and Public Expenditure and Reform spoke about the kind of Ireland we want to create. Surely that ought to include a more passionate and resourced commitment to the growth and study of our Irish language. Without our teanga we will not have a nation. I strongly believe that. We need a commitment that the cuts to funding allocations will be reversed and increased. The Minister of State can mention funding of €13 million here and €13 million there but that is not the reality on the ground. Níl pingin ar fáil do a lán grúpaí. If there is anything less than this, the Government will be clearly demonstrating that when it comes to the Irish language lip-service continues to be the order of the day. Tá a fhios agam go bhfuil Gaeilge flúirseach na Gaillimhe ag an Aire Stáit. The reality is that the groups are not getting funding. The Minister of State did not answer my question concerning the 40% cut for Seachtain na Gaeilge. Everybody bought into that initiative, both grúpaí na Gaeilge agus grúpaí an Bhéarla. A lán communities used that funding for Seachtain na Gaeilge projects but they have been drastically cut. We have to get people interested.

An Ceann Comhairle: Tá an t-am caite. Caithfimid dul ar aghaidh.

Deputy Mattie McGrath: Go raibh maith agat.

An Ceann Comhairle: Tá noiméad amháin ag an Aire Stáit le críochnú.

Deputy Seán Kyne: I accept the Deputy's passion and interest in the Irish language and his commitment to the allocation of extra funding. I applaud that. I, as Minister of State, and the Government are committed to the 20-year strategy for the Irish language.

Deputy Mattie McGrath: Cá bhfuil an t-airgead?

Deputy Seán Kyne: There were increases in funding in recent years from €500,000 to €1 million to €1.25 million this year. There has been an increase of €250,000 in the current budget for Údarás na Gaeltachta and that will allow the comharchumainn on the islands and elsewhere within Gaeltacht areas to receive extra funding to implement the work they have to do on behalf of the straitéis and the pleananna teanga. The Department of Education and Skills, in conjunction with this Department, launched, for the first time ever, an education policy for the Gaeltacht, for which €1 million has been available for this year. There is also a commitment to allocate €4 million and €8 million over the next two budgetary cycles. That has been welcomed across the board. I am committed to increasing and finding extra resources-----

Deputy Mattie McGrath: What about Seachtain na Gaeilge?

Deputy Seán Kyne: -----over the next number of years for all the bodies dealing with the Irish language.

Arts Funding

22. **Deputy Róisín Shortall** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the steps she will take to address the shortage of affordable studio space for artists; and if she will make a statement on the matter. [37698/16]

Deputy Róisín Shortall: We all talk about our visual artists with a sense of national pride and we frequently praise them. Artists cannot live on praise and pride, however, they need investment in facilities. At the most basic level, we need to provide more studio space for artists in which to work. We know from Visual Artists Ireland that some 67% of artists earn less than €25,000 a year. We need to assist them on a very practical level with the provision of additional studio space.

Deputy Heather Humphreys: I am aware of the issue regarding the provision of affordable studio space, particularly as a result of the changing property market. In general, I would consider that local approaches driven by artists, local arts officers and the owners of vacant buildings are best suited to respond to the specific local circumstances involved and provide the most effective outcomes.

However, my Department is also in discussion with the Arts Council, Dublin City Council and the OPW to consider some possible short-term and longer-term approaches to the issue, both in respect of specific issues in Dublin and in the context of wider national approaches. In addition, as part of the Government's initiative on the north-east inner city, I awarded a grant of €35,000 this year to Fire Station Artists' Studios, Buckingham Street, to assist in providing additional studio space in conjunction with Dublin City Council.

In terms of investment by my Department, I have launched a new €9 million investment scheme for arts and cultural centres to run over the next three years. This will be focused on securing and enhancing our arts and culture infrastructure. The scheme will target investment at a range of different facilities, including arts centres, theatres, galleries and museums, as well as artists' studios and creative spaces. The closing date for receipt of applications was in September and applications received are now undergoing evaluation. Awards will be announced in the near future.

In addition, I will soon be announcing a subset of the scheme, with grants of up to €20,000 for community or voluntary organisations. The details of this funding stream are being finalised and the process relating to applications will open in the near future. I will consider how best this scheme could assist with the provision or enhancement of artist studio space.

Deputy Róisín Shortall: I thank the Minister for that information and those initiatives are certainly welcome. We have seen in recent years, especially as the commercial property market starts to bounce back, that a number of premises, especially in Dublin city, have been lost to the artistic community. I refer to places such as the Broadstone Studios, The Joinery in Stoneybatter and Block T in Smithfield. All those premises have been lost.

If we consider the cities to which our creative artists emigrate, both London and Berlin, for example, have very clear policies on providing space for artists and, in that way, not only do they hugely enhance the artistic and creative atmosphere in the city, they also contribute very significantly towards job creation. We know that 11% of the workforce in Berlin works in the creative field. There is huge potential in this area and we need to further invest in it.

Deputy Heather Humphreys: I agree with the Deputy that there is a need for increased artists' studio space. In respect of rural Ireland, under the town and village enhancement scheme and the rural economic development zones, REDZ, programme, additional art spaces are being made available, and I very much welcome that. The REDZ programme was only announced yesterday. There is space in many of those projects for studios.

In terms of this city, I agree with the Deputy that it is becoming increasingly more difficult to get premises for artists and I am conscious of that. The new capital scheme provides for an investment of €9 million, with the provision of €3 million each year for the next three years. It will take some time for the relevant projects to come on stream. This is a six-year programme and, hopefully, we should have another €9 million to invest in three years' time. I have always said that as the economy improves, we will need to invest more money in the arts.

Deputy Róisín Shortall: Unfortunately, the provision of €3 million a year nationally will not go very far in terms of acquiring premises. Considering the price of premises in the Dublin area, something needs to be done. I acknowledge the work that has been done by the arts officer in Dublin City Council but the problem is that demand is far outstripping supply. We need to look at new ways of bringing vacant buildings on stream, especially those that are in the ownership of the State. Closed Garda stations, closed banks and such places could be brought into use as community facilities for visual artists who are desperately seeking space. The potential is huge in terms of people being able to earn a living working in the arts. We need a Government plan to do that, particularly in the capital, so that we can be very clear about where we are going and that we do not adopt a scatter-gun approach.

Deputy Heather Humphreys: The best way to resolve this is to work with Arts Council, Dublin City Council, as the Deputy mentioned, and the OPW. Where they identify vacant buildings that are in public use, there is no reason why these could not be adapted and developed into studio spaces. If suggestions are put forward by the different organisations, I will certainly consider them. As already stated, however, the current capital scheme is closed and the applications are being assessed. When the funding is allocated and work starts on these particular projects, that should provide some extra space.

Other Questions

Post Office Network

23. **Deputy Brian Stanley** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the progress that has been made in implementing the recommendations of the Kerr report; and the immediate actions being taken to preserve the post office network here. [32042/16]

Deputy Brian Stanley: I want to ask the Minister about the progress made in implementing the recommendations of the Kerr report and the actions being taken to preserve the post office network. We know that the current model has to change. Post offices must be made viable. I would like to hear the Minister's response to my question.

Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs(Deputy Michael Ring): The post office network business development group, chaired by Mr. Bobby Kerr, was established at the end of 2014 to examine the potential for new and existing government business and commercial business that could be transacted through the post office network, and to identify new business opportunities for the network.

The final report of the group was published in January of this year and made a number of recommendations to support the future sustainability of the post office network, including network renewal. On foot of this report, a post office network renewal implementation group was

established to progress the recommendations arising from the report of the business development group.

The post office network renewal implementation group is independent and is also chaired by Mr. Kerr and includes representatives of An Post and the Irish Postmasters Union, IPU. The group has been examining issues such as the number and spatial distribution of post offices, branch modernisation, the streamlining of products and services, postmaster payments and contracts, and training and qualifications for post office employees.

Some of the issues under consideration are quite complex in nature. Both the Minister and I have met Mr. Kerr and members of the implementation group on a number of occasions over the past few months. The implementation group is nearing the conclusion of its work and its recommendations will be issued to the board and management of An Post in the next few weeks. It will be a matter for An Post to consider these recommendations and to bring their proposals to the appropriate Ministers for discussion.

Separately, I established the post office hub working group in July this year to identify potential models under which the post offices could act as community hubs, especially in rural areas. The group has recently concluded its talks and is currently finalising its report. In addition, my officials are also examining the potential for the post office network to deliver other services including motor tax and financial services. I intend to report to Government on these issues in the coming weeks.

Deputy Brian Stanley: I thank the Minister of State for his reply. I welcome the initiatives he mentioned. The Kerr group has come out with recommendations and they are being examined but time is of the essence. Unfortunately, the post office network is not in a good place. It is reckoned that 500 post offices are not economically sustainable and that has to change. The only way it can be changed is through broadening the range of services available through the post office network.

I welcome the hub working group as well. The Minister of State set out three recommendations in the House last week. The first two - the shared value post office system and the co-operative model - are well worth examining but there is a question over the mobile recommendation. I am not too sure whether that would work. However, the range of services needs to be broadened to make the post office network viable. What can be done immediately, given an interim solution is needed? If not, the network will lose more post offices.

Deputy Peadar Tóibín: The post office network is probably one of the most important retail networks in the State. There are approximately 3,700 people working in it and 99% of all addresses are within 10 km of the network. It is massively important but a few weeks ago, Mr. John Daly, director of retail operations for An Post, appeared before my committee and he stated that 500 post offices are not economically viable. Using the yardstick of economic viability, they do not have a future. Another brutal statistic was reported in the past week. Only 37% of farms are economically sustainable. Those two statistics shed massive light on the damage that has been done to rural society in the past number of years. How can the Minister of State ensure that post offices become economically viable?

Deputy Michael Ring: The Government does not own the post offices. The network is operated by An Post and there are 1,131 post offices nationwide, 51 of which are operated by An Post. The remainder are run under contract to the company. The two working groups I

mentioned are working to try to do exactly what the Deputies want. They are examining ways and means to sustain as many post offices as possible. The Government will not close post offices because it does not have control of them. That is up to An Post. Mr. Kerr has a report, which is almost concluded. He will make recommendations to An Post, which will then go to Government and the Government will then have to make decisions. Deputy Stanley is correct that there are a number of options on the table but it is like any process. I do not like some of the options that An Post and the IPU have and they do not like some of the options that I have put on the table for them. The negotiations are over and we are drafting a report and seeing whether we can reach agreement between An Post, the post offices and the Government. When we get the report, I intend to go to Government to see what we can do to help rural post offices to deliver other services, including motor tax and banking services. We are trying to do whatever we can. I am on the same side as the Deputies. I have commissioned a report and I am trying to do the best I can to keep as many as possible open.

Deputy Brian Stanley: I thank the Minister of State for his reply. The key concern is that while there is movement, the process could be dragged out, particularly when groups have to meet and draft reports. I take on board that the Government does not own the vast majority of rural post offices. It is important that the report and proposals of the implementation group are refined and agreed and then implemented as soon as possible along with the recommendations from the post office hub working group. It is essential that this be done quickly. There is a major opportunity because of the withdrawal of banks from rural areas. They have pulled out of small towns and even some sizeable towns in provincial areas. The banks are not providing face-to-face services, which is driving small business people crazy, not to mind creating difficulties for the elderly and people with disabilities, but this provides an opportunity. That gap needs to be filled and the post office network is ideally placed to do that and provide a community banking sector.

Deputy Michael Ring: Deputy Tóibín is a good chairman of the regional development committee and when An Post representatives appeared before it, they said they hoped to have the basic payment account open in the first quarter of next year. I welcome that because that is vital. It is important that the network has the cards and people will be able to use them. They are also talking about doing deals with other commercial companies but I will not go into that now. The delivery of services such as motor taxation will be vital. We will revive as many post offices as possible and put any other government business we can their way. An Post stated at the committee that 500 post offices are currently not viable. Everybody is working to try to make as many of them as viable as possible. I do not know how many we can save. I will do everything in my power. I am only trying to support the post offices in every way I can and I hope the post offices, An Post and the Government will all respond to see what we can do to save them.

Rural Economic Development Zones

24. **Deputy Martin Heydon** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the status of the rural economic development zones, REDZ programme; when she expects to announce successful applicants under the programme; and if she will make a statement on the matter. [37212/16]

Deputy Martin Heydon: The question has been overtaken by events, as the Minister con-

firmed the REDZ allocations yesterday. I was particularly pleased to welcome the allocation of €100,000 to the tanyard project in my local village of Ballitore in south Kildare. This funding is in addition to the €25,000 allocated to Ballitore earlier in November under the town and village renewal scheme. This is positive news for the village and will allow the hard working Ballitore tanyard committee to proceed with its plans to refurbish the tanyard and make it a focal point for the village. The proposed project will result in the tanyard buildings being converted into a theatre performance space with meeting rooms, and toilet and kitchen facilities. The buildings date back to 1801 and sit in the heart of the village. I would be grateful if the Minister could outline in her response the next steps in the drawdown process for committees such as that in Ballitore, which are anxious to get working on their projects.

Deputy Heather Humphreys: I launched a call for proposals under a new phase of the REDZ initiative on 21 September this year.

Following an assessment of the applications received under this call, I announced details of 41 successful proposals which have been allocated funding of just over €5.3 million in total for REDZ projects across the country yesterday.

REDZ are functional rather than administrative areas that reflect the spatial patterns of local economic activity and development. The central objective of the REDZ model is to utilise the synergies and interdependencies between rural towns and their outlying areas to generate local economic activity. One of the strengths of the REDZ model is that it encourages local authorities and other stakeholders to work across administrative boundaries with neighbouring counties and throughout their own region. The 2016 REDZ scheme, which I announced yesterday, is providing funding for projects of differing scale and ambition that share the mutual objective of supporting economic development in rural areas. The scheme also encourages collaboration between local authorities on larger projects. The projects approved represent a diverse range of ideas covering the length and breadth of Ireland and display a commitment to collaborative working to address the challenges facing rural areas. It is interesting that the project the Deputy mentioned in his area - Ballitore Tanyard development project - got some funding from the town and village renewal scheme. It has now been able to benefit from another €100,000. It is a project that is very close to the Deputy's heart and he has spoken to me on a number of occasions about it. It is certainly a very worthwhile project and it encompasses a whole range of different aspects in terms of theatre performance space. Deputy Shortall mentioned previously the lack of studio space. These types of projects can accommodate that.

Deputy Martin Heydon: I thank the Minister for her response. Ballitore is a very good example of a rural village that will benefit greatly from the REDZ scheme funding. The Tanyard has the potential to become a social and economic hub of activity for Ballitore and its rural hinterland hopefully bringing employment opportunities in tourism, crafts and retail. I will invite the Minister to come down and visit the site at some stage and hopefully meet with the committee because the Tanyard is situated in the heart of the village. It is a spot that in most villages is occupied by a local church or school. There are neither of these in Ballitore and it has suffered because of that. Ballitore is a village that used to be thriving with a lot of businesses in it but it has seen decline in recent years and some challenging demographics. It is a key area that needed this type of intervention. The Ballitore Tanyard committee has retained strong links with other community groups in the locality so this project now has the potential to revitalise an entire village. I ask the Minister to provide a bit of detail about the drawdown and how a committee like the Tanyard committee can move forward.

Deputy Heather Humphreys: Regarding the REDZ programme I have given the local authorities funding with the approval of the Department of Public Expenditure and Reform. The local authorities are empowered financially to start the work immediately and the Deputy should contact his local authority to ascertain when the work will commence. The money is available; it is there for them to start the work immediately on this project and I would like to think it will be started soon.

It was interesting to see that Ballitore was the first planned Quaker village in England and Ireland and remains one of the very few in Europe. I was in Philadelphia for the Famine commemorations and one of the Quakers there received an award because of the huge contribution the Quakers made to famine relief during the famine. It is interesting to see that Ballitore was the first planned Quaker village in England or Ireland.

Acting Chairman (Deputy Eugene Murphy): Is the Deputy happy with that reply?

Deputy Martin Heydon: There is real tourism potential here. The Minister has spoken about the Quaker and heritage element to this. Ireland's Ancient East is what we have in the east of Ireland now and I can see how the likes of Ballitore can nestle right into the heart of that. I acknowledge the role of the officials in Kildare County Council and in particular our local area manager, Joe Boland. Both myself and Councillor Ivan Keatley, the Mayor of Kildare, will continue to work with the Tanyard committee, as other local councillors will. This is phase one of a larger scale project and we look forward to working closely with the Department to see this money is well spent and to show exactly what the REDZ can do.

Deputy Heather Humphreys: That is exactly what the REDZ programme and the town and village enhancement programmes do. They work with local communities and local authorities. It is about identifying the projects that will best benefit from funding and how the communities can build on their strengths. The Deputy and I know, coming from rural Ireland, that there is huge energy and commitment in rural Ireland. This is about helping rural Ireland with funding to develop these projects which will bring long-term economic benefits in terms of tourism and heritage. That is the aim of this investment. That is what we want to continue to build on.

Hare Coursing

25. **Deputy Clare Daly** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs when the recruitment of additional conservation rangers to monitor animal welfare issues at hare coursing events is likely to take effect in view of the fact that the new season is under way. [36868/16]

Deputy Clare Daly: This question comes against the backdrop of the fact that the coursing season has been under way since last month. Last year, National Parks and Wildlife Service, NPWS, officials only visited 17 of the 75 official events. When I asked the Minister of State about it last month, he told me they had not inspected any official events at all this season, pointing out that only eight had taken place. I remind the Minister of State that is eight out of 70 which is over one tenth of the coursing calendar. When will the Minister of State recruit extra NPWS officers to monitor hare coursing events?

Deputy Michael Ring: I am advised that the recruitment campaign for conservation rang-

ers was advertised by the Public Appointments Service on 11 November 2016, on www.publicjobs.ie, and is open for applications until 1 December. It is anticipated that the first tranche of appointments - up to six in total - will be made from the newly formed panel during the first quarter of 2017. The successful candidates from this competition will be deployed throughout the country and will undertake the full range of duties associated with the role of ranger. Further appointments will be made from the panel, as required, subject to the required pay and other resources being in place. The panel will remain in existence until the end of February 2019. The competition is open to all members of the public.

As the hare coursing season for 2016-2017 extends from the end of September 2016 to the end of February 2017, the first tranche of additional conservation rangers may not be *in situ* by the end of the hare coursing season. However, I am confident that the 64 rangers currently employed by my Department will be sufficient to meet the requirements arising in this area for the current season.

Issues relating to animal welfare are the responsibility of my colleague, the Minister for Agriculture, Food and the Marine.

Deputy Clare Daly: It is very unfortunate that we have received confirmation that the new officers will not be in place. I disagree with the Minister of State. The existing NPWS officers are incapable of covering the events and we know that because the statistics prove it. There have been a number of very disturbing incidents already this season. Last month in Loughrea in Galway online footage showed a hare trapped, pushed and pinned to the ground by dogs before a courser runs in to pull the animal's battered body away. In County Offaly, there is online footage of a hare being hit by dogs, pinned to the ground and subjected to a long battering. In County Limerick, only last week there was an appalling incident of a hare hit by two greyhounds, desperately trying to escape, caught, mauled, pulled away by grown men, taken and thrown into a wooden box in the middle of the field. In Rathdowney, there were horrific revelations that three dogs broke into the hare coursing compound and mauled and butchered about 78 hares in the course of this week alone with the dogs having to be put down. This is an industry out of control. It is derogatory to call it a sport. It is barbarous and needs to be regulated. If we do not have extra officers employed to deal with broad functions, we need to have them diverted to this area urgently.

Deputy Michael Ring: When the Deputy raised this issue last month, I went back to the Department and said I wanted these jobs advertised. I made sure they were advertised. To be fair to our rangers, we have a shortage of staff. We had over 3 million visitors into this country last year and these rangers have to deal with habitats, protected species and all sorts of work. They need the rangers. On the issue the Deputy raised about the cruelty to animals, officials from my Department attended both of the meetings that the Deputy talked about. There is footage there of what actually happened and there will be discussions with the coursing club about this. I am giving Deputy Clare Daly a commitment to the effect that when the report is finalised, we will give her a copy of it. My officials were there and they witnessed what actually happened. The Department of Agriculture, Food and the Marine has responsibility for welfare issues.

Deputy Clare Daly: Obviously, I am pleased that we are recruiting new officers. I am unsure at which two of the three events to which I adverted officers were in attendance, but I am pleased we will get the report. It is a change from the answer on the previous occasion. In that vein, I am appealing to the Minister of State in light of the revelations about the events that occurred in Rathdowney this week and the horrific plight of the hares. There are stories of 78

hares being mauled, utter carnage and three dogs having to be put down. Will the Minister of State have this matter investigated by National Parks and Wildlife Service officers?

I understand the scheduled coursing meeting for December has now been postponed. Shockingly, it has been rescheduled for January. How in God's name could a coursing club allow something like that to happen? It did not have its hares protected properly and it allowed the dogs to carry on that activity. I am calling on the Minister of State to have this matter investigated and to have the licence withdrawn if the stories are verified. It would send an urgent signal to show that these issues have to be addressed. This is a protected species and it has been undermined by the barbarity to which I refer. This issue is well past its sell-by date and it needs urgent attention.

Deputy Michael Ring: My Department officials were at the coursing and they have footage. This is being investigated. They will be speaking to those involved.

Some clubs have broken the laws. Last year, sanctions were issued to two clubs, those in Thurles and Doon. The Doon meeting was eventually cancelled. I gather that other coursing events have been cancelled as well.

Deputy Clare Daly is aware that the rules and regulations apply to the actual events. Various rules and regulations have to be obeyed by the coursing clubs. If they do not, they will not get licences. I will ensure that the Deputy gets a copy of the report on the cases she mentioned when it is completed.

Heritage Council Funding

26. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs to set down the funding available in the Estimates for 2017 to the Heritage Council for the preservation and conservation of built heritage; and if she will make a statement on the matter. [37353/16]

Deputy Éamon Ó Cuív: I have looked at the Estimates for the Department for this year. A total of €1 million is allocated for 31 administrative areas for built heritage capital. This equates to €30,000 per county, which is totally inadequate. People have protective orders put on their buildings. These buildings are seriously expensive to maintain and there is no assistance from the State. It is all on the downside for citizens who are unfortunate enough to wind up as custodians of protected properties.

Deputy Heather Humphreys: My Department's allocation to the Heritage Council in 2017 will be €6.254 million, subject to final confirmation in the Revised Estimates. This amount excludes any contribution from the environment fund, which has yet to be decided with the Department of Communications, Climate Action and Environment. The contribution to the council from this fund amounted to €748,000 in 2016.

Following from increased funding in 2016 for the Heritage Council's current overall budget of €5.243 million, excluding the environment fund, I have secured an additional €1 million in capital funding for the council in 2017 to assist in a dedicated programme to deal with historic towns and their role in regional and rural development. This follows on from the successful historic towns initiative pilot delivered by my Department, in collaboration with the Heritage

Council and Fáilte Ireland, in 2012 and 2013.

While it is primarily a matter for the Heritage Council to decide how its funding should be allocated across the range of programmes it supports, my Department will continue to work closely with the council to ensure continued investment is appropriately targeted in the built heritage area having regard to competing priorities for the limited resources available.

The Deputy will appreciate that the scope for funding for the conservation of the built heritage is constrained by the significant pressure on the public finances. Nonetheless, I keep the competing priorities in respect of the preservation and enhancement of the national heritage under ongoing review having regard to the resources available to my Department.

Funding for the protection of built heritage will also continue to be provided by my Department via a number of schemes, including the successful structures at risk fund and the built heritage investment scheme, which is directly administered and delivered in tandem with local authorities nationally.

Deputy Éamon Ó Cuív: What is the total sum, between the Heritage Council, the Minister's direct funds and every other fund the Minister mentioned in her answer? Off the top of my head, I figure it is approximately €3 million. There are over 30 authorities. That gives the Minister approximately €100,000 per authority. That is totally inadequate and the Minister knows it.

We face a major challenge in this area. In law and regulation, we raise the bar higher and higher in terms of the standard to which we want people to conserve property. On the other hand, we are not willing to provide the finance. Does the Minister accept that, as a consequence, the effect of conservation has actually begun to bring us backwards? Properties are deteriorating because the owners cannot afford to do anything with them and because the State cannot provide the money to assist them in reaching the incredibly high standards that have, quite rightly, been put in place. One can reach those standards, provided one has the money to do so.

The Minister is suggesting that the Heritage Council can divide the funds. That is fine. To be honest, however, it is a little like the loaves and the fishes. Those involved would want a miracle to divide the funds in any meaningful way or to make any impression on the challenge to our built heritage.

Deputy Heather Humphreys: I accept that there are challenges. Work has continued under the built heritage investment scheme. I launched a new €2 million scheme for the repair and conservation of protected structures on 21 October 2015. The scheme operated this year via the local authorities on the same basis as the successful built heritage job leverage scheme that ran in 2014. The scheme is expected to support a significant number of projects throughout the country and will create employment in the conservation and construction industries. We have the structures at risk fund as well. Financial support is also being provided by my Department through the structures at risk fund to enable conservation work to heritage structures in private and public ownership which are protected under the Planning and Development Acts and which are deemed to be at significant risk of deterioration. The fund is administered through the local authorities and seeks to encourage the regeneration and reuse of heritage properties.

Section 482 of the Taxes Consolidation Act 1997 is also relevant. Under the terms of the Act, owners or occupiers of approved heritage buildings or gardens can apply for tax relief in

respect of expenditure incurred on repair, maintenance and restoration on condition that the properties are open to the public. In order to be approved for this relief, a building or garden must be intrinsically of significant scientific, historical, architectural or aesthetic interest. Reasonable access to the property must be afforded to the public as well.

Deputy Éamon Ó Cuív: I have never favoured tax relief because it favours those who have an income that requires them to pay income tax. The Minister has thrown out figures like snuff at a wake. Has someone in the Department added up all the sums? I have suggested to the Minister that she has provided a total of €3 million or €4 million for 2017. Can she tell me the total once everything is added up? How much will be available to the Department next year for built heritage? Has the Department any indication of the figures provided, either directly or through the Heritage Council, in respect of the number of heritage buildings in public and private ownership that are at risk? If we had those two figures, then we could calculate how much to allocate to each area next year.

Deputy Heather Humphreys: I simply do not have a total figure before me.

Deputy Éamon Ó Cuív: Will the Minister send on the figure to me?

Deputy Heather Humphreys: I do not have time to add it up but I will provide Deputy Ó Cuív with the figure.

Let us be clear: the Heritage Council got a 19% increase in funding this year. That is the largest increase in funding the council has received in a long time. The council very much welcomed the increase.

I want to build on the initiatives already announced, including the towns and village regeneration schemes and other schemes because much of the funding has gone into heritage buildings. A considerable amount is available. The Leader programme allows for investment in heritage buildings as well.

6 o'clock

It has been very successful, as the Deputy knows, in developing community projects, many of which involve old heritage buildings that are very worthy of investment. I want to support our heritage because it is absolutely vital and so much a part of where we are and our sense of place. As I said, I was delighted to be able to increase funding for this area for this year. As the economy continues to improve, it is my intention that we have more investment in our heritage.

Deputy Éamon Ó Cuív: Will the Minister communicate to me the two figures I asked for?

Deputy Heather Humphreys: Certainly.

Deputy Éamon Ó Cuív: The first is the total for built heritage. The second is the number of buildings at risk.

Acting Chairman (Deputy Eugene Murphy): I hope the Deputies will write to one another and that the matter will be sorted out. The next question is in the name of Deputy Burton. I understand Deputy Penrose will take the question on behalf of Deputy Burton. Everybody can agree to that.

Rural Development Policy

27. **Deputy Joan Burton** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs when a co-ordinating unit to work with communities to develop co-operative structures to keep vital local services in place and to retain and develop vibrant local enterprises will be established, as promised in the programme for Government; and if she will make a statement on the matter. [37032/16]

Deputy Willie Penrose: In the context of the significant challenges facing rural Ireland and the need to protect and promote the provision of services in rural Ireland; in the context of the recent report on broadband coverage which illustrated the urgent necessity to provide broadband infrastructure and coverage to sustain and develop rural areas such as Legan, Carrickboy and Keenagh in County Longford, and Ballynacarrigy, Milltown, Ballymore and Streamstown, County Westmeath; and to develop and sustain our post office network, what steps are being taken at Government level to give a positive signal to rural dwellers that they are not being forgotten about?

Deputy Heather Humphreys: I did not catch all the names of those towns. Maybe the Deputy could say them to me again.

Deputy Willie Penrose: I most certainly will.

Deputy Heather Humphreys: A dedicated co-ordination unit has been established within my Department and is currently working on finalising an action plan for rural development, which will act as an overarching structure for the co-ordination and implementation of initiatives across Government and which will benefit all of rural Ireland. The implementation of these initiatives will contribute significantly to the protection and enhancement of local services and help generate increased economic activity in rural areas.

The objective of the action plan is to bring a joined-up approach to the implementation of policies that affect rural communities. We will work right across Government to ensure that the actions included in the plan improve both the social and economic fabric of rural Ireland. I will publish the action plan before the end of the year.

I have already started to put practical schemes in place to help local communities through the roll-out of a suite of initiatives, such as the town and village renewal scheme, the expansion of the REDZ initiative and the reintroduction of the CLÁR programme. My Department is also working directly on proposals for the renewal of the post office network as well as measures to facilitate the roll-out of high-speed broadband in rural areas once Government contracts are awarded next year under the national broadband plan.

Deputy Willie Penrose: I thank the Minister for her reply. I listened carefully to Pat McDonagh, chief executive of Supermac's, this morning. He spoke glowingly about the 700 jobs coming out of Dublin but said at the same time that 700 jobs will probably be lost across rural Ireland. In that context, is it not fair to say that specific tax incentives to help young entrepreneurs and innovators to get off the ground are extremely important, that measures such as rates abatements for industry getting off the ground are important and that the full tranche of recommendations of the Spillane report should be implemented? I see the Minister of State, Deputy Ring, here. Can the Minister give me any indication as to the status of the post office hub working group the Minister of State chairs? I have no doubt about the lack of speed, but

are we close to getting any recommendations from that source?

Acting Chairman (Deputy Eugene Murphy): Deputy Tóibín indicated. Does he want to make a brief comment?

Deputy Peadar Tóibín: I want to contribute to this question because a couple of major trends are happening at the moment. The first is Brexit, which, with the change in the value of sterling, is pushing many more people north of the Border to make purchases. It is also making online sterling purchases far more competitive. In this State, about 35% of purchases have moved online, which means that retail is under fierce pressure in this State. Of all online purchases, 70% of the money goes out of the country. Last year, €8 billion was spent online in this State. For years there was a problem with grants to retail because it was felt that if one gives a grant to a retailer, it displaces another retailer up the street. However, the truth of the matter is that, between people travelling and e-commerce, this is not necessarily the case. These people are in competition-----

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy.

Deputy Peadar Tóibín: -----with online and international retailers. Will the Minister consider a project which would put retailers nationally online via e-commerce? There is a system of e-vouchers but it is far too small and not comprehensive enough. A project needs to be rolled out by the local enterprise offices, LEOs, which would put towns online in their entirety.

Deputy Heather Humphreys: Unemployment is down again today. The figures show that it is at its lowest in eight years, at 7.3%. Like Deputy Penrose, and as a rural Deputy, I want to see jobs in rural Ireland. Jobs are being created in rural Ireland, and we want to see more.

Regarding broadband, as the Deputy knows, the national broadband plan is being rolled out. The plan falls under the remit of the Minister for Communications, Climate Action and Environment, Deputy Naughten. My job is to work with local authorities and get them “broadband ready” so that when the national broadband plan is rolled out they will be able to allow a seamless roll-out in every single county and there will not be barriers or issues around planning, levies and all sorts of matters that can slow things down. It is important that when the national broadband contract is signed, it can go ahead as quickly as possible. I believe that broadband will be a game-changer for rural Ireland.

Deputy Tóibín is absolutely right about retailers nationally. I have been meeting the local authorities and have asked them to work with the LEOs to educate retailers on establishing an online presence because Google is the first place one goes when one wants to buy something. It is therefore important that local retailers have an online presence. If one can buy something locally, the chances are one will do so. However, one needs first to see that it can be bought locally, and the only place people now look - I know we all do it - is Google. We Google everything, so an online presence is important. This is something on which I want to work with all involved.

Acting Chairman (Deputy Eugene Murphy): Our time allocation is almost gone, but it is only fair I let Deputy Penrose contribute a final brief comment.

Deputy Willie Penrose: The provision of the post office network is especially important in communities right throughout the country. More services, particularly at Government, State and semi-State level, should be provided. The Minister of State, Deputy English, is chairing the

post office working group. When is it likely that models which could act as economic deliverers of social activity in the community, especially in rural areas, will be available?

Deputy Heather Humphreys: As the Deputy knows, the Minister of State, Deputy Ring, has established the post office hub working group to identify potential models under which the post office could act as community hubs, especially in rural areas. This group has identified three potential options around the hub concept, and the Minister of State, Deputy Ring, expects to be in a position to report back to Government on the work of this group during December, in the next number of weeks. There is another report, namely, the Bobby Kerr report, on the network renewal implementation group. That report will also be to hand shortly.

Natural Heritage Areas Designation

28. **Deputy Mick Wallace** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the reasons for the planned de-designation of 46 raised bog natural heritage areas; her views on the potential environmental impacts of the de-designation, as highlighted by environmental groups such as An Taisce; if she will provide details of her Department's role in carbon sequestration in peatland areas; and if she will make a statement on the matter. [37390/16]

Deputy Mick Wallace: Despite the notable lack of prominence given to environmental matters in the programme for Government, there was a promise to publish new legislation to de-designate 39 raised bogs in natural heritage areas and partially re-designate seven raised bogs. The legislation, as I understand it, is formulated in such a way as to enable turf cutters to move from more important bogs to less important bogs in terms of conservation. According to An Taisce, a series of such decisions in recent years treats science as capable of being bargained away, traded against or balanced against other factors. Does the Minister have any concerns about the potential environmental impact of the de-designation, as highlighted by An Taisce?

Deputy Heather Humphreys: The Review of Raised Bog Natural Heritage Area Network, published in January 2014, concluded that Ireland could more effectively achieve conservation of threatened raised bog habitat through focus, protection and restoration of a reconfigured network. This will entail the phasing out by 1 January 2017 of turf cutting on 36 existing natural heritage areas, which will remain designated. This includes seven sites to be divided, with part to be conserved and part de-designated. There will also be complete de-designation of 46 natural heritage areas, including the relevant areas of the seven sites to be divided, where it has been judged that their contribution to the attainment of the national conservation objective for raised bogs is expected to be marginal and restoration would be prohibitively expensive for the conservation benefits achieved. There will be designation as natural heritage areas, NHAs, of 25 currently undesignated raised bogs that are in public ownership or in respect of which there is reduced turf cutting pressure.

The purpose of the Wildlife (Amendment) Bill 2016 is to provide for the implementation of this reconfiguration. The Bill is scheduled for Committee Stage in the House on Thursday. The role that peatlands play in carbon sequestration is recognised in the national peatlands strategy, which was published this year. Officials from my Department are engaging with other relevant Departments in exploring the potential of wetlands, particularly restored peatlands, to perform carbon storage and sequestration functions that can assist in achieving Ireland's greenhouse gas reduction targets.

Deputy Mick Wallace: The 2011 bogland report by the Environmental Protection Agency noted 10 million tonnes of annual emissions from peatland degradation and burning, equivalent to Ireland's annual car emissions. We all know that there are many jobs tied up in peat and turf in the midlands now but we will not be able to continue burning peat like we are now. Is there any Government plan to start a job creation programme in the midlands designed to replace those currently involved with the climate-damaging extraction of peat? Is there any long-term plan for creating jobs that will eventually replace those currently tied to the peat industry?

Deputy Heather Humphreys: 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 bogs in 12 special areas of conservation, SAC, sites in Ireland. This project will operate for five years and it commenced in January 2016. It is being implemented by a project team that will work closely with local communities and stakeholders. In advance of the restoration works commencing, there will be community awareness and an education element to this project.

The main objective of the 2014 NHA review was to consider how the network could contribute to our conservation objectives for raised bog habitats while avoiding unintended impacts on the traditional rights of landowners and turf cutters while minimising the cost arising from compensation payments. The reconfiguration of the raised bog NHA network, which the Bill will facilitate, is based on sound scientific evidence and will have a positive impact on the network. This de-designation of bogs proposed in the legislation will have a better outcome for both turf cutters and the environment.

Deputy Mick Wallace: The Minister did not really answer my question about job creation. Currently, Bord na Móna harvests 4 million tonnes per year. It was originally set up to look after the bogs but it is destroying them. Since 2011, we have subsidised peat-fired power generation to the tune of €500 million, which is a lot of money. Surely there must be some long-term planning to get away from extracting peat from the ground, as it is probably the most damaging act to the environment in the country. Has any thought been put into subsidising domestic users in the region who switch to wind turbines? Currently, they are more or less being told that we have always cut turf and we will cut it forever. At one point, people used to have slaves but they are not allowed to have them any more. It is not good to take the turf from the ground but we do not want to make jobs disappear all of a sudden and we do not want people to be without heating. We must engage in some long-term planning to deal with the challenges involved.

Deputy Heather Humphreys: The Deputy mentioned Bord na Móna but that is under the remit of the Minister for Communications, Climate Action and Environment, Deputy Naughten, and his Department. I can raise the matter with him. The regional action plan for jobs outlines a number of initiatives to create employment in rural areas. With the Bill referred to in my reply, I am trying to find a balance that ensures an appropriate network of NHAs that would better contribute to the protection of raised bog habitats and related habitats and species as required under the EU habitats directives and the Wildlife Acts. I am trying to create a better outcome for turf cutters and, most importantly, for the environment.

Údarás na Gaeltachta Funding

29. **Deputy Thomas Byrne** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the costs incurred by the State in terms of grants, rent abatement and clean-up

costs associated with a factory (details supplied) in County Meath. [37410/16]

Deputy Thomas Byrne: Is oth liom go gcaithfidh mé an cheist seo a chur ar an Aire Stáit inniu. Nuair a seoladh an monarcha seo i mBaile Ghib bhí ionadaithe ón Roinn agus, measaim, an Taoiseach ann. Bhí a lán daoine á chéiliúradh nuair a bunaíodh an monarcha seo, ach tá sé go léir tar éis titim as a chéile. Cé mhéad airgead ar caitheadh ann? An bhfuil aon phleananna ag an Roinn chun postanna eile a chur ar fáil sa mhonarcha?

Deputy Seán Kyne: Gabhaim mo bhuíochas leis an Teachta Byrne as an gceist seo. Tá an freagra atá agamsa i mBéarla, toisc go raibh an cheist curtha i mBéarla.

I have been informed by Údarás na Gaeltachta that employment grants of €170,000 and rent subsidy grants of €41,631 have been paid to the company referred to by the Deputy. I have been further advised that Údarás na Gaeltachta has initiated proceedings against the company to revoke these grants. With regard to the building leased to the company, an tÚdarás has informed my Department that it has given notice to the company to vacate the building as the company was not complying with the terms and conditions of its lease. An tÚdarás expects to acquire possession of the building in the coming days.

An tÚdarás is also making arrangements for waste materials still remaining in the building and yard to be removed. The cost of this work is estimated at €40,000 and is expected to be completed before the end of the year. I am advised that an tÚdarás intends to pursue the company for the costs of this work, in addition to the costs of any other remedial works required for the building. In this regard, an tÚdarás intends to carry out any necessary works to the building to make it available to other companies that might wish to develop a business there and create employment opportunities for people from the area. I understand that Údarás has some inquiries currently from companies with an interest in that regard.

Deputy Thomas Byrne: I am happy to speak as Gaeilge nó as Béarla but I will speak in English so other people may understand because this is such a crucial issue. These were jobs advertised by the Government and particularly the Fine Gael Party as high-tech jobs. I understood this to be a high-tech processing facility. It turned out to be a waste-collection facility and I was surprised that public money would be available to give jobs in what was basically a waste-processing depot. Essentially, rubbish built up on these premises over a very short period. The facility was announced approximately two years ago, up and running some months later and closed before the general election. It is over a period of a year or less that this money from the Department was dished out. Údarás na Gaeltachta dished out six-figure sums, with more to come, and it seems it was very easily given. I have seen some of the correspondence on the certification that had to be given for the jobs and it was extremely minimal. I have no doubt there were jobs there at one point - there is no question about it - but the information that had to be given by An tÚdarás by the company was the bare minimum.

Deputy Seán Kyne: I accept there has been a considerable amount of State funding allocated by Údarás na Gaeltachta to the company. Unfortunately, despite the wishes and best intentions of Údarás na Gaeltachta, this company did not comply with the terms and conditions that were laid down. Any investment or grant of this nature has to go before the board of Údarás na Gaeltachta. Substantial information will be provided in respect of any application for funding and due diligence will be done. I understand the company had 23 full-time employees during 2015 - this means jobs were created initially - but that figure was gradually reduced to zero during the period from November 2015 to the end of February 2016. If the Deputy has any more

questions, perhaps he will find that information will be forthcoming from Údarás na Gaeltachta. Obviously, the company did not or could not continue trading, for some reason. It is clear that the role of Údarás na Gaeltachta now is to get back that money. It has initiated proceedings and is taking back the buildings. It intends to pursue the company in relation to employment and rent grants and the amount of money that will have to be spent to remediate the buildings.

Deputy Thomas Byrne: I hope a lesson has been learnt here. It is a very expensive lesson. I wonder whether the Department will investigate this matter. At the time, the Fine Gael Party locally was thanked by various people involved in the project for its assistance in this regard. This needs to be looked at more closely. More importantly, this premises needs to be taken over by Údarás na Gaeltachta and some other facility needs to be put in place there. The factory next door is operating fantastically and extremely cleanly. It has great relations with its neighbours. A good clean factory can coexist with neighbours and residents. However, the factory we are discussing was unable to do so. I appeal to Údarás na Gaeltachta to do as much as it can to get this place up and running again and to get back this money.

Deputy Seán Kyne: Údarás na Gaeltachta's aim is to get back all the moneys it invested. I am sure that at the time, the Deputy welcomed the 23 full-time jobs that were created.

Deputy Thomas Byrne: I did not. I did not know anything about them. They were announced by the Taoiseach.

Deputy Seán Kyne: I am sure the company, everyone associated with Údarás na Gaeltachta and everyone else wanted that company to continue in operation. That is the reason the investment was made. The board decided in good faith to invest in this company on the basis of the documentation that was provided, but things did not work out, unfortunately. The jobs were lost and the number of employees was gradually reduced to zero before February 2016. Údarás na Gaeltachta is committed to recovering all State investment made in this company and to investing in the restoration of this facility so that other companies can come in and create jobs in the local area. I am sure that is what Deputy Byrne would like to see. It is what I would like to see. I will continue to liaise with Údarás na Gaeltachta in this regard. It will get back this money, invest in the buildings and encourage and liaise with other companies to create jobs in this area.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Appointments to State Boards

Deputy Alan Kelly: I am raising the issue of appointments to State boards in the Department of Transport, Tourism and Sport because I would like to hear the Minister's proposals to fill the vacancies that exist. The volume of vacancies in the Department is quite phenomenal. My understanding, which is based on the figures I have seen, is that on 23 November last there were 36 vacancies across the various agencies under the Minister's remit. There are three vacancies in Iarnród Éireann, which has many issues, as we all know. There are vacancies in the Road Safety Authority and Sport Ireland. Some very important chairmanships are coming up as well. A further 16 places will become vacant by the end of the year, including a number of important roles and chairmanships. This is all public information. I have drawn it from infor-

mation provided by the Department of Transport, Tourism and Sport.

Why is the Minister not filling these positions? Does he believe he is fulfilling his mandate - his seal of office - and doing his job on behalf of Irish taxpayers, which is to ensure all of these agencies are functioning to the best of their ability? Given that the Minister has made virtually no appointments - there have been some appointees - how can we be certain that many of these boards have the expertise to function? A range of organisations with massive budgets need auditors and people with audit and financial experience. Will the Minister confirm to the House that expertise in finance and other specialist areas is available across the suite of organisations under his remit to meet the needs of those organisations at board level? I want him to give the House a guarantee that this is the case. Why is the Minister not filling these positions? There is a need across these boards for these positions to be filled.

I have spoken to some of the people involved in these organisations. They simply cannot function if these roles are not filled. I have spoken to the chair of one of the larger and more important organisations under the Minister's remit. He told me that if this impasse continues for the next few weeks, the board of the organisation in question will not be able to function at the optimum level because it will not have the expertise in place. Will the Minister confirm to the House that he has met every chair of every organisation within his remit, or at least the chairs of the larger critically important organisations across the wide range of organisations under his remit? Will he confirm to me that he has the knowledge, capacity and awareness to be assured that despite the failure to fill these vacancies, he is not concerned that these boards will not be able to function? Does he trust his officials? Does he believe the Public Appointments Service system is fit for purpose? Does he trust that system? Does he trust his officials to put in front of him the names of people who are competent enough to fill these vital positions? If he does, why is he not accepting the Public Appointments Service system and the recommendations of his officials who give him a list from which to choose?

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Kelly for raising this issue and for giving me an opportunity to respond and address the matter. I know he has a great deal of interest in these issues. I am sure he understands the complex nature of the system of making appointments to State boards and the extraordinary responsibility it entails. It is not a matter that can be treated in a trivial way by any Member of this House or any Minister. The system is in constant need of improvement. Indeed, the Government of which Deputy Kelly was a member attempted to improve the system in November 2014 by issuing new guidelines to address the issue of State boards.

Since my appointment as Minister for Transport, Tourism and Sport, I have made a number of reappointments but have not yet made any appointments to State boards from the Public Appointments Service process. To date, I have made 16 reappointments, with three further reappointments of employee representatives to the CIE subsidiary companies with effect from 1 December 2016. As Minister, I do not necessarily have to fill all of the vacancies on each board. I am currently considering the size of the boards under my remit and the need or otherwise to fill each vacancy. My view is that some of the boards are unnecessarily large for the size of the State body in question. I am reviewing this within the flexibility of the underlying statutory provisions. It is very important to review not just the individual membership of boards, but also the boards themselves by comparing them with the boards of companies of a similar size. We must consider whether some of them are top-heavy, whether some appointments have been made for the wrong reasons and whether it is necessary for some boards to have double-digit numbers of directors when that does not do the Exchequer or, necessarily, the company any

favours.

I have stated in the past my view that, in seeking a process for the appointment of directors to State boards, I want to do so in a manner that gives me the greatest certainty that the best appointments are being made. The current guidelines for appointments to State boards do not go far enough, in my view. To answer the Deputy's question, I have asked my Department to review the guidelines with a view to putting in additional internal processes that would allow me to make appointments with greater confidence in the ability of the selected person to contribute effectively to a State board. I do not feel that appointing someone on the basis of their curriculum vitae alone is acceptable. There must be a more satisfactory way of doing these things, and I am trying to devise one that supplements the current procedures.

Together with the Secretary General of my Department, other officials and other people, I am currently considering means by which the appointment processes within my Department can be enhanced to ensure, in so far as is possible, this can be achieved. The Deputy can expect news on this front very shortly. I do not want in any way to stray from the current guidelines at present, although the new ones are on the way. I wish to improve the guidelines and set in place a process whereby we can be more certain we are getting people who are qualified for the positions. Together with the Secretary General of my Department, I am considering means by which this can be done. I look forward to the outcome of the review of the guidelines on appointments to State boards being carried out by the Minister for Public Expenditure and Reform. I believe the report is currently with the Minister for his consideration.

Deputy Alan Kelly: I thank the Minister for coming to the House today, given that, previously, he was never available, and for explaining his position. I have to say it is perplexing. To be frank, pursuant to the relevant Acts of the Oireachtas, I do not believe the Minister is actually doing his job. There are a number of boards which will not be able to function if this vacuum persists. Will the Minister at least guarantee to the House, given he refused to answer the previous question, that all boards have all competencies covered and the Minister has met with all chairs of all the organisations to confirm same? If he has not, then he is in neglect of his duty as a Minister. I know this because I sat there and did a similar job. The Minister has to make sure that all boards have the competencies. According to my sources, some of them do not and others will not in the coming weeks. That is unacceptable and is negligence on the Minister's part.

The Minister is adopting a specific view in regard to the Public Appointments Service, PAS. I take it he does not have confidence in PAS. I take it he has little confidence in his own officials who make recommendations to him. He says there must be more than a curriculum vitae to decide somebody's competence. He often spoke when he was a journalist, and also last night with Claire Byrne, although it was not live, about cronyism. Cronyism is appointing people who are not competent to do the job. These people come through PAS and its officials. They are obviously competent or they would not have got through that strenuous process, a process that, dare I say it, was not used when it came to filling Ms Hunt's or Tony Williams' position as special adviser to the Minister. Why can there be one rule when it comes to appointing certain people to advise the Minister, and be on the taxpayers' payroll, and another rule when it comes to the fact the Minister will not fill the roles that are necessary across the board to keep the competencies in order to ensure taxpayers are protected and the Minister can have faith and confidence in board members?

Deputy Shane Ross: I thank the Deputy for raising this matter and giving me the opportunity to respond to some of the things he said, many of which he knows nothing about, quite

obviously, from what he said.

Deputy Alan Kelly: That is frankly insulting.

Deputy Shane Ross: It is quite apparent, from what he says, that he has not done very thorough research. I would add that I have total confidence in all my officials, who are doing an extraordinarily good job. I would not agree with everything they put in front of me, and it is not my job to do so, but the idea they were doing things in bad faith is absolutely absurd.

Deputy Alan Kelly: Who said that?

Deputy Shane Ross: That is absurd. What we are doing is discussing-----

Deputy Alan Kelly: On a point of order, I do not know what the Minister is referring to. He might clarify who he is referring to in regard to bad faith.

Acting Chairman (Deputy Eugene Murphy): The Minister might clarify that.

Deputy Shane Ross: The Deputy asked me if I had confidence in my officials and the answer to that is absolutely, yes.

Deputy Alan Kelly: He has not answered the question.

Deputy Shane Ross: Fully and totally, I have answered the question.

Deputy Alan Kelly: On a point of order, I asked a question in regard to bad faith and he still has not answered it.

Acting Chairman (Deputy Eugene Murphy): I ask you to resume your seat and allow the Minister to continue.

Deputy Alan Kelly: He has not answered the question.

Acting Chairman (Deputy Eugene Murphy): I will chair the debate. The Minister, without interruption.

Deputy Shane Ross: I have full confidence in them. I have full confidence in their advice. I have full confidence that what they are doing and what they are advising is done in good faith. I may not agree with them - I am not there to agree with them about everything. What we are trying to do, and the Deputy may find it difficult to understand, is improve the current PAS system. We will continue to try to improve that and we will be making some announcements shortly which will please the Deputy because I know he is genuinely, in good faith, looking for improvements in this system, which has many faults. It will be improved. I will improve it with the assistance of the officials who have sat looking at these things for a very long time.

Hospital Acquired Infections

Deputy Michael Harty: I thank the Minister for taking this matter. The incidence of multidrug resistant infections in University Hospital Limerick has not been adequately controlled, according to the Health Information and Quality Authority. It may have been a contributing factor in 29 deaths and is associated with increasing numbers of new cases. This is a cause of great concern to patients and their families, and requires an urgent examination of the infection

control policies in the hospital. I ask the Minister of State, Deputy Corcoran Kennedy, to direct an investigation into this matter.

As background, in June 2014 HIQA found there were risks to patient safety when it reviewed the governance structure of University Hospital Limerick. In particular, overcrowding in emergency departments of the hospital resulted in significant compromises in maintaining adequate levels of environmental cleanliness, which in turn increased risk of health care-associated infections, including multidrug resistant infections. These infections are life-threatening if contracted by frail elderly patients who are placed at risk in trolley queues for prolonged periods of time in the emergency department or placed in congested, overcrowded wards.

Multidrug resistant infections pose a problem in all acute hospitals and their origin is multifactorial. Antibiotic resistant infections arise from overuse and misuse of antibiotics both in hospital and in the community, resulting in increased numbers of new multiresistant bacteria. This poses huge challenges for hospitals where these infections predominate and require intense efforts to control and eradicate. However, University Hospital Limerick seems to have a much higher incidence of infections than other hospitals. In July 2014, the infection prevention and control team at University Hospital Limerick wrote to the executive management team to highlight its serious ongoing concerns regarding the management of patients with multidrug resistant micro-organisms. They highlighted the difficulties with identification of patients who are infected, lack of single rooms to isolate infected patients, serious environmental hygiene concerns with current cleaning standards and lack of basic education of cleaning staff in their role in controlling the spread of infection. The cleaning of patient equipment was sub-optimal and poor environmental cleaning, hand hygiene and antibiotic prescribing contributed to clusters of infection in the hospital. Finally, it was stated there should be a dedicated infection prevention and control clinical nurse specialist for the management of infected patients.

Between 2009 and 2014, there were in excess of 50 cases of CPE-produced enterobacteria. As a result, in 2014, a member of the infection control team at University Hospital Limerick became so concerned about the escalation of multidrug resistant infections in the hospital that she made a protected disclosure to HIQA. Subsequently, HIQA carried out an unannounced inspection in November 2014 whose findings were summarised as especially poor standards of environmental hygiene; ward maintenance not carried out in a timely fashion; long-standing extra beds in wards; and inappropriate bed spacing which led to increased risk of spread of infection between patients. This has a knock-on effect on planned admissions and elective procedures. Given the incidence of multidrug resistant infection in Limerick University Hospital, an external investigation needs to be urgently carried out to identify the cause of this cluster of infection.

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

I thank Deputy Harty for raising this very important matter today. Multidrug resistant infections and resistance to antibiotics are an ongoing and evolving international risk for all health care providers. I can assure the House that the prevention and control of health care associated infections, HCAs, and antimicrobial resistance, AMR, is a significant patient safety and public health priority for the Government.

I am advised that Irish hospitals, like other hospitals internationally, are taking steps to reduce health care associated infections and antimicrobial resistance including the prudent use of antibiotics. I am aware of the challenges in tackling multidrug resistant superbug infection rates in all hospitals including at University Hospital Limerick. The hospital has confirmed that

it has a focused quality improvement plan in place to tackle the issues of control of HCAs and AMR. This is in line with recommendations of the HIQA unannounced inspection reports at the hospital on 28 November 2014 and 13 January 2015. These include an intensive screening programme for the detection of carbapenem resistant enterobacteriaceae, or CRE as it is known, among high risk patients; an isolation ward for the mitigation of any risk of cross-transmission of newly detected or known positive patients; adoption of strict contact precautions, dedicated equipment and a highly intensive cleaning regimen; speedy laboratory procedures to ensure results regarding infections available within 24 hours; good communication among microbiologists and with all relevant parties on detection of a new case; and good communication with patients and GPs and other health care worker contacts to inform GPs of their patients' status.

A wide range of initiatives has been put in place in the Irish health system over several years to tackle HCAs and AMR, covering improved surveillance of infections, prescribing, infection prevention and control processes. It also includes antimicrobial stewardship initiatives and public and professional awareness-raising with a significant emphasis on the education and training of health care professionals. Ireland is also developing a national action plan on AMR in line with the World Health Organization's 2015 global action plan on AMR and the European Council's 2016 conclusions, "The next steps under a 'One Health' approach to combat antimicrobial resistance". The national action plan is being developed with the oversight and guidance of the interdepartmental AMR consultative committee. The committee was established in 2014 by our Department's Chief Medical Officer and the Chief Veterinary Officer of the Department of Agriculture, Food and the Marine in recognition of the need for a whole of Government approach to tackling the issue of AMR. This intersectoral approach crosses the health, veterinary and environmental spheres to encompass all stakeholders' efforts to address what is a worldwide concern. This work will continue in 2017. It is intended that the national action plan will be published in 2017. Tackling AMR will require the whole system to prioritise key initiatives, working with our international colleagues. Ireland is fully committed to, and engaged in, addressing resolution of the problem of AMR and will continue to collaborate at international, EU and national levels to this end.

Nationally, I expect that the HSE will place particular emphasis on prevention and management of HCAs and AMR in its service planning for 2017.

Deputy Michael Harty: As the Minister of State mentioned, there were unannounced inspections in November 2014 and January 2015, yet the incidence of multidrug resistant infections continues to increase in the hospital in spite of many of the deficiencies identified in the HIQA inspection being addressed. The incidence of CPE infection, which is just one of several multidrug resistant infections, is increasing at an alarming rate in the hospital and new cases continue to occur. An internal report dated July 2016 highlighted the extent of the problem. In 2009, there was one case; in 2010, two; in 2011, 11; in 2012, nine; in 2013, three, yet in 2014 there were 33 and in 2015, 53, and in the first two quarters of this year 19 new cases were identified. Those charged with identification of infected patients are obviously efficient in detecting and identifying the problem, yet infection prevention measures in the hospital are failing to adequately control the spread of multidrug infection. Inappropriate antibiotic prescribing is undoubtedly an underlying factor. However, factors which contribute to the spread of the infection continue to be poor quality of cleanliness in the environment, inattention to hand hygiene, overcrowding in the emergency departments and overcrowding in the corridors and wards with lack of isolation rooms. The physical capacity of the hospital to accommodate the population of the catchment area and the number of frail elderly patients exposed to the high risk of infec-

tion is inadequate.

All these factors contribute to infection risk and lead to failure to control the problem. Overcrowding in University Hospital Limerick and presumably in other hospitals is putting patients' health and lives at risk for many reasons, in particular exposing patients to multidrug resistant infections. An external independent investigation needs to be carried out urgently, especially in the light of information that at least 29 patients may have had multidrug resistant infection as a contributory cause in their deaths.

Deputy Marcella Corcoran Kennedy: I can hear that Deputy Harty is concerned as any of us would be. However, I am advised that, based on the unannounced HIQA reports, the hospital has put in place the recommendations I outlined earlier. I will certainly bring the Deputy's suggestion that there be an independent report to HIQA and the Minister and see what can be done.

The Deputy has put his finger on the bigger global picture in that this is not just an issue for one hospital in this country; AMR is of global concern. Those of us who have been a few decades on this planet can recall that 20 years ago we were given an antibiotic for a cold. Over-prescription of antibiotics has brought us to this situation globally. The HSE's website www.undertheweather.ie is a great resource. It is well worth people's while to look at it.

The HIQA report, which is a review of the antimicrobial stewardship in public acute hospitals, found that overall a progressive approach is being taken in the hospitals. I will certainly raise the matter at higher levels.

Symphysiotomy Payment Scheme

Deputy Clare Daly: The Harding Clark report into the symphysiotomy redress scheme has been described as deeply skewed, profoundly unfair, subjective and selective, intellectually dishonest, morally bankrupt, replete with false allegations, omissions, distortions, misrepresentations and contradictions and biased throughout. Those who said that are being soft on Judge Harding Clark whose report cannot go unchallenged or uncorrected. She goes way beyond the terms of reference of her assessor report to the Minister for Health when all she was asked to do was deal with the activities and expenditure of the scheme. Instead, she deviated into personal and unsubstantiated commentary, which is highly inappropriate in the context of outstanding litigation. Her report is riddled with false allegations, such as alleging that leading campaigners against symphysiotomy had alleged they had the procedure when they had not. That is completely and utterly untrue.

The only interpretation one can draw from this report is that it is a defence of the uniquely Irish practice of non-emergency symphysiotomy. It serves to diminish survivors' claims and is a further violation of those women's human rights. Symphysiotomy as practised in Ireland is a human rights abuse and that is the case regardless of this report. There can be no denying that the State has been culpable in this but, rather than address these matters honestly, the report has served to diminish the suffering caused and undermined the experiences of the women. There is a continued suggestion that the women were lying. Nobody who met these women could ever believe that. Of course, Judge Harding Clark met hardly any of them. It was a paper review with no right to appeal any of her decisions. It was her opinion and her opinion only. It is hugely traumatic for the women involved that this horrific report has been published. I believe the Minister needs to intervene to have it withdrawn. It is hostile in its tone and it smears and

discredits survivors rather than dealing with a bad and deliberate policy and a poorly administered scheme. It needs to be withdrawn and we need clarification on this matter.

Deputy Ruth Coppinger: I, too, have been absolutely appalled by the media coverage and the commentary of certain people in the media in the last week in response to this report. I agree that the methods of assessment were defective. I agree with Deputy Daly on the policy of Judge Harding Clark of taking oral evidence and meeting only a handful of the women involved. If she had met more, she would have seen for herself some of the injuries and limping, etc., that these women endure. Using contemporaneous radiology in one particular case, the judge stated that a 2004 X-ray did not show injuries to the women and that therefore the injury had happened afterwards. The judge went way beyond her brief, showed her own bias and showed contempt for these women. I believe it is absolutely vital that this Dáil and the Government agree to set aside time to have a proper analysis of this report.

There are a couple of myths that the report tries to knock down. The first is that symphysiotomy was a normal procedure practised in many countries, as argued by Paul Cullen, for example, in *The Irish Times*. In 1944, there were four of these operations in the national maternity hospital. In 1948, there were 43. That was because of the arrival of Dr. Alex Spain, an arch-Catholic, as head of the hospital, who refused caesarean sections and said that their result would be contraception, the mutilating operating of sterilisation and marital difficulty. It is utterly wrong to say that. They also argue that symphysiotomy was not dangerous. Clearly, it was. It was not a benign procedure. It was not used in other countries as a first resort; it was used as a last resort. This is the third whitewash report there has been. It is a disgraceful indictment of the system that it does this to women who were brutalised in the Catholic Ireland of the past.

Deputy Marcella Corcoran Kennedy: I thank Deputies Daly and Coppinger for raising this very important matter. It occupied quite a considerable amount of time in the last Dáil, particularly with the cross-party report into symphysiotomy.

Judge Maureen Harding Clark submitted her report on the surgical symphysiotomy scheme on 19 October last. The Minister for Health, Deputy Harris, examined the report and submitted it to Government last week prior to its publication on the Department's website on 22 November. The Minister, Deputy Harris, has asked me to convey his apologies to the Deputies that he cannot be here this evening. The Government agreed in July 2014 to establish an *ex gratia* scheme for women who underwent the procedure. The surgical symphysiotomy payment scheme was established in November 2014 and Judge Clark was appointed independent assessor. The scheme provided an alternative, non-adversarial option for women, many of whom were elderly and did not wish to pursue their cases through the courts.

The total cost of the scheme was just less than €34 million and payments of €50,000, €100,000 or €150,000 were made to 399 women who met the criteria for an award. All of the women have received their respective payments, totalling €29.85 million. The majority of claimants were aged more than 75 years and payments were made to women between the ages of 51 and 96 years of age.

A total of 185 women who applied to the scheme could not establish that they had a surgical symphysiotomy. Pubiotomy was frequently claimed but was established in only one case. Significant disability was established in this case. As the scheme was designed to be simple, straightforward and non-adversarial, the women were not expected to give oral testimonies as they might do in a court setting.

In the interests of accountability, the scheme required each applicant to prove that she had a surgical symphysiotomy or pubiotomy in order to be considered for the assessment of an award. The level of proof required was clearly set out in the terms of the scheme. Judge Clark worked with each woman or her legal representative to locate medical records. The judge met some women in different parts of the county when she considered necessary. Where claims could not be reconciled with established facts, women were examined by relevant medical experts. Judge Clark encouraged women who believed they had a symphysiotomy to apply to the scheme, advising them that they did not give up their right to pursue their case through the courts by doing so. It was only on accepting an award under the scheme that a woman had to discontinue her legal proceedings. The vast majority of women opted to do so.

The scheme was established following two independent reports which were commissioned by the Department of Health and following consultation with all three support groups by the then Minister for Health. Two of the support groups welcomed the scheme and one support group did not. The first of these reports was commissioned in 2011, when the Department commissioned Professor Oonagh Walsh to undertake independent research into the practice of symphysiotomy. Professor Walsh's research also included a public consultation. The report recommended that an *ex gratia* scheme be established. In 2013, retired Judge Yvonne Murphy, now retired, was commissioned by the Government to undertake a further independent review of the legal aspects of symphysiotomy in Ireland. Judge Murphy advised the Government on the merits and costs of proceeding with an *ex gratia* scheme relative to taking no action and allowing the court process to proceed.

Symphysiotomy was an exceptional and rare intervention in obstetric practice in Ireland. It occurred in fewer than 0.05% of deliveries between 1940 and 1985. It is estimated that around 1,500 symphysiotomy procedures were undertaken in Irish hospitals and that there are around 450 women still living who underwent the procedure. In most of the world, especially in Europe, the symphysiotomy procedure had been replaced mainly with the caesarean section procedure by the 1950s. Currently, the procedure is rarely performed in developed countries, but is still performed in rural areas and resource-poor settings of developing countries where caesarean sections are not available or obstetricians may not be available to deliver subsequent pregnancies. The brief given to Judge Clark in November 2014 was not an easy one. At that time, the advice to the Department of Health was that many women would face an uphill struggle in proving their claims in the courts, with an uncertain outcome, as each case would be adjudicated on its merits. In her substantial report, Judge Clark has provided a comprehensive overview of the historical and medical context of symphysiotomy. Judge Clark had a unique opportunity to do this and her findings support the earlier findings of Professor Walsh.

Payments under this scheme, together with the ongoing provision of medical services by the HSE, including medical cards, represent a comprehensive response to this issue by Government, which should help bring resolution to the women, many of whom are now elderly, and also to their families.

Deputy Clare Daly: I have to say that there has been a certain rewriting of history again. We know that the majority of survivors never accepted this redress scheme to begin with. The Minister of State is dodging the elephant in the room, which is that this report goes one step even further from that. It is riddled with factual inaccuracies, unverifiable anecdotes and is severely damaging. It is well known that people experience trauma and upset as victims of abuse if their stories are not believed. The report is done in a manner which disbelieves the testimony of the women involved. It makes outrageous claims. We know that not one woman anywhere

submitted that she had consented to or was aware of that procedure, yet the judge said that she found it very difficult to believe that is the case. There is no evidence to support her view in that situation. This is the same judge who, when awarding payments previously, told the women they were getting the money to redress their “unhappy experience”. This was deliberate butchery that was carried out on people for ideological reasons.

What the report shows is a deliberate undermining of the human rights campaigners and groups whose work actually led to the setting up of this scheme to begin with, bad and all as it is. I remind the Minister of State that it took a former Minister to go to court to get the Guerin report withdrawn. We know the McAleese report into the Magdalen laundries was hugely criticised and controversial. The point that is being made here is that this document cannot stand. In and of itself, it abuses the women involved. It has to be withdrawn and considered further by this House.

Deputy Ruth Coppinger: There has been an attempt by the Catholic right to seize on this highly flawed report to argue against the whole question of Catholic control of maternity hospitals. There is no question that this was done and motivated by a Catholic medical theology. It is also argued very patronisingly that these women did not know the difference between a caesarean section, a symphysiotomy or anything else that was happening to them.

7 o'clock

I know women were kept in ignorance but I think most women would know if they had their pelvic bones broken.

The scheme relied on written and radiological evidence which was extremely unfair because proving a symphysiotomy happened over 50 years ago is incredibly difficult if medical records do not exist. In that sense, the scheme militated against the older women and some younger women were able to pursue their claims successfully. The fact that there were 185 unsuccessful applications does not mean that 185 symphysiotomies were not carried out. As I said, it was difficult to prove. People were also only given 20 days to apply to the scheme which is highly restrictive in the context of gathering up information.

There is no way that this Dáil could or should stand over this report. A debate must take place in this Chamber to question the rationale of Judge Harding Clark.

Minister of State at the Department of Health Deputy Marcella Corcoran Kennedy: Any of us who have had the privilege of delivering healthy children and who have had good childbirth experiences cannot but have sympathy for those women who underwent such a dreadful procedure.

I will provide some information on Judge Harding Clark’s methodology in carrying out her role as the assessor to the scheme. The terms of reference informed Judge Harding Clark to draw together a team of medical experts in obstetrics, radiology, orthopaedic surgery, pelvic injury, urology and urogynaecology who advised her throughout the process. Hundreds of hours were spent going through each applicant’s medical records. Each applicant received an individual, careful and fair assessment. Medical evidence was sought to explain delivery records and when claims could not be reconciled with facts, the applicant was examined by an orthopaedic surgeon or a gynaecologist. Some applicants were examined by several experts. When all efforts to obtain records failed, the scheme moved to seeking secondary proof of symphysiotomy by scar and radiology evidence. In 12 especially difficult applications, Judge Harding Clark

held a discussion conference between her own medical team and the medical experts representing the women and a consensus was reached based on the medical facts in the cases.

It is probably cold comfort to the people represented by Deputies Coppinger and Daly but I would remind them that there were three organisations advancing the cause of women who were scarred by symphysiotomy and the scheme was accepted by two out of those three organisations.

Garda Deployment

Deputy James Lawless: I raise the issue of policing resources in my constituency of Kildare North. While this issue is often aired in this House, I believe my constituency to be more poorly served than others and the census figures bear that out. Kildare North currently has the worst policing figures per head of population in the entire State. This is an historical anomaly that predates the recruitment embargo and other recent difficulties. Currently, Kildare North has one garda for every 751 residents. Based on the 2016 census figures, correcting this would require the hiring of more than 250 additional gardaí immediately but the constituency has only been given an extra 25 gardaí or 10% of what is needed. Kildare does not want to retain the title of the worst policed county in the State.

I wish to draw the Minister of State's attention to some of the difficulties in the county. As well as having the lowest number of gardaí *per capita*, Kildare also has the second lowest number of Garda stations in the State. This began with the closure of Garda stations in Kill and Ballymore Eustace in 2013 and 2014, along with three stations in west Wicklow which bordered Kildare. The response at the time from the then Minister for Justice and Equality, Alan Shatter, was that mobile garda units would be deployed and Facebook clinics would be employed as an alternative method of community policing. The stations closed but there were no increased patrols and no Facebook clinics, but there was an increase in burglaries. Added to that, local residents said that, when they rang their new nearest Garda station, they were often asked for directions because the gardaí were simply not familiar with the area.

At the other end of the constituency, Celbridge Garda station is said to be the busiest of the five stations in the Leixlip Garda division. However, it is only a part-time station that opens for three hours per day during the week and not at all on a Sunday. The integrated services report produced in conjunction with Kildare County Council, a State body which is not prone to exaggeration or hyperbole, shows that there was a 12.5% decrease in Garda numbers nationally in the period 2008 to 2016, but Celbridge Garda station lost 54% of its personnel. The level of staffing was cut by more than half. I received an e-mail recently from a local businessman who has been subject to 13 armed robberies. At this stage, some of his staff are too frightened to come into work. This is somebody who is trying to run a business and make a living in the town.

I will turn my attention now to Maynooth, which is a university town. The Minister of State and all Members of the House will be aware that there was an horrific attack on a young female student in the town just over a week ago. My own daughter is a first year student in the same university and my heart goes out to the family of Ms Kym Owens. I wish her a speedy recovery. It was an horrific attack and, while it could be argued that additional Garda resources may not have prevented such an act of barbarism, the fact remains that Maynooth is a university town whose population doubles from 12,000 to in excess of 24,000 during term time and yet there

are no additional Garda resources. In fact, there is not even a full-time Garda station in the town. My party colleague, Councillor Naoise Ó Cearúil, pointed out in the *Irish Independent* a number of days ago that Maynooth is the only university town in Ireland that does not have a full-time Garda station.

Regarding Carbury in north-west Kildare, last night we saw Mr. Paul Williams do an exposé on TV3 which showed that certain well-known criminal characters are resident in the north-west Kildare area. However, Carbury Garda station has been decimated. The number of Garda stations across north Kildare has been slashed, as has the number of gardaí. Garda resources are at an historical low and are the worst in the country. It is simply not good enough. Direct intervention is required to increase the resources available and address the anomaly. North Kildare has a large urban and rural population. The area is very close to the national motorway network and is being hit repeatedly by opportunist burglars and armed robbers and by horrific acts of sporadic violence like the recent incident in Maynooth. I call on the Minister for Justice and Equality to intervene and address the situation immediately.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I thank Deputy Lawless for raising this important issue and apologise on behalf of the Tánaiste and Minister for Justice and Equality who cannot be in the Chamber to respond to the Deputy directly.

The Government is committed to ensuring a strong and visible police presence throughout the country to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021, comprising 15,000 Garda members, 2,000 reserve members and 4,000 civilians. Funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians in 2017 to support the wide-ranging reform plan in train in An Garda Síochána, and 300 appointments will also be made to the Garda Reserve.

As the Deputy will appreciate, the Garda Commissioner is responsible for the distribution of resources, including personnel, among the various Garda divisions, and the Tánaiste has no direct role in the matter. The Tánaiste is informed by the Garda Commissioner that, in regard to the deployment of Garda personnel, a distribution model is used which takes into account all relevant factors, including population, crime trends and the policing needs of each individual Garda division, including the Kildare division, with a view to providing an effective and responsive police service. As of 31 October 2016, the latest date for which figures are readily available, there were 307 members of An Garda Síochána assigned to the Kildare division, supported by 22 members of the Garda Reserve and 29 civilian staff. When appropriate, the work of local gardaí is supported by a number of Garda national units such as the national bureau of criminal investigation, the Garda national economic crime bureau and the Garda national drugs and organised crime bureau. Local Garda management in Kildare have also implemented additional policing measures in response to recent incidents in the division, including additional Garda foot patrols, checkpoints and patrols by the regional support unit. The Tánaiste recently met a group of local public representatives from Kildare and listened carefully to their concerns about crime and policing. She is happy to highlight particular matters of local concern for attention by the Garda authorities.

Taking account of projected retirements, reaching a strength of 15,000 will require 3,200 new Garda members to be recruited on a phased basis over the next four years in addition to the 1,200 that will have been recruited by the end of this year since the reopening of the Garda College in Templemore in September 2014. Since the reopening of the Garda College, 679

recruits have attested as members of An Garda Síochána, of whom 35 have been assigned to the Kildare division.

The Government's plan for an overall Garda workforce of 21,000 is complemented by substantial investment in resources across the board for An Garda Síochána. The Deputy will be aware of the significant resources that have been made available to An Garda Síochána under the Government's capital plan 2016-2021. In particular, some €205 million in additional funding for Garda information and communications technology, ICT, and €46 million for new Garda vehicles has been allocated over the lifetime of the plan. This investment will facilitate the provision of more effective policing services and the Tánaiste expects that the Kildare division, like all other Garda divisions, will benefit from these new resources becoming available.

I refer to the incident that took place in Maynooth on 20 November which the Deputy raised. In recent days, gardaí have renewed their appeal for information on the very serious assault of a university student in Maynooth. They are appealing for witnesses and anyone with information, particularly those who were in the vicinity of Maynooth between 7.30 p.m. and 9.15 p.m. on Sunday, 20 November 2016, to contact the incident room in Leixlip Garda station on 01 666 7800, the Garda confidential telephone line, 1800 666 111, or any Garda station. The Tánaiste recognises that this was a very serious incident and asks that if anyone has any information on it-----

An Leas-Cheann Comhairle: The Minister of State will have another two minutes. He has exceeded by a minute.

Deputy Paul Kehoe: -----they would come forward.

Deputy James Lawless: I thank the Minister of State for stepping into the breach. With respect, that answer could have been given to any question about policing in the country. My question is specifically about my constituency, north Kildare, and my county, which is the worst served in the country *per capita*. It is not just me saying that but also the joint policing committee, Kildare County Council, the integrated service providers and every public representative in both north and south constituencies. In fact, in recent years the ratio has worsened. In 2015, the figure suggested a ratio of one garda for every 697 members of the population of County Kildare. In 2016, despite the Minister of State's suggestion of extra resources being deployed, the ratio was actually worse at 1:751. For every 751 residents of the county, there is one garda. That is the worst ratio in the entire State. In terms of Garda stations, the ratio is a little better.

With regard to the 307 gardaí deployed to County Kildare mentioned by the Minister, the census would suggest we need 513. If we include reservists, community and other types of garda, we are almost 270 short of what we need. We got 25, or 10% of what we need. The Minister of State suggested that this is an operational matter for the Garda Commissioner. Does he consider the Commissioner to be performing satisfactorily when one county has less than 10% of its required additional allocation, a stark difference in ratios, is at the bottom of the league table and has up to 250 fewer gardaí than are actually needed?

The increase that has been given is in line with the population in that it is a 4.7% increase for 4.7% of the country's population. The point we need to drive home, however, is that the imbalance is historical. It goes back decades. Is it that Kildare is in the Pale where the people are considered to be better behaved and therefore did not require the same policing as other counties? Those historical anomalies must be addressed and I ask the Tánaiste to do that as a matter

of urgency. We have highlighted a particular horrific incident but there have been numerous incidents. There is the shopkeeper whose staff are afraid to go to work. There is the opportunist crime carried out by burglars coming down the motorways. People are being hit every day of the week. People are afraid, be they students in the university town, business keepers or staff going to work. The Tánaiste has to intervene to address what is a shocking anomaly, the worst in the entire State. I ask the Minister of State to take it on board.

Deputy Paul Kehoe: I thank the Deputy. As I outlined to him, the Garda Commissioner is responsible for the location of Garda deployment where she sees fit. That is done in accordance with population trends and crime figures. I will personally bring the Deputy's concerns to the Tánaiste and Minister for Justice and Equality but I encourage him either to send a copy of his transcript to the Garda Commissioner or write personally to her about his concerns. I understand the Tánaiste will be in contact with the Commissioner and the Garda authorities with a view to raising the Deputy's concerns with them but I encourage him to write to the Garda Commissioner stating that he raised this issue in the Dáil and that the reply he got was that the Commissioner is responsible for deploying gardaí in whatever location she sees most needs the resources.

The Deputy will be aware that, in the most recent CSO figures for the second quarter of 2016, there were decreases in many crime categories, including a 26% reduction in burglaries. I understand the Deputy's concerns about a huge number of people travelling down the motorways to commit crime. That is happening in my constituency in County Wexford. It is not the local gangs but gangs mainly from the greater Dublin area that are carrying out most burglaries and other crimes. I encourage the Deputy to write to the Garda Commissioner and I will bring his concerns directly to the Tánaiste and Minister for Justice and Equality.

Statute Law Revision Bill 2016 [Seanad]: Second Stage

Minister of State at the Department of Public Expenditure and Reform (Deputy Eoghan Murphy): I move: "That the Bill be now read a Second Time."

I am delighted to bring the Statute Law Revision Bill 2016 to the House. The purpose of the legislation is to repeal spent and obsolete public general Acts enacted between 1922 and 1950. As the first comprehensive review of Acts enacted by the Oireachtas, this Bill will result in a significant reduction in the size of the Statute Book for this period. In total, 301 Acts, accounting for 43% of the 707 in force Acts enacted between 1922 and 1950, are proposed for repeal.

This Bill is the sixth statute law revision Bill in a programme aimed at ensuring Ireland has a modern and accessible Statute Book. Previous Acts in this regard have dealt with legislation enacted pre-Independence. The Bill was introduced in the Seanad where it received cross-party support. It has been the case that all previous such Bills have received broad support from both Houses.

Statute law revision involves repealing statutes that are no longer of practical utility. When Ireland gained Independence in 1922, it passed an Act to inherit all laws that had previously applied to the jurisdiction. This means that we have been left with a complex stock of legislation, with enactments from the Parliaments of Ireland, England, Great Britain and the United Kingdom as well as our own Oireachtas.

The purpose of statute law revision, therefore, is to modernise and simplify the Statute Book, thereby reducing its size and thus saving the time of lawyers and others who use it. This

in turn helps to avoid unnecessary costs. It also stops people being misled by obsolete laws that masquerade as live law. If a law features still in the Statute Book and is referred to in textbooks, people reasonably assume that it must mean something.

Statute law revision, therefore, serves to cut red tape and lighten the compliance burden on businesses and citizens. This in turn should have a direct effect on our national competitiveness due to cutting the associated costs involved to businesses and industry in establishing their legal rights and obligations. Likewise, it should greatly assist individual members of the public in establishing the exact nature of their rights and obligations, which may be currently either unknown or unclear.

The statute law revision programme was initiated in 2003. It formerly operated within the auspices of the Office of the Attorney General and is now contained within the Government reform unit of the Department of Public Expenditure and Reform. The programme is already responsible for five distinct but complementary Statute Law Revision Acts between 2005 and 2015, which have successfully repealed all obsolete primary legislation enacted prior to Independence and, in addition, has revoked all obsolete secondary legislation made up to 1 January 1821. To date, more than 60,000 pieces of legislation have been either expressly or implicitly repealed under the programme. This Bill, when enacted, together with the five previous Statute Law Revision Acts, will collectively be the most extensive set of repealing measures in the history of the State and the most extensive set of statute law revision measures ever enacted anywhere in the world.

The importance of simplifying this complex stock was noted with approval by the OECD Review of Better Regulation in Ireland 2010 which reported that initiatives such as the Statute Law Revision Acts were impressive efforts to address the challenge and improve accessibility. In addition, the programme is a specific element of the Public Service Reform Plan 2014-2016 and feeds into broader public governance initiatives, such as Ireland's participation in the global Open Government Partnership.

As I stated in my opening remarks, the Bill repeals 301 public general Acts enacted between 1922 and 1950 which have been determined to be spent and obsolete. The list of Acts for repeal gives a fascinating historical insight into the early years of Irish Independence. It provides us with an opportunity to recognise the efforts of the politicians and civil servants of the time in ensuring that the new State progressed and developed and emerged as a fully independent nation onto the world stage. The period covered was a time of war and uncertainty, both at home and abroad, and this is reflected in some of the Acts proposed for repeal.

The obsolete Acts listed for repeal include the Public Safety (Emergency Powers) Act 1923, enacted following the outbreak of the Civil War, which granted far-reaching powers and created additional offences aimed at ensuring public safety, including the imposition of the death penalty or penal servitude for anyone found guilty of an armed revolt against the Government of the Irish Free State or certain associated offences; a number of Acts which amended the now defunct 1922 Constitution of the Irish Free State, including the Constitution (Removal of Oath) Act 1933, which removed the requirement for members of the Oireachtas to take an oath of allegiance to his Majesty King George V and his heirs and successors; the League of Nations (Guarantee) Act 1923, which provided for Ireland to join the League of Nations; the Eucharistic Congress (Miscellaneous Provisions) Act 1932, which provided for the hosting of the Eucharistic Congress in Dublin that year; the Spanish Civil War (Non-Intervention) Act 1937, which carried into execution the international obligations of the Free State in relation to the civil war

waged in Spain and prohibited citizens of the Free State from participating in that war; and the Emergency Powers Act 1939, which granted wide-ranging powers at the outbreak of the Second World War, including the power to suspend the operation of any law.

The methodology adopted by the programme is based on the procedures used in previous Statute Law Revision Acts and involves the identification and analysis of all legislation within the scope of each Bill. Each piece of legislation is individually analysed and then assessed as to suitability for repeal or revocation.

The assessment has been accompanied by a process of consultation and the inviting of submissions from the public and stakeholders. This included the publication of draft lists of Acts to be repealed on the website of the Department of Public Expenditure and Reform. All Departments and relevant local authorities have been consulted and advised on Acts of relevance to that Department and relevant bodies and organisations are made aware of the legislation being assessed for revocation.

The statute law revision programme has proceeded on a phased basis to review legislation chronologically. It is necessary to review in chronological order for a number of reasons. In particular, reviewing out of sequence creates difficulty in the context of assessment of Acts that amend earlier Acts and instruments made under previous Acts. It would not be possible to assess the later amending Act or instrument unless the original Act or enabling legislation had been assessed first.

Turning to the main provisions of the Bill, section 1 is the central feature of the Bill and provides for the repeal of the 301 Acts listed in the Schedule. It includes a small number of Acts which were listed for repeal in previous enactments but the repeal, for a variety of reasons, was never commenced. Following consultation with officials in the relevant Departments, it was confirmed that these Acts were suitable for repeal and will now be repealed in this Bill. When the Bill was published in January, 297 Acts were listed in the Schedule. In the intervening time, an additional four Acts have been confirmed as in order for repeal and these were added to the Schedule on Committee Stage in the Seanad.

The approach taken with this section differs from that of previous Statute Law Revision Acts. With the previous Acts, it was the practice to deem all statutes of a particular category to be repealed with the exception of those statutes listed in the Schedule. This was because these Acts repealed several thousand statutes, leaving only a handful in force. It was reasonable, therefore, to list only the legislation that was being retained on the Statute Book. In this case, it is more reasonable to list the spent and obsolete Acts in the Schedule and provide for their repeal in the Bill, and that is what has been done in this section.

Section 2 provides a number of savings clauses. Section 2(3) provides that the inclusion of an Act in the Schedule shall not be construed as meaning that the Act, or any provision of it, was of full force and effect immediately before the passing of this Act.

Section 3 was inserted in the Act during Committee Stage in the Seanad. It provides for an amendment to the Statute Law Revision Act 2007 to reinstate a public Act dating to 1800 and entitled An Act for Incorporating the Association for Discountenancing Vice and Promoting the Knowledge and Practice of the Christian Religion. This association was formed as a voluntary society in 1792. The 1800 Act was passed by the old Irish Parliament and provided for the incorporation of this association. This Act was repealed in its entirety by the Statute Law

Revision Act 2007.

It has recently come to our attention that this association is still in existence and continues to function. It supports the publication and distribution of religious educational material and provides religious educational support for the Church of Ireland. The association is registered as a charity under the name of the Association for Promoting Christian Knowledge. It appears that the association has used both names interchangeably throughout the years. However, the association's name was not officially changed. This may explain why its continued existence was not uncovered during the process of researching the statutes proposed for repeal in the 2007 Act by the Attorney General's office or during the public consultation on same.

The effect of the repeal of the 1800 Act has been to abolish the association's existence leaving no body or persons who can deal with its affairs or property. The individual members of the association still exist but do not have the power to organise its affairs. The legal limbo that the repeal has left the association in is an unfair interference in its rights. The association is entitled to remain in being according to its 1800 form and in the circumstances should be reinstated by statute, as is being provided for in this section of the Bill. If the continued existence of the association had been known about in 2007, the 1800 Act would never have been proposed for repeal.

This section of the Bill therefore makes provision to put the association back in the position it was prior to the enactment of the 2007 Act by repealing the repeal effected by the 2007 Act and deeming it never to have taken effect. This will ensure there was no interruption in the life of the association and things done by it between the enactment of the 2007 Act and the new legislation would thus have been validly done. The Attorney General is satisfied that such a retroactive provision would not be constitutionally objectionable.

Section 4 provides for a Short Title for this Bill when enacted and collective citation for all the Statute Law Revision Acts to date.

This Bill is rather technical legislation but important and necessary. It represents another step in the journey we are on to tidy up and simplify the Irish Statute Book. Its enactment will clear away the redundant and obsolete Acts clogging up our Statute Book and deliver benefits in creating a modern and streamlined Statute Book, which is more accessible to citizens and businesses as they go about their business in their daily lives.

I commend the Bill to the House.

An Leas-Cheann Comhairle: I call Deputy Dara Calleary who, I understand, is sharing time with Deputy O'Callaghan.

Deputy Dara Calleary: Fianna Fáil will support the Bill. This legislation is part of an on-going process, which began in 2005, to create a modern and streamlined Irish Statute Book and, in turn, make that Statute Book more accessible to the citizen and to the business community. This Bill continues a process of clearing away the dead wood of thousands of redundant and obsolete Acts which were clogging up the Statute Book. Many of these laws were brought in long before Ireland's independence.

The Statute Law Revision (Pre-1922) Act 2005 and the Statute Law Revision Acts 2007, 2009 and 2012 repealed many Acts enacted between 1751 and 1922. This Bill focuses on Acts enacted between 1922 and 1950. I understand that all 1,124 public general Acts enacted be-

tween 1922 and 1950 were reviewed and 297 Acts have been selected for repeal as part of this Bill.

As the Minister of State has said, the amendment to the Bill passed by the Seanad reverses the repeal of Statute 40 Geo. 3 c. 66 on the association for discountenancing vice. This Act was repealed in the Statute Law Revision Bill 2007. Indeed, the confusion surrounding that particular provision shows that, while much effort may go into a public consultation process, things do fall between the cracks. It is something we all need to be aware of and attuned to in considering both statute law revision and the repeal of Acts.

The process of condensing the Irish Statute Book to make it more relevant and accessible was begun in 2005 under the Fianna Fáil-led Government. As I said, previous Acts in this respect dealt with Acts enacted pre-1922 or pre-Independence and are part of a process of making the Irish Statute Book more accessible and relevant. The importance of that particular aim is that the Statute Book, which outlines laws and legislation, should be accessible and needless, and dead wood legislation makes it less accessible to the citizens who may seek protection or defence from those Acts within it.

When Ireland gained Independence in 1922, it passed an act to inherit all laws that had previously applied to the jurisdiction, meaning many ancient laws, including those passed in Westminster while Ireland was part of the United Kingdom, still apply today unless they have been repealed in some way. The continued presence of redundant legislation is misleading for the user who may believe by virtue of it simply remaining on the Statute Book that it is still relevant and in force. The user of the Statute Book may have to undertake the time-consuming task of carefully analysing a statute only to come to the conclusion that it no longer applies. As was noted in previous debates on the subject, it is not appropriate that laws from the pre-Independence era remain in force here indefinitely.

The volume of old legislation is so great that the only way to approach the question of statute law revision is to proceed in stages and this process must continue following the enactment of the Bill. The Statute Law Revision Act 2012 repealed all statutes enacted before Irish Independence on 6 December 1922, with the exception of statutes specified in Schedule 1 to the Act and those specified in the Statute Law Revision Acts of 2007 and 2009. Previous phases of the statute law revision project reviewed public general Acts - the 2007 Act - and local and personal Acts up to 1850 and private Acts up to 1750 - the 2009 Act. This Bill complements that process by repealing all local and personal Acts enacted after 1850 and before 6 December 1922 and all private Acts enacted after 1750 and before 6 December 1922, with the exception of a white list of Acts that are specifically preserved.

The Bill repeals an estimated 2,900 obsolete Acts enacted between 1751 and Irish Independence in 1922. The list of Bills covered is fascinating and represents a slice of Irish history in a very different pre-Independence era. Examples of the type of old laws that are repealed are private divorce Acts, designed to dissolve marriages in the days when there was no judicial divorce jurisdiction in Ireland. The Bill also repeals obsolete statutes relating to the conferring of citizenship on non-nationals, again dating back to a period when Ministers had no power to confer naturalisation and it had to be done by Parliament. In addition, it repeals such Acts as the Earl of Ranelagh Schools Act 1759, vesting the several estates granted by Richard, late Earl of Ranelagh, for erecting and supporting two charity schools at the town of Athlone and two charity schools in the town of Roscommon, in the incorporated society, and for other purposes.

The Bill specifies 790 old legislative measures which are still relevant and are being specifically kept in force. One of those Acts is the Saint Stephen's Green (Dublin) Act 1877, which formally opened the green to regulated public use and which gives the Chief Secretary or Under Secretary to the Lord Lieutenant, now the Minister for Finance, the authority to issue by-laws relating to its use. Other Acts being retained are the Dublin Science and Art Museum Act, passed in the same year, which formally established the entities now known as the National Museum and National Library. It shows that while many of the Acts may be old, they were far-seeing.

As part of the current programme of statute law revision initiated in 2003, a total of almost 5,000 old Acts have already been eliminated. One similar previous law, passed in 2005, removed the 700-year obligation for every citizen of Ireland to own a bow and arrow and to practise archery, but also withdrew the law which abolished pillory, the act of locking someone into stocks so that they could be pelted with tomatoes. Other obsolete laws that have previously been struck from the Statute Book included the Adulteration of Coffee Act, which imposed a £20 fine on "evil disposed persons who have at the time or soon after the roasting of coffee made use of water, grease, butter or such like materials, whereby the same is rendered unwholesome and greatly increased in weight". When one considers the quality of coffee in some places in this city, it might be no harm to bring that back into force. When this Bill is enacted, the total repealed legislation will rise to almost 8,000 Acts which are deemed inapplicable and are implicitly repealed by legislation.

While it is interesting from a historical perspective to pick out some elements of legislation, it must not become a historical process. The process of constantly reviewing the Statute Book must continue. We must ensure it is kept up to date and accessible, and that it does not intimidate those who wish to use it for their defence or to protect their rights as citizens of the Republic. It is important that the Minister states that this process will continue. Perhaps, in the spirit of this Bill, there should be legislation to provide for this process to occur every five years to ensure we keep our Statute Book as relevant, practical and, importantly, accessible as possible.

Deputy Jim O'Callaghan: I welcome the introduction of the Statute Law Revision Bill 2016 and I am glad that, as Deputy Calleary said, Fianna Fáil is supporting its passage through the Houses of the Oireachtas. The purpose of the Bill is to remove from the Statute Book a series of laws that are unnecessary, archaic and obsolete. For example, some of the laws this Bill seeks to repeal are Acts introduced by the Free State Oireachtas in 1932 and 1933, when the founder of our party was unwinding the provisions of the Irish Free State Constitution. They remain on the Statute Book but obviously that is unnecessary. They are only of historical interest. There is also legislation on the Statute Book at present which deals with the allowances that Members of the Oireachtas were entitled to receive. The Oireachtas (Allowances to Members) (Amendment) Act 1947 provides that Members of the Oireachtas are entitled to have travel on first-class trains to and from the Dáil. We have moved on from that in recent years.

In many ways a statute law revision project can be compared to a spring cleaning of a very large old house. Prior to 2003, there were laws on the Statute Book that dated back to the 13th century. Most of those laws are obsolete, although some of them still remain in operation. However, the reason for this project is not that it is of historical interest to have people going through ancient laws but that it is important for the purpose of a modern republic and society that citizens and other individuals know the laws of this country. One cannot understand definitively or assess accurately the laws of the country if the Statute Book contains a series of other ancient laws that are obsolete. Prior to 2003, a person trying to identify what laws still

remained in force in Ireland would have been astonished to learn that our Statute Book was still full of these ancient laws that were not in operation.

There have been a number of projects in Ireland to clean up the Statute Book and remove archaic laws from it. These laws did not just commence with the establishment of the State or during the life of this State. The first Statute Law Revision Act was enacted in 1856. It was described as an Act to repeal certain statutes which are not in use. There was then a series of other Statute Law Revision Acts between 1861 and 1908. After Independence, there were two major statute revision initiatives, the Statute Law Revision (Pre-Union Irish Statutes) Act 1962 and the Statute Law Revision Act 1983. In fact, it is instructive to note that the 1983 Act led to the repeal of the Act of Union passed by the British Parliament in 1800, which was still on the Statute Book.

Nothing further was done about cleaning up and removing obsolete laws after 1983 until, in early 2003, the then Attorney General, the late Mr. Rory Brady, senior counsel, commenced a new process of reviewing pre-Independence legislation which had not been comprehensively re-examined for the previous 20 years. The then Attorney General was encouraged to do this on foot of proposals made to him by Mr. Justice Richard Humphreys, who at that time had a particular interest in cleaning up our Statute Book. It is important to consider what has been done to date. As was mentioned by the Minister, five laws have been enacted to date since the project first commenced in 2003. They are the Act of 2005, which repealed a selection of pre-1922 statutes, the 2007 Act, which was a comprehensive revision of pre-1922 public general Acts, the 2009 Act, which revised all private Acts up to and including 1750 and all local and personal Acts up to and including 1850, the 2012 Act, which revised all private Acts from 1750 to 1922 and all local and personal Acts from 1850 to 1922, and the Statute Law Revision Act 2015, which revoked secondary instruments made before 1 January 1821.

The total number of Acts involved in this process is enormous. Great credit must be given to the individuals who went through these thousands of Acts with the purpose of assessing them and determining whether they should be recommended to be repealed by the Oireachtas. For example, the 2007 Act examined a total of 26,191 Acts. The 2009 and 2012 Acts between them reviewed over 33,000 Acts and repealed thousands of them. In terms of total repeals, the 2012 Act repealed 21,936 Acts at a stroke. The 2015 Act reviewed secondary legislation such as proclamations, orders in council and similar instruments. In total, 12,841 measures were reviewed for that purpose and 5,782 measures were revoked in the Act. In total, as a result of all the five Acts to date, a review has been carried out by individuals hired by, or working in, the State of an extraordinary 72,849 laws, each of which had to be individually assessed. It is important we acknowledge the important and great work that has been carried out by those individuals who have gone through all those Acts for the purpose of assessing whether they need to be retained or repealed.

This project has been supported by Attorneys General since 2003 and it has now been sponsored by the Department of Public Expenditure and Reform. It is a wonderful project that is improving the condition of the laws in this country and making it easier for our citizens to know what laws are in place. How can a person say they are part of a democracy when they want to look at the laws and on doing so cannot figure out which are the operative ones and which are the obsolete ones?

The reason I wanted to speak on this Bill, and I thank Deputy Calleary for permitting me to do so, is that I tabled a question to the Minister for Public Expenditure and Reform on the

statute law revision project because I had a concern that, as we had gone so far with this project, we should complete it. There is still work to be done. Legislation from 1950 onwards and secondary legislation from 1820 onwards need to be reviewed. I was concerned there might be an absence of desire on the part of the Minister to continue with this project. Unfortunately, I have been proven correct. In the question I tabled, I asked the Minister whether he was committed to continuing with this project to the end and he indicated in his reply that he proposed, in view of the progress made, to pause the statute law revision programme at this time in order that his Department could progress other priorities. That is an extremely short-sighted response by the Minister for Public Expenditure and Reform. In light of the enormous work that has been done on this project and the fact that we have finished 80% of it, the logical thing to do is to complete the project, but it appears that is not what will happen.

There are other reasons that this is necessary. The Minister of State spoke about how this project cuts through red tape and improves competition, which it does. It also provides certainty for individuals. It allows companies that want to invest in Ireland to know what are the laws of this land in a clear and concise way. We must also recognise that we are now in a situation where we could be the only common law country left in the European Union, common law meaning our laws were built up over the years. The difficulty is that we will find ourselves in a situation where the statute law revision project, which involves the cleaning up of all our Acts, is now being stalled. That puts a huge question mark over the integrity of the statutes we have on our Statute Book. There is still spring cleaning to be done. We should not be stopping it now; rather we should be proceeding with it.

This project, when we think of the work that is being done, has been very cost efficient. I do not know how much it would cost to finish this project. I suspect it would probably cost the salary of two or three researchers working for a year or so - perhaps in the region of €100,000. I appeal, therefore, to the Minister of State to take on board that we need to continue with this statute law revision project. It is pointless for us now to make a decision to stop it just when all the good work has been done. A small amount of work remains to be done and I urge the Government to continue with it.

We also know that the Law Reform Commission has been examining the consolidation, codification and simplification of legislation since 2014 and is due to publish a paper on that project shortly. That cannot be done in any effective way unless we have gone through all our legislation to make sure all the obsolete and unnecessary laws have been reduced. I ask the Minister of State and the Government to reverse the decision that appears to have been made. It is pointless now to stop this great project when we are near the end of it. We should continue with the project so that we can have it fully completed, and, as Deputy Calleary said, it is necessary that we keep doing this on an ongoing basis.

An Leas-Cheann Comhairle: The next speaker is Deputy Cullinane who I understand is sharing his time with Deputy Ó Snodaigh.

Deputy David Cullinane: Yes. I take it we will have ten minutes each-----

An Leas-Cheann Comhairle: The Deputies have a time slot of 20 minutes.

Deputy David Cullinane: -----but we may not take the full time.

I welcome the opportunity to speak on the Statute Law Revision Bill 2016, the principal purpose of which is to repeal spent and obsolete Acts that were enacted between 1922 and

1950. Sinn Féin will support this Bill's progression through the Houses of the Oireachtas and we acknowledge the work that has gone into making the Irish Statute Book a more relevant and accessible exercise of work.

My party colleagues have pointed out previously that this exercise should have begun years ago, although luckily we have moved past the point at which we are still discussing the repeal of Acts that were passed in the 1600s. It would be useful, however, as my colleague, an Teachta Ó Snodaigh, has called for previously, if there was an archive of repealed laws available in this State. Many of the Acts that are being discarded to the dustbin of history make for fascinating reading and will be of interest to historians now and into the future.

Within the Bill before us a number of laws are being repealed and we will not, nor do we have the need to, go through them all here. There are other curiosities which speak to issues of today. At first glance the League of Nations (Obligations of Membership) Act 1935 might seem archaic and out of date, when we take into account that the League of Nations no longer exists, but the Act relates to the Italian invasion of Ethiopia and calls on countries not to help Italy in any form or fashion in its aggression against Ethiopia. The sentiment in the Act is one that states that one does not take the side of the aggressor and that illegal wars should, and must, be opposed.

Last week in this House, Sinn Féin proposed a Bill that would have put to the Irish people a constitutional amendment that would have enshrined the policy of neutrality in the Constitution. It was, of course, defeated with the help of the Fianna Fáil Party and some Independents who are propping up the Government. This Government, like its predecessors, seems hell-bent on adopting policies that compromise and undermine our neutral status. By so doing, it is at odds with the majority of Irish people who value and support our neutrality.

In a document by the Irish Peace and Neutrality Alliance, PANA, which I presume all Deputies were given, I saw a reference to the only poll I know of that was carried out to ascertain the public's view on neutrality. It was a RED C poll that was carried out in 2013 and it found that 78% of the public supported in full Irish neutrality. The most obvious example of how successive Governments have discredited Irish neutrality is the continued use of Shannon Airport as a military stopover for US armed forces. Since the illegal invasion of Afghanistan in 2001, more than 2.5 million US troops have travelled through Shannon in transit to and from conflict zones in places such as Afghanistan, Iraq, Syria and Kurdistan, countries where hundreds of thousands of people have been killed, maimed or left displaced and destitute. There is evidence that indicates Shannon Airport is a stopover for CIA rendition flights, involving a blatant and perverse contravention of our neutrality. The sentiment in the League of Nations (Obligations of Membership) Act 1935 should not be so easily forgotten even as it is removed from the Statute Book.

Similarly, the Poor Relief (Dublin) Act 1936 is being repealed at a time when we have more than 1,000 families homeless in the capital and people dying of hypothermia. The Poor Relief (Dublin) Act relates to the clearing of the workhouses.

In October 1924, six months after the Government of the day had passed the Housing Act, which gave tax subsidies upper middle-class households, the Minister for Industry, Agriculture and Commerce told the Dáil in a debate on unemployment and welfare assistance that "there are certain limited funds at our disposal. People may have to die in this country and may have to die through starvation." This was in response to evidence of accounts of starvation which were

coming in from around the country. In January 1925, Dr. Brian B. Crichton, who had a long association with the Coombe and Rotunda hospitals, told the Rotary Club that “a child’s chances of life in the City of Dublin are worse than were the chances of a soldier in the trenches during the Great War”. He said that women often came to him to the clinic but “instead of medicine, he often gave a note to some... [charity] organisation to enable them to get food”. The same month, the Clare Health Board was informed of a man and his wife who lived near Kilmikil who had died of starvation and neglect. The relieving officer had found the woman “lying in a corner of a filthy... room, covered only by a dirty rag. The man was also in a deplorable condition, weak and hungry.” In another case, a doctor visited a house in “New Hall, near Ennis, and found two old people living in a terrible condition of filth. They had been eating portions of the carcase of a calf, which was lying in the kitchen”. In Longford, two married women were charged with stealing potatoes from the mental asylum garden. One of the women was quoted as saying, “I took the potatoes for my children, who are starving at home.” It was increasingly clear that Cumann na nGaedheal, the forerunner of Fine Gael, used its time in government protecting the financial self-interests of the class it represented, while the rest of the nation could, quite literally, starve.

In a memo sent by William Cosgrave in 1921 while he was Minister for Local Government in the underground Dáil Éireann, he laid out clearly what was to become the social policy of the Free State in respect of its treatment of poor and vulnerable children and adults. He said:

As you are aware, people reared in workhouses are no great acquisition to human society. As a rule, their highest aim is to live at the expense of the ratepayers. As a consequence, it would be a decided advantage if they all took into their heads to emigrate. When abroad, they are thrown onto their own responsibilities and have to work whether they like it or not.

The UCD historian, Professor Diarmaid Ferriter, has made the argument that Cosgrave’s memo highlights the class bias of the post-1922 Free State where “Ireland’s vulnerable children were an inconvenience to the conduct of the campaign of independence”. Although many of those who were able emigrated from Ireland to other countries, those who could not go abroad because of age, disadvantage or disability were forced into a form of internal emigration.

This was a place *The Irish Times* described as “a dark hinterland of the State, a parallel country whose existence we have long known but never fully acknowledged. It is a land of pain and shame, of savage cruelty and callous indifference”. This place was in the Irish Free State, but not of it - an unfree state. Today, people are still dying on the streets and we still experience massive levels of poverty and inequality. Some of the sentiments expressed by Cosgrave, while not perhaps as stark as his, would still be expressed by those who hold power in the Government. A class bias is evident still in many of the policies pursued by the Government parties. While it is interesting to revise the Statute Book and reflect on laws passed many years ago, there are still parallels between the thinking of politicians of different ideologies at that time and the ideologies of politicians today.

There is a need for an archive and this important point has been made by Teachta Ó Snodaigh previously. I am sure he will elaborate on this because we cannot consign these Acts to the dustbin of history. There must be an archive that historians and parliamentarians can study and use.

Deputy Aengus Ó Snodaigh: I have contributed to the debate on at least three statute law revision Bills and on every occasion I have welcomed the legislation because we were getting

rid of legislation that was on the Statute Book that was superfluous or had been superseded. That is good in many ways because it means that for parliamentarians and those who are trying to ascertain what laws are still valid in the State, it is easier to figure out what is useful, binding and can have an impact on our economic and political future.

This legislation relates to a different period from previous revision Acts. I had no problem repealing the legislation in the previous Bills because they were British laws. This Bill represents the first move to repeal Acts of the Free State and of the new State to which Eamon de Valera changed it. It is a little more difficult to look at these laws because there are connections with today. For example, one of the Acts that is being repealed is the Garda Síochána (Temporary Provisions) Act 1923. When that was introduced, the Title referred to the Civic Guard, not An Garda Síochána. The amendment to change the Title was tabled towards the end of the debate by Cathal O'Shannon. That was a declaration by the State that the RIC and the DMP were at an end and a new police force was being set up. We need to consider the context, which in a number of these Acts in the first page of the Schedule relates to the Civil War and the out-workings of the war.

The Public Safety (Emergency Powers) Act 1923 is being quietly repealed. That legislation allowed for 77 official State executions during the Civil War. It is good that it is being repealed. I have no problem with that but it is being repealed without a proper discussion or information pack to explain what was its effect. This ties in with the need for everything we are repealing to be documented in a single place, as Deputy Cullinane said, in order that people are aware that they were part of the legislation framework of the time and that there is a single source for them, which is searchable at a moment's notice.

The Deputy also referred to other legislation which related to the poverty of the time. Arthur Griffith's family needed to be looked after by the State. He died soon after the Free State was founded and he must not have had a pension or anything else. He had given huge service to the Republic in all the years he was publishing, working towards the Republic and founding Sinn Féin. The legislation in this regard is out of sync with the comments quoted by Deputy Cullinane. A sum of £500 was paid annually to his wife with £200 paid both to his son and daughter and £100 paid to his sister. That seems like buttons in today's money but there were large sums for the time. His son and daughter were also young. I do not say they should not have received this money.

The Schedule also includes the Connaught Rangers (Pensions) Act 1936. They were included in the pension records published online in recent years relating to the period between 1916 and the Civil War. These people had given their all. Some were arrested and killed and they were an afterthought. They were not captured by the Military Service Pensions Acts of 1924 and 1934. If the Connaught Rangers had to be covered by two Acts, somebody must have missed out.

Legislation relating to the Spanish Civil War has also been mentioned, including the Spanish Civil War (Non-Intervention) Act 1937. It is probably proper that the State did not take a decision if it was to be avowedly neutral. During the Second World War, any Allied soldier who landed in Ireland was allowed to cross the Border, but German soldiers were arrested and held in Wicklow. In this case, the State had already allowed----

An Leas-Cheann Comhairle: I am obliged to request Deputy Ó Snodaigh to propose the adjournment.

Deputy Aengus Ó Snodaigh: I propose the adjournment.

Debate adjourned.

8 o'clock

Flood Insurance Bill 2016: Second Stage [Private Members]

Deputy Michael McGrath: I move: “That the Bill be now read a Second Time.”

The Leas-Cheann Comhairle has the time allocation of the first 20 minute slot.

An Leas-Cheann Comhairle: Deputy McGrath has 20 minutes. He is sharing it with his colleagues.

Deputy Michael McGrath: Many communities in Ireland know all too well the utter devastation that can be caused by flooding. Tackling this issue necessitates a multi-pronged response including proper planning, ongoing maintenance of our rivers and the completion of flood relief schemes, to name but a few. The focus of this Bill is on the issue of flood insurance. The Bill is built on the premise that households and businesses should be able to avail of flood insurance cover once an OPW flood relief scheme has been completed to the required standard. That is what lies at the heart of this Bill. A different solution is needed for people who live in areas where the risk of flooding remains high. This Bill would give them hope too that flood cover would follow an OPW scheme in their area.

This Bill has been made necessary by the experience in communities where flood schemes have been completed. The experience has been that flood insurance is not readily available and where it is available, it often comes at an unaffordable price or with terms and conditions, such as a policy excess, that make it utterly unviable. Over the next five years, we are told the OPW will invest €430 million on flood relief schemes. This investment is badly needed and is to be welcomed. The least we can expect for that public investment is a *quid pro quo* from the insurance industry. State investment in flood defences should lead to a favourable response from the insurance industry through the provision of flood cover on reasonable terms. The roll out of flood relief schemes is far too slow but to give credit where it is due to the OPW, when schemes are completed, they have proven to be successful. Why then should we tolerate a situation where insurers, in many instances, refuse to provide cover or where they do, they do so at a prohibitive cost? This Bill requires insurance cover to be provided in circumstances where the OPW has completed flood relief schemes to the required European standard under the 2007 directive. It is not unacceptable that insurance companies continue to deprive households and businesses flood insurance cover when a flood relief scheme has been put in place. The Bill will make it unlawful for an insurance company to discriminate against people and businesses in areas which now have a low probability of flooding. Low probability defined under this Bill is an area certified by the OPW as having a one in 100 year flood risk or better. Where there is a concern that an insurer is acting contrary to the requirements of the Bill, property owners will be able to lodge a complaint with the Financial Services Ombudsman. On completing a review of a complaint, the Financial Services Ombudsman will have the power, if appropriate, to direct an insurer to offer insurance at a price and on such terms as it considers fair, reasonable and appropriate.

This Bill clearly outlines the role of the Central Bank in the application of the legislation. The Central Bank shall have the power to carry out an assessment on how an individual insurer

deals with insurance applications from individuals in the relevant areas. It will also be empowered to direct an insurer to change its practices or take steps necessary to ensure compliance with the legislation. If necessary, the Central Bank could seek an enforcement order in the High Court and an insurer could be subject to significant fines. One of the key findings of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach's report on motor insurance relates to the lack of data. The Minister of State, Deputy Eoghan Murphy, knows this well. The same is true of flood insurance. The bottom line is the Government is relying on insurance industry data which has not been validated. This is no basis on which to frame public policy.

The insurance industry tells us that 98% of property insurance policies nationally have flood cover but a CSO household survey from 2010 indicates that a third of all households may have no household insurance at all. The industry tells us that in areas where flood relief schemes have been completed and information has been exchanged with the OPW, 83% of property insurance policies in these areas include cover against flood risk. Where the flood scheme involves demountable defences, this falls to 78%. This data has not been independently validated and there is a distinct lack of baseline data from before the flood relief scheme was put in place so it is not possible at this point to assess the true impact of the flood scheme on insurance availability. We currently have a ridiculous stand-off between the Government and the industry on demountable defences. The industry does not favour demountable defences and is less inclined to provide insurance cover where a flood relief scheme includes demountables. This issue simply has to be dealt with. Demountable defences have been successfully used in a number of flood relief schemes in Ireland and they are used commonly throughout Europe. Many of the major flood relief schemes we are about to embark on across the country involve demountable defences. If this is not acceptable to the industry, where does that leave households and businesses hoping to access insurance when the scheme is completed? I do not accept the distinction drawn by the insurance industry between demountable defences and permanent defences. Permanent defences are impractical in many communities and the effectiveness of demountable defences has been proven not only in Ireland but around the world. My city of Cork is a prime example of why this issue needs to be dealt with. Next year, work is finally due to commence on a major flood relief scheme with an estimated cost of between €60 million and €80 million. When the OPW put plans on display in July 2014, Insurance Ireland promptly issued a statement denouncing the use of demountables in the plan and saying, "Permanent, fixed flood defences built to a standard of 1:100 years as at 1 January 2012 are the minimum that should be implemented if insurance is to be a viable proposition in the areas to be defended." In other words, according to the insurance industry, the scheme that the State is about to pay up to €80 million for in Cork city is not a viable proposition for insurance to be provided. This issue remains unresolved today.

From what I gather, the Government is not going to accept this Bill. I would rather this Bill were not necessary but rejecting it would be a mistake. The Government should embrace this Bill and, at a minimum, use it as leverage in its negotiations with the insurance industry. The Bill is not perfect and can be improved during the legislative process. It should be allowed to proceed to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach where detailed pre-legislative scrutiny can be done to examine these issues in more detail. I have read the interim report of the interdepartmental flood policy co-ordination group and the Department of Finance report on insurance and flooding. More importantly, we have listened to people in communities who are living with the daily reality of having no flood insurance. If the current strategy was working, we would not have a packed Gallery tonight. I acknowledge the work of the Irish National Flood Forum and all those who travelled here to listen to this debate

and to show their support for the Bill.

The lack of flood insurance is also stifling for many communities and villages. Banks will not provide a small business with a loan unless it has flood insurance. This means that many small businesses are being constrained from investing and growing. They also risk closing altogether if they are affected by flooding. Households can only sell their houses to cash buyers in many cases because of the lack of flood insurance. This is particularly unfair given that these businesses and households still have to pay rates and property tax in full. In short, flood insurance is being denied to people despite the progress made by the OPW. This Bill seeks to address this failure. I urge Deputies on all sides of the House to support the Bill and I look forward to the full debate over the next couple of hours.

An Leas-Cheann Comhairle: I call Deputy Eugene Murphy. Is there an arrangement for Deputy Michael Fitzmaurice to have two minutes?

Deputy Eugene Murphy: There are two minutes going to Deputy Michael Fitzmaurice.

An Leas-Cheann Comhairle: Deputy Eugene Murphy has six minutes.

Deputy Eugene Murphy: I welcome the Bill brought forward by my colleague, Deputy Michael McGrath. It is the type of action that we really need in this country to deal with the massive problem of flooding. For many years, the State has not taken the matter seriously. Deputy McGrath's Bill, in addition to a number of Bills that will be coming before the Dáil in the coming months, will address the issue the way it should have been addressed many years ago. The whole policy on flooding needs to change. Ireland needs to take into account that there are many changes in weather patterns. There is also a change in the way we deal with flood problems. We have a massive issue right throughout the country on the maintenance of our rivers. Let there be no doubt in anybody's mind that this is a huge issue right around the countryside.

The challenges created by our new circumstances have not been met by the Government. The tagline of once in 100 years is being thrown around in too many debates when it comes to dealing with flooding issues. Rather than once in 100 years events, we all know such events are now happening once in every four, five or six years. Every year or two years, a major flooding event occurs somewhere in the country.

Flash flooding that could be attributed to climate change is another challenge not being addressed. Since I was appointed by Deputy Micheál Martin as Fianna Fáil spokesperson for the OPW and flooding issues I have been studying many situations throughout the country. I can visualise the thousands of acres of land that were flooded last spring, the families whose homes were flooded and the businesses that were destroyed. The more I visualise, the more I am convinced that at that time the Government should have declared a state of emergency. That is what would have happened in England, France, Italy or anywhere else, but it did not happen in Ireland.

Fianna Fáil is now introducing a suite of Bills in a genuine bid to deal with the hardship caused to people because of the changing climate circumstances and the way we are dealing with these issues in respect of maintenance of major rivers and drains.

In March 2014 a memorandum of understanding between the Office of Public Works and the insurance industry was signed. That memorandum of understanding provided a forum for

both organisations to work together to share data required by the industry and to inform the assessment of risk. Rather than an obligation on the insurance industry, it creates an information exchange to allow those in the sector to appraise the risk involved. That is simply not good enough. We need to step up to the mark. The Government needs to step up to the mark. The only way this can be handled is through legislation.

The OPW has provided details of all schemes completed to date and Insurance Ireland is obliged to provide detailed information on the numbers with flood insurance in these areas. Of particular interest is the data on numbers reinsured after the completion of flood defence schemes. However, the level of insurance and reinsurance has been low. A significant number of households and businesses remain without cover. Simply put, the Government policy is not working and it must be changed.

I am dealing with many families who have issues with insurance. Their difficulty is not only with flooding in the past. They are being refused on the basis that the premises in question might flood in future. Where millions of euro of public money has been spent on comprehensive once in 100 years flood defence systems, the insurance companies must take the changes into account. The Government must stand over the CFRAM reports. In this way, where work is completed, homes can avail of insurance once again.

I am getting indications that the Government will not support this Bill. However, I appeal to the Government to allow this Bill to move to the next stage. The Government owes it to the people in the Gallery and the thousands of people throughout the country who have suffered untold hardship over many years. It is now time that we dealt with this issue seriously.

Deputy Anne Rabbitte: Tonight I will be speaking about the people who have been impacted and my endorsement of this Bill. The Gallery is packed for a reason. Many of the people have had defence systems put in place. The OPW has done a fine job. We commended the work of those involved earlier this evening. However, there is no point in doing a fine job if a person goes into the local bank or company to get insurance but cannot get it. The town of Ballinasloe is only 20 miles down the road from me. A review was carried out there recently in the Derrymullen estate. A flood wall was put in. A total of 60% of the people surveyed could not get house insurance. That is despicable in this day and age. If those affected wish to sell their properties, they cannot do so because one of the terms and conditions of getting a mortgage is access to house insurance.

Businesses use demountables when there is a risk of flooding. We have got €100,000 worth of such flood defences for Ballinasloe. Even if these defences go up, it is not recognised. If the people affected want to get an overdraft or an extension to a stocking term loan, they cannot get it for the simple reason that they do not have adequate cover. In this day and age, we should provide people with the right to insurance. If we deny it, we are denying insurance to them for fire, burglary and flooding. That is what is happening.

I call on Members on the opposite side of the House to think again before they decide not to support this Bill. Not only will they be denying people flood insurance cover, they will be denying them fire cover and burglary cover too.

Deputy Pat Casey: I wish to take this opportunity to thank Deputy Michael McGrath for his great work in bringing this Bill to the House. I hope the Government can see the common-sense and fairness at the heart of this public policy.

The Bill aims to alleviate the financial pressures on homes and businesses which are unable to get reasonable insurance cover due to flooding concerns. The insurance sector is rightly under scrutiny by the Dáil. The sharp and unjust practices that have been allowed to develop are seen clearly in their attitude to victims of flooding and potential victims of flooding.

Insurance exists to provide for risk, for example, for the day when disaster strikes. When a family home or business is flooded, no insurance will cover the stress, sense of loss or the loss of personal items that these events bring. Yet, insurance is provided to cover the necessary repairs to bring life back to what has been destroyed.

Flooding has been a particular problem in Arklow and Bray and flood defence works are currently under way there. However, we cannot endure a situation whereby homes and businesses in Arklow and Bray still cannot get insurance cover even though flood defence works have been completed. The State is investing significant amounts of money in flood defence works. Insurance providers need to follow suit and provide adequate insurance cover once these works have been completed. The flood defence teams will ensure that homes and businesses will secure a once in 100 years standard, the highest standard achievable. It is immoral to deny insurance to residents and businesses in areas where defences have been put in place.

It is the purpose of practical politicians to right this wrong. This Bill does precisely that. This Bill will ensure that insurance companies provide reasonable premium cover to all who require it. The Central Bank will enforce it. This amounts to the Central Bank acting directly on behalf of citizens and the common good. I trust this Bill will be supported by all in the House.

Deputy Michael Fitzmaurice: I commend Deputy McGrath on this Bill. Insurance companies are like bookies at the moment: they want the safe bet on everything. There is no risk at the moment in what they are doing because they are basically blackguarding people. Everyone in the House has seen people throughout the country putting flood defences in place around their dwellings, sometimes paid for out of their own pockets. Alas, they have been refused cover again and again.

One thing that needs to be pulled off at the moment is the maps produced in 2009 by the OPW. They are not official but they are used by insurance companies. They show where the “at risk” areas are located.

I see operating demountables as being like driving a car. Someone can make a mistake driving a car. An insurance company has no problem insuring that person for the second time. However, when it comes to demountables, the companies are walking away as if it is not a safe bet. In any town throughout the country if someone sees a dribble of water coming through, there would be enough people to ensure that any mistake would be rectified immediately.

The figure they trash out to us at the moment is 98%. It is like mobile telephone coverage: if enough people in Dublin, Galway and Cork are involved, the company will say there is X% mobile telephone coverage in the country. This is the same trash that the insurance companies dish out.

I commend the work of the Irish National Flood Forum. Representatives from the forum have gone around the country and gelled people together. They have gone from place to place on a voluntary basis to get the message out about what is happening.

The Minister of State has been to the likes of Crossmolina, where Deputy Calleary is from.

People are anxious. People in counties Roscommon and Galway have seen the devastation caused by the flooding. Now, unfortunately, insurance companies are basically giving politicians in the House and ordinary people the two fingers. They are telling us what they are going to do and what they will insure. No matter what we have to do as politicians, we have to put them into their box. We have to make them listen to ordinary people. Whatever legislation is required to drive this forward, we must ensure, as politicians and public representatives, that it is enforced. In the line of SMEs, as referred to earlier, the first thing banks do now is check whether one has insurance. We talk about reviving rural Ireland. Many of the places affected by flooding are in rural Ireland. If things continue the way they are going, between people not getting insurance and not being allowed to expand their businesses, we will drive people out of rural Ireland and it will be empty. I ask the Minister of State to take these guys on and support the Bill. There is nothing wrong with supporting an Opposition Bill if it is for the good of the people and the country. I urge the Minister of State to do so. For once and for all, I ask him to keep the politics out of it. This is for people. This is not for parties or whatever.

Minister of State at the Department of Finance (Deputy Eoghan Murphy): I thank Deputy Michael McGrath for introducing this Private Members' Bill on the topic of flood insurance. It is an issue I understand well because it affects my constituency, Dublin Bay South. The Minister of State, Deputy Seán Canney, will also speak on the work being done by the OPW to improve flood defences and the corresponding knock-on benefits for increased flood cover. Deputy Canney, the Minister, Deputy Noonan, and I are fully aware of the difficulties experienced by certain households and businesses in securing flood insurance in areas at most risk of flooding. However, we believe that this Bill, if enacted, is likely to have the opposite effect to that intended. In particular, the Government believes the Bill would undermine the well-established market system of insurance cover which ensures that flood insurance is currently widely available in Ireland. Insurers have contributed significantly to ensuring people have been adequately compensated after a flood event. Data for the period 2000-16 indicates that insurers paid out in the region of €1.5 billion for flood, storm and freeze weather events. This Bill runs the serious risk of undermining this model and puts future insurance payouts of this scale at risk. We believe that this proposal creates a major financial risk exposure for the Exchequer.

There are a number of legal concerns regarding the Bill as currently proposed which will need to be assessed. In particular, there is a concern, shared by the Central Bank, that the Bill runs contrary to the EU legislative framework for insurance, the Solvency II Directive. In broad terms, Solvency II prohibits member states from adopting rules which require insurance companies to obtain prior approval on special policy conditions and scales of premiums except as part of a general price control system. This has been acknowledged in the past by the European Court of Justice in ECJ case law, namely, case C-518/06. In addition, there may be constitutional issues with the absence of an appeal mechanism for the regulated financial service providers targeted in the legislation. Section 11 proposes that the decisions taken pursuant to sections 8 to 10, inclusive, are binding but there is no appeal mechanism. It is a provision that appears to contravene the constitutional right of access to the courts.

The Bill provides that where there is a disagreement with the policyholder, the ultimate arbiter is the Financial Services Ombudsman. In our view, this takes the pricing of risk outside of the control of insurance companies, which could lead to insurers being forced to provide a significant level of cover at an inappropriate pricing level, that is, at a loss. Insurers could see this as undermining their financial position.

In addition, the level of claims experienced by the market is likely to rise due to the higher risk properties now being brought within the insured portfolio. The overall effect would be an increase in premiums as low-risk policies would be required to subsidise higher-risk ones.

The Bill specifically links the provision of property insurance to including flood cover. In other words, one cannot get one without the other. The impact of the Bill on the financial position of insurers and on pricing would raise the risk that insurance companies, most of which are subsidiaries or branches of international companies, could decide to withdraw from the household insurance sector of the Irish market altogether.

In addition, as the Bill effectively proposes intervention in what would normally be commercial decisions of insurance companies, it could have the effect of deterring potential entrants to the market and thereby reduce the choices available to policy holders and the competition within the market.

In the course of our work on the cost of insurance working group review, the general frustration within the non-life insurance market in Ireland has emerged as a prevalent issue. One particular company commented that significant pressures had been brought to bear from head office abroad to withdraw from the motor insurance sector. It is not difficult to conceive that the introduction of legislation such as this could compound the worries of such firms and could force a major rethink about doing business in Ireland.

Alternatively, if insurers are forced by the Bill to offer flood cover, they may choose to only offer minimum cover for all policies in an effort to control the risk. In the context of managing risk and recovering costs, there could be further increasing of the excess required from the policyholder or limits on sums insured for repairs. Ultimately, the result could be a deterioration in the general quality of flood insurance available for policyholders.

It is not beyond the bounds of possibility that if this legislation were introduced, there might be a need to include a provision providing compensation to insurers in respect of losses imposed on them by reason of compulsory insurance of dwellings at higher risk of flooding. This could create an additional significant financial exposure for the State.

The Government believes, for the reasons stated above, that this Bill runs the risk of undermining the home and flood insurance sectors. It would make Ireland unattractive to new entrants at best and at worst could lead to a withdrawal from the non-life insurance market by some of the biggest players, most of which are either branches or subsidiaries of companies based abroad.

Finally, and importantly, the Bill raises matters of legal concern regarding its consistency with Solvency II regarding the role of the Central Bank and the Financial Services Ombudsman and the Bill raises constitutional issues.

Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney): I too thank Deputy Michael McGrath for introducing this Private Members' Bill on the topic of flood insurance and I am delighted to have the opportunity to speak on this very important issue. Like the Minister, Deputy Noonan, the Minister of State, Deputy Eoghan Murphy, and other speakers, I am fully aware of the difficulties experienced by certain households and businesses in securing flood insurance in areas at most risk of flooding.

Government policy for flood insurance is intrinsically linked to Ireland's policy to manage

flood risk. The evidence is available to support the claim that the Government's investment to protect at-risk properties delivers the best and most feasible outcome to prevent flooding and is improving the availability of flood insurance cover to these areas. The Government investment in capital works of €480 million since 1995 is yielding significant benefit in protecting 12,000 properties. We have already completed 37 major and approximately 400 minor capital works, and the economic benefit to the State in damage and losses avoided is estimated at €1.2 billion.

One important outcome of the CFRAM programme is the comprehensive mapping of areas at risk of flooding. The OPW flood maps were developed under the requirements of the EU floods directive. They are area-based and cannot be used to designate individual properties. Their purpose is to identify feasible community-based plans to manage flood risk. Therefore, and in line with other member states, the OPW has made clear that the information in the maps cannot be used for commercial purposes, including by the insurance industry. The OPW has written to the insurance industry to make this clear.

This Bill proposes the introduction of what is in effect compulsory provision of flood insurance in certain specified circumstances, namely, within "designated areas", with the designation being determined by a flood hazard map issued by the OPW or as otherwise determined by the OPW. I share Deputy Eoghan Murphy's views on the Bill as it is based on a flawed understanding of the OPW maps, OPW's role and the purpose of the flood maps developed under the EU floods directive.

To support the regular exchange of information between the insurance industry and the OPW in respect of flood defence works, a memorandum of understanding between Insurance Ireland and the Office of Public Works was signed on 24 February 2014. Insurance Ireland represents 95% of the domestic insurance and 85% of the international life insurance market. The OPW has provided data to Insurance Ireland in respect of 16 completed flood defence schemes, showing the design, extent and nature of the protections offered by these works. There is now clear evidence that this strategy is working, as demonstrated by an incremental increase in the provision of flood insurance in areas protected by flood defences. An increase in flood cover from 75% to 83% in these areas has been observed up to January 2016. Where the defences are permanent in nature, the figure is 89% and where demountable defences are used, the figure is 78%.

I have received assurances from Insurance Ireland that it will reassess the risk from the deployment protocols, warning systems and emergency response systems in place where demountable defences are utilised. At that meeting, I also got agreement from the insurance industry and the State to explore further means to increase insurance availability. To achieve this goal, the working group established under the memorandum of understanding is now meeting quarterly and being chaired by the State.

As well as accelerating the exchange of data between the industry and the OPW, since last winter the OPW has accelerated its resources to complete major flood defence schemes. This year, there is a record of 12 major schemes at construction and a further 23 at design development stage. These include schemes in Bandon, Crossmolina, and Claregalway. These details have been made available to the insurance industry.

The flood risk management plans emphasise the importance of non-structural measures and support the whole-of-Government approach adopted to tackle flood risk management. I have been chairing the interdepartmental flood policy co-ordination group and the group's progress

report about the many positive policy measures in place was recently approved by the Government.

In conclusion, the Government's current policy is yielding benefits for availability of flood insurance. This benefit will accelerate in line with the acceleration of construction of and investment in defence schemes. The data exchange between the Office of Public Works and Insurance Ireland, through the memorandum, is a means of measuring this benefit as one of many positive outcomes and impacts of the Government's current policy and investment in flood risk management.

Deputy Pearse Doherty: Tá mé iontach sásta a bheith ag labhairt anocht ar an ábhar seo. Tá mé sásta go mbeidh mo pháirtí ag tabhairt tacaíochta don Bhille seo le dul tríd go Céim an Choiste. I am delighted to be speaking and I am glad this party will support the passage of this Bill to the next Stage. If it passes tonight, the next Stage will be critical in making sure it is a realistic and practical solution. For me the real question is whether this Bill will work and will it lead to insurance on fair terms and a reasonable price for families and businesses who need insurance. They are our criteria for supporting this Bill.

I acknowledge the work of the Irish National Flood Forum and thank it for its engagement with me and my party on this issue. We can all recall, I am sure, the image of Ministers in canoes or in wellies only a year ago trying to show they were doing something about the floods. If ever there was a perfect image of closing the door after the horse has bolted, it was that one. Investment in general is not something that is a Government strong point but investment in flood defence is particularly poor. The State is on a course of ever-diminishing capital investment compared with what is required. The results are inevitable and for all to see. They are a housing crisis, congestion in our cities and flood defences being overwhelmed if they even exist.

In June this year I asked the Minister of State sitting opposite, Deputy Canney, how many times he met representatives of the insurers on flooding and he told me he had not yet met them. That was seven weeks into his role and the most important issue on his plate. That lack of urgency and understanding of how critical is this issue is typical of the Government's response. The Minister of State confirmed to me that of the seven schemes due to start in 2015, none had started. No doubt when the winter storms come the Minister of State and others will promise action but it is all rhetoric and the necessary investment is not being made.

This lack of investment offers an excuse to insurers on a plate. We have a combination of a Government ideologically opposed to capital investment and an insurance industry that is in trouble of its own making. Together, we have as a result families, farmers and businesses left without insurance. The Government says it is not its fault and so do the insurers. As we have seen in the motor insurance investigation, insurers have used every excuse going to avoid responsibility for their actions. Time and again we have heard them claim they cannot insure inevitability, which is perhaps fair enough, but in reality from the cases we hear about it is more a question of only wanting to insure when they can be sure there is absolutely no risk. The challenge before us is how to protect family homes and our businesses in an era when investment is bottom of the list of priorities and the insurance industry is actively hostile to playing its role in the economy.

The Bill is sponsored by Deputy Michael McGrath tonight and it attempts to empower residents through the Financial Services Ombudsman and the Central Bank. Much of the Bill is unprecedented, to my knowledge. Those who live in areas designated as having less than a one

in 100 chance of flooding each year will be allowed make a complaint to the Financial Services Ombudsman on the grounds of discrimination, whether it is a refusal to insure or unfair terms or price. In effect, families and businesses will be allowed call the bluff of insurers. It lays down in legislation grounds on which insurers cannot refuse or charge extortionate prices for insurance, which is to be welcomed.

The Office of the Financial Services Ombudsman is a very important one, as we all know. We can see that in light of the tracker mortgages scandal, it has been negligent in dealing with the responsibilities it had. I believe, nonetheless, we have seen a step change in the last while. It is an important office and one that is growing into its role. This would be a new role for it, effectively defining new rights rather than simply enforcing existing rights. I am not sure that is what the office is designed to do or if it would have the resources or expertise to do that but at this point, the issue has been allowed to develop to such a point that I am prepared to look at all of that.

Likewise, the extra powers proposed to be given to the Central Bank are quite extensive. It will be able to put in place enforcement orders forcing a company or whole sector to offer insurance to ensure compliance with the principles of non-discrimination and fair pricing and terms. It would be remiss of me not to make the point in terms of powers that the Central Bank currently has and the fact it does not use them. Again, I refer to the tracker mortgage rate scandal. For five years after mortgage holders took complaints to the Financial Services Ombudsman, the Central Bank did nothing and four years after the High Court upheld the decision of that office against the banks and in favour of their customers, the Central Bank still did nothing. It was only last year, after mounting political pressure, that the Central Bank was forced to ask for an industry-wide review of the issue. We now know this means there was industry-led theft of 8,600 mortgage holders who were denied their tracker rates.

I raise this because although this legislation rightly gives the Central Bank more power, we must ensure it will use those powers if they are provided by the Houses of the Oireachtas. This is a new approach, although I and Deputy McGrath proposed something similar with regard to mortgage rates. This is a different issue but the principle of a State body stepping in to force the private sector to play its role is one with which I have no issue.

Unlike the old days of a majority Government rejecting Bills it did not like on the grounds of secret and often questionable legal advice, I accept that this Bill raises some complex legal issues, including the effect of European Union rules. I hope if this Bill reaches the next Stage, the Minister will be generous and open in sharing any such analysis. My concern at this point is getting us to a stage where we can rationally decide whether this will work. We must look at the possible side-effects of this approach. Forcing insurers to set a certain price at one point of the market could lead to increases in other parts. I hope the Bill will go to Committee Stage, the time in which to tease out all that detail and all the concerns we may have. For today I am happy to support this Bill so that a clear message can be sent to insurers and the Government that this problem cannot simply be wished away.

In the context of a changing climate, we know extreme weather conditions will become more common. The need for a functioning insurance system, whether based on the private market or not, will become greater than ever. I note that both the Minister of States' three options and Deputy McGrath's solution are limited to a private sector approach. Having just finished with the finance committee's report on motor insurance I am doubtful that such an approach can be the only solution, at least not by itself. That is not a radical suggestion and some sort of state

involvement in insurance against natural disaster is the norm across Europe.

I finish by commending Deputy McGrath on taking this initiative and the many activists who have kept this issue to the forefront. I look forward to this Bill passing Second Stage to-night and to examining its impact on Committee Stage as soon as possible.

Deputy John Brady: I welcome the opportunity to speak to the Flood Insurance Bill, which Sinn Féin will support, as my colleague Deputy Doherty outlined. I also welcome those who are present in the Public Gallery who have eagerly awaited this debate for some time. We have all seen the impact flooding has had on communities right across the State and the total and utter devastation on homes, businesses, families and business owners. The inaction of successive Governments - this Government and its predecessors - in tackling the issue of flooding has been extremely frustrating for those who have been directly affected by it. The absolute failure to invest in proper flood prevention has given insurance companies an excuse to refuse to offer insurance cover to home and business owners. The impact of this can be seen in towns like Bray and Arklow in my constituency. The annual pilgrimage of the Taoiseach, the Tánaiste and various Ministers to the River Shannon basin for photo opportunities, as they wear their new wellies, sit on the back of tractors and fall out of boats, should be seen for what it is - an exercise in fake sympathy and false concern that is not followed up with action. I commend the Irish National Flood Forum for bringing this issue to the fore. It has persevered with the issue of flooding and brought it to the point at which we are debating it here. While I acknowledge that this legislation has been proposed by Fianna Fáil, I emphasise that the forum has played a substantial part in advancing this issue.

Many communities across the State that have been fighting insurance companies to get local homes insured have also been fighting dubious planning decisions that have rezoned flood plains the length and breadth of this State. They have been challenging irresponsible and reckless councillors who have voted for rezoning, thereby aiding and abetting greedy developers whose only and ultimate interest is profit. In the community of Little Bray in my constituency of Wicklow, the SWAP group came together to fight for flood protection on the River Dargle, which flooded in 1905, 1931, 1965 and during Hurricane Charlie in 1986, and to prevent development along the river's flood plain. SWAP has been engaged in a lengthy battle for flood protection works that are now thankfully coming to a conclusion, as the Minister of State is aware. SWAP has been fighting for 11 years to prevent a consortium of developers, Pizarro Developments, from building on the flood plain on the low-lying area of the old Bray Golf Club lands. It is absolute madness that planning permission has been granted for high density developments on this flood plain. The Minister of State is aware of this because I have been in direct correspondence with him.

SWAP's simple request remains the same as it was in 2005. It wants the development to be built alongside the flood plain rather than on top of it. I suggest this is the most basic commonsense for anyone to see. I hope the Minister of State can see this. I ask him to intervene in this ridiculous situation by stopping the proposed development on this flood plain. I commend the members of SWAP on the Trojan work they have been engaged in over the past 11 years. I welcome the members of the SWAP community who are in the Gallery this evening, including Noeleen, Mary, Pauline, Vincent, Derek, Marie and David. Their work to protect the most vulnerable people in the community of Little Bray - the elderly and the disabled - is a credit to each of them. I commend the many people who have worked tirelessly to protect the community of Little Bray. The human cost of flooding is well known. We see many cases and we read many stories every year. As I have said, it is not right that when flooding events happen, the Tánaiste,

the Taoiseach and various Ministers rush to make a pilgrimage to areas that are flooded. Such events should not be photo opportunities for Ministers.

Insurance companies should not be allowed to deny insurance cover when flood defences are in place, but we have already heard that such companies are not just stopping insurance cover for flooding; they are also stopping insurance cover for theft and fire. This is having a huge impact. It is important to emphasise when we are talking about flood defences that the best way to stop floods is not to allow developers to build on flood plains in the first place. I hope the Minister of State will take this on board. I ask him to reflect on all the contributions that have been made to this debate on flooding, especially the points that have been made about insurance and building on flood plains. He is well aware of these issues. I have been in direct correspondence with him about the flood plain in Bray. We have a once-off opportunity to protect the community of Little Bray. I appeal to the Minister of State to intervene to protect the flood plain in Bray.

Deputy Mick Barry: I did not think I would be speaking for another ten minutes, but it seems that we do not have a Labour Party speaker for this debate. The Anti-Austerity Alliance—People Before Profit group will support this Bill. While we believe it has some weaknesses, we think it has significant merit and we will be casting our votes in support of it. I salute the campaigners in the Gallery who have travelled from the four corners of the State to see this debate. It is indicative of how strongly they feel about this issue, how badly they have been affected by flooding in recent years and how unfairly they have been treated. The starting point in this discussion has to be whether the current system of operations is working fairly and in the interests of ordinary people. I suggest that by any standards, the system is failing people across the board. The memorandum of understanding between the Office of Public Works and the insurance industry that was hammered out a couple of years ago, which relies on the goodwill of insurance companies to get to grips with these issues and to deliver fair play, is a joke. I can show that it is not coming close to delivering for ordinary people by mentioning that according to a statistic I saw today, there could be over 50,000 homes in this country without flood cover. Something needs to be done about the current system because it is broken and is not working. This Bill is an attempt to address it.

It has been a busy day with the water charges proposals etc. but I have been able to keep a close eye on the monitor while working in my office. I listened to what the two Government speakers had to say earlier in the debate. The Minister of State, Deputy Canney, made some interesting points and showed a certain understanding of the problems this issue is causing for people, even if I would not agree with the solutions he proposed. I have to say I was struck by the manner in which the Minister of State, Deputy Eoghan Murphy, having started by saying he is aware of these issues because of flooding in his own constituency, started to talk about the problems this proposal would cause for the insurance industry without going into any detail about the pain, suffering and problems being faced by people around the country. He said that if this Bill is passed, it “could have the effect of deterring potential entrants to the market” and lead companies “to withdraw from the household insurance sector”. He suggested that these proposals go against the way the market is meant to operate and, as a result, the Government could end up “providing compensation to insurers”, which he referred to as “players” in this situation. I have to say I felt that the Minister of State’s cold speech was really out of touch with the problems that people around the country have been facing. The Minister of State should reflect on those points.

In terms of some of the issues to hand, I am elected to represent the constituency of Cork

North-Central. Householders in Cork are three times as likely to be refused flood insurance cover as householders elsewhere in the country despite the fact there has been significant investment in flood defences in recent times. Tens of millions have been spent on flood defences in Fermoy, Mallow and Skibbereen, yet large numbers of ordinary householders and people trying to run businesses, including small and medium size businesses, cannot for the life of them get flood insurance cover, despite knocking on all the doors, shopping around and following all the advice they are meant to follow.

Statistics from the insurance industry have been quoted in the debate about the percentage of people who are being covered when they come asking. I want to put on the record that I do not believe those figures because they do not tally with the reality of what I hear back from people who are trying to get insurance for their homes and businesses. There is no guarantee - far from it - that, even with flood defences in a town, a person will get cover from the companies. Of course, it is not just in Cork. There is a similar situation in the town of Clonmel and the example has been quoted in this discussion of the estate in Derrymullen, Ballinasloe, where €1.5 million was spent on flood defences in the area yet a majority of houses, some 60%, still have no flood cover.

I would point out it is the same Government which has let the industry off the hook and which has also displayed a real lack of urgency when it comes to some of the key flood defence projects. Cork city is a case in point. Proposals for a €60 million to €80 million flood defence system go on display in Cork on 12 December but we were told over two years ago, when the bad floods hit at the turn of the year in 2014, that the work would be well under way in 2016. While the point has been made in this discussion that construction will start in the second half of next year, some sources are saying that even that is not guaranteed and it could be 2018 before work begins. That is not good enough. There is a real lack of urgency in regard to that project and it is not the only one in the State I could refer to.

We will be supporting the Bill for a number of reasons. We think the idea that boxing off the ability of the insurance companies to refuse cover is a positive and boxing off their ability to quote completely unrealistic, sky high premium prices is a good move. We do not have any great faith in the Financial Services Ombudsman or the Central Bank but the power to intervene with the insurance companies, while not perfect, is better than nothing in that sense.

I said earlier I felt the Bill was not without its weaknesses. For example, it refers to a fair, reasonable and appropriate response and price. However, what is a fair, reasonable and appropriate response? It is left rather vague. The insurance industry will argue, and it would seem it has some supporters on the Government benches, that if an area floods every year and the Government has not built flood defences in the town, a fair, reasonable and appropriate price might be very high and outside the ability of someone to pay. It is too vague and leaves the door open to profiteering of that kind.

We had the Oireachtas report on car insurance last week and talk of people being thrown to the wolves. We are dealing here with a ruthless mob of cut-throat profiteers and corporate gangsters. One could put manners easily enough on an unruly child; it is more difficult to put manners on an unruly gangster. The old saying of the labour movement, that one cannot control what one does not own, points to the need for something that was in the motor insurance report, namely, the idea of a State-run insurance company that would provide insurance on the basis of people's needs, rather than profits. We will continue to raise those points but we will vote for this Bill.

Deputy Catherine Connolly: I too will be supporting the Bill and I thank Deputy Michael McGrath for bringing it before the House. Notwithstanding some of the weaknesses in it, I believe they are weaknesses that can be teased out. In any event, it is a response to inaction by the Government. The Minister of State, Deputy Seán Canney, looks a little uncomfortable, and I appreciate that. I certainly agree with the comments made by the previous speaker in regard to the Minister of State, Deputy Eoghan Murphy, whose speech utterly failed to deal with the problems which have been raised.

The Minister of State, Deputy Canney, was in Ballinasloe and spoke there. Even though I come from the Galway West constituency, which has been seriously hit by flooding both within the city and at Cong, Clonbur, Kilmaine and surrounding areas, it was an eye-opener for me to attend at Ballinasloe, a town I am very familiar with because I worked there for many years in the 1980s. It was an eye-opener because, first, the national flood conference was organised by a local group from Ballinasloe and Athlone and their level of professionalism was second to none. The facts and figures they put before us caused me to stop in my tracks and listen to what they were saying, and I took notes, as the Minister of State did. I came away from that conference and I thought that this is a group of people who are not asking for help; they are asking the Government to work with them. They did the work on the ground, not alone in collecting the data, but they did the work on the ground when the floods appeared and there were no services available from the Government.

I appeal to the Minister of State to listen because I know his heart is in the right place, whatever about Fine Gael. Fine Gael seems utterly out of touch and reliant on a private market which has utterly failed in the same way that it has failed to provide houses for our people, in the same way it has failed to control the astronomical rise in car insurance and in the same way it has relied on private companies to provide our health services. I appeal to the Minister of State to listen. Nobody is asking for charity, least of all the group that organised the conference in Ballinasloe.

I would like the Minister of State to comment in regard to the history of the Government and my difficulty in relying on its reassurances that it is going to do something. Some 300 areas have been identified by the Office of Public Works in regard to risk assessments and maps have been drawn up. The next step is obviously the course of action. The Minister of State is chairing the interdepartmental group. I sit on the Committee of Public Accounts, as the Minister of State knows. To our horror, it was brought to our attention some months ago by the Comptroller and Auditor General that a steering group established to plan Ireland's flood defences did not meet for four years until November 2014 - that is a black and white finding in the Comptroller and Auditor General's report. The report also found that an interdepartmental group set up to plan flood risk management, presumably the one now chaired by the Minister of State, did not meet for six years until July 2015. I could go on but there is no point. Those are the findings of the Comptroller and Auditor General, who generally gives very modest conclusions and sticks to facts. Therefore, I would not be at all reassured by the history to date of dealing with our flood problems.

Apart from housing and health, flooding was the biggest issue raised on the doorsteps as we went door to door. We promised and gave our word as candidates that, should we be elected, we would focus on housing, health, public transport and flooding. I make no apology for repeatedly standing up in this Chamber and focusing on those key issues.

Outside of Cork, Galway applied for and received the most in humanitarian assistance pay-

ments from the Department of Social Protection.

9 o'clock

The number of households in Galway that applied for humanitarian assistance from the Department of Social Protection was 158, a higher number than in Cork, at 74, although the households in Cork received higher payments, probably because of higher valuations.

I have great respect for the Office of Public Works which has done great work and is trying to do its best with a limited budget, but this Dáil and the Government have not grasped the enormity of the problem posed by flooding and provided the amount of money needed to provide flood defences. The issue of climate change has not been mentioned in this debate, but it is a fact of life. With others, I have repeatedly said this is our last opportunity to deal with it. Apart from bad planning and the failure to provide flood defences, the major cause of flooding is climate change. We still await the mitigation plan promised by the Government and it is almost December. I do not know how the Ministers of State can sit in silence in the face of the incontrovertible fact that climate change is happening and we have to take action. Where is the national mitigation plan that we were promised? We are already exceeding the emissions targets set for us and will pay millions of euro in fines for failing to take action. On every level we are failing utterly to deal with the problem. That is bad enough because each Government has been negligent, but it is completely unacceptable when community groups give us the facts and figures and beg us to work with them. I support the draft legislation, although, given my previous life in law, I see weaknesses in it. I have no choice but to support it because, at the very least, it might spur the Government into taking action and stop giving us bland and empty rhetoric that the market will provide solutions. We cannot rely on assurances from insurance companies that have absolutely no intention of keeping their word.

An Ceann Comhairle: Three Rural Independent Group Deputies are sharing time.

Deputy Mattie McGrath: I too compliment Deputy Michael McGrath on bringing forward this reasonable Bill. A lot of work and dedicated effort went into it to try to do something for thousands of families up and down the country who are worried. The Minister of State, Deputy Seán Canney, is new in the job and to having scripts written for him. Two Ministers of State read scripts that did not mention a human being, a man, a woman or a child - not even a dog was mentioned. They talked only about what they were going to do using acronyms which Deputy Catherine Connolly said were bland and empty. They were bland, but they were not empty because every place is full of water and they are sitting idly by like women at a wake with no snuff. It is a joke.

I welcome all of the people in the Visitors Gallery. They are ordinary people who are working to try to save properties and families and all we get is this balderdash. I come from Clonmel where excellent work was done by the OPW, except for a few small spots that flooded last year at the end of the scheme in Kilganey, at the Old Bridge and west of the town, but in the main a good job was done. We have demountable defences which have worked and will work, but the Ministers of State are reading the gospel according to all of the moguls and cartels in the insurance business. While that continues, they will rub their fists with glee, while the Ministers of State will rub butter to their fat pigs' you-know-what. It is crazy. The Government is an insult to the people. New politics must have gone out with the flood, but we have had no floods yet this year, since the Government took office, thank God because the Ministers of State would not be able to find them. Members of the Labour Party did not turn up tonight. The former Tánaiste

must have got such a fright last year when she fell out of the canoe. I never saw a canoe on dry land. There was someone pulling it, but the poor fellow could not pull it fast enough and it got stuck in the ground.

Rejecting the Bill is a mockery. It is an effort to put manners on the insurance companies because they do not have them or show respect. They are daylight robbers without engaging in violence, as we have seen in Clonmel and Kilsheelan. They talk about 2009 OPW maps which the Minister of State, Deputy Seán Canney, mentioned, rightly, but they are quoted every day of the week in telling people they cannot be insured. When we look for them, we cannot receive them, but they are quoted and used. It is a disgrace that the Bill is not being accepted. This Fine Gael-led Government, supported by Independents, is as cosy as it ever was with big business and big people.

The Ministers of State must not have read their scripts. I am surprised at Deputy Seán Canney who was a good friend to people in County Tipperary and helped and listened to them. The Ministers of State did not mention a person or a family; they only used acronyms and referred to a memorandum of understanding between the OPW and the industry. I would love to know what kind of memorandum it is because there is definitely no understanding, not one bit. We would need to get a dictionary. They also used the phrase “fair and reasonable”. There is nothing fair or reasonable about houses being flooded and people spending their own money to provide a safe place for themselves, a dry dock, for which they cannot get insurance. It is a cartel, a racket. If it walks like a duck and looks like a duck, it is a duck; it is an insurance cartel that will not provide insurance cover or listen. Why would it when it has all of these memorandums of understanding? The Minister of State is chairman of a committee, but as Deputy Catherine Connolly said, it has not met for four years. That is the contempt they show, as long as Dublin is safe. The River Tolka flooded once and there was uproar and pandemonium, but to hell with the rest of the country, to hell or to Connacht.

An Ceann Comhairle: Will the Deputy give way to Deputy Danny Healy-Rae?

Deputy Mattie McGrath: Is my time up?

An Ceann Comhairle: The Deputy is in full flight, but his time is up.

Deputy Mattie McGrath: I thank all of the people who fight to help themselves. It looks like they will be helping themselves and paddling their own canoes for the foreseeable future and not depending on this merciless Fine Gael-led Government to do anything for them.

Deputy Danny Healy-Rae: I welcome all of the people present from all around the country, especially my neighbours from west Cork. We have had flooding in County Kerry.

I will support the Bill. As well as the people who have been helped by the OPW, there are others who have been flooded and sorted themselves out. They should be looked after too in the Bill. Culverts in housing estates were blocked and the matter was dealt with by the local authority and the people living in them. They should be included in the Bill. They need insurance just like anyone else. I was in Glenflesk, Lackabane and other places around Killarney which were flooded, when the water was flowing in the front door and out the back door. I know how the people concerned felt and how vulnerable they were. A person's home is his or her castle. It is very sad when people's homes are flooded.

The Bill asks the insurance companies to insure people where the problem has been sorted

out. All other categories who have sorted themselves out and can prove why they were flooded should be included. There are many reasons flooding occurs such as the blocking of rivers. Many are still blocked. The Government should have one body or group to look after rivers. The River Shannon has not been cleared since it was cleared by the English in the 1880s.

Deputy Eugene Murphy: That is right.

Deputy Danny Healy-Rae: There are rivers in County Kerry that have not been cleaned in the past 30 or 40 years because of the problem of cross-compliance whereby a landowner or a farmer cannot touch a river because Inland Fisheries Ireland will threaten to jail him or her if he or she does so. Houses and roads did not sink in Glenflesk, but water levels in rivers have risen. That problem needs to be dealt with. Perhaps we might not need the insurance if water was left to flow. I ask the Government and the Minister of State with responsibility for dealing with flooding to deal with these issues and think of the categories which are not included in the Bill.

Deputy Michael Collins: I start by commending Fianna Fáil on bringing this Bill forward in consultation with the Irish National Flood Forum, INFF. The INFF is a voluntary national organisation founded in 2011 in my constituency in Skibbereen, west Cork. I have seen first-hand time and again the trauma caused to businesses and families by flooding. Last year, more than 30 towns and villages experienced major flooding. More than 540 homes and more than 600 businesses around the country were flooded. A total of 155 of these homes were located in Cork and 135 of the businesses affected were Cork businesses. These occurred in areas like Bandon, Skibbereen, Innishannon, Dunmanway and Ballylickey, where homes and businesses were destroyed.

In 1944, Deputy Patrick O'Driscoll from Caheragh, west Cork, spoke in the Dáil about the flooding in west Cork at that time. His grandson, Pdraig, is here today to see this Bill go through. Sixty-two years later, we are still talking about flooding. I acknowledge all of those in the Visitors Gallery from Skibbereen, Bandon and right throughout the country who have seen first-hand the devastation floods have caused to their communities. The OPW has spent millions of euro on flood defence schemes across the county and there is a perception that communities which have had flood schemes delivered are dealt with. However, in areas where flood works have been completed and in areas where remediation work has taken place, there is evidence that people still cannot get flood insurance or are being quoted prices that are making it too difficult to get cover. It is estimated that over 50,000 people are still without flood insurance cover in Ireland. The absence of flood insurance is not only a major worry for homeowners and the owners of businesses; it also acts as a brake on the economic potential of a town and a deterrent to any investor. Without flood insurance these towns and communities lack the key infrastructure that is required to reach their full potential. Homeowners can only sell to cash buyers and businesses cannot borrow to reinvest because banks insist on flood insurance. It is not acceptable that property owners, businesses and farmers continue to be left financially vulnerable because they have no access to flood insurance despite flood defence schemes being put in place. I acknowledge one Minister tonight who did not bother putting on his pair of fancy wellingtons and jumping into canoes. When I visited him in Galway during the year and told him about the flooding that could take place in Bandon, he set about and had the gravel removed. I would like to acknowledge the Minister of State, Deputy Canney.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Collins: The people of Bandon are here tonight to thank the Minister of

State for his efforts in alleviating a major worry that could have been in front of them again this winter.

This Bill will give home and land owners in areas vulnerable to flooding the opportunity to insure their properties. I wish to offer my full support to this Bill and I urge others Members of the House to support it too.

Deputy Catherine Murphy: I welcome this Bill. It is seeking a solution to something that really should not have occurred, that is the targeting of homes and businesses, even in situations in which there has been huge investment to overcome problems where flooding had occurred.

The environment committee I was a member of in the last Dáil carried out an extensive report into this issue. It was published in January of this year. It runs to 164 pages and involved hearings from a very wide body of opinion, including the OPW, the Insurance Federation, the INFF, Kildare County Council and the Society of St. Vincent de Paul, which was involved in distributing funds, albeit inadequate, to businesses and mostly homes that had been flooded. The report outlined a number of key recommendations to deal with this issue. However, the report itself was unfortunately never debated in the Dáil. That might be something that could be looked at.

There is significant value in the CFRAM study, which maps locations that are likely to flood. It was an attempt to address the kind of experience in the past in which lands that were prone to flooding were zoned. That caused all sorts of problems. The whole idea of the CFRAM study was to make sure that did not happen again. Development plans were based on very good evidence. The problem is that the insurance industry took a document that was put together for very good reason to pretty much code areas, even in situations in which there had been no previous evidence of flooding. The CFRAM study now amounts to insurance companies being given a set of locations from the study from which they may wish to exclude homes and businesses from cover, increase premiums or put a limit on compensation returned. Whole areas appear to have had their insurance increased, even where there has been no previous experience of flooding. The report also considered the issue of climate change. That obviously has to be front and centre on this issue because it would require ongoing investment.

A report in *The Times* of London in 2013 stated that thousands of homes could lose value and become more expensive to insure after the publication of the first official maps showing areas of high, medium and low risk of water flooding. That demonstrates that wherever this information is provided, not just in Ireland but in other jurisdictions, insurance companies display the same kind of behaviour. Providing information in a public format to assist good planning cannot be allowed to be counterproductive. That is why the intervention has to happen.

Proximity to a water course seems to ignore prior history and even the topography of the area. For example, someone living on the top of a hill with a water course 500 m away from them at the bottom of the hill with no risk of flooding can find themselves with a prohibitively high insurance bill. I have examples of that. It puts insurance out of reach. When somebody is unable to take out insurance, the Government must remember that the responsibility is then on the State to provide compensation schemes. We must look at this in its totality.

Really good work has been undertaken by many local authorities under the direction of the OPW in recent years. It seems to count for nought then when premiums are being sought or issued. My local authority was invited before the committee because it had carried out excellent

work following some very significant flooding events. It came in and identified good practice. Essentially, some of those very same areas, where there have been major floods, cannot get flood insurance after the remediation scheme was put in place. Not only were the defences well designed, they actually held up very well when they were tested by the very circumstances that they were designed to withstand. The insurance companies are being very picky here. There must be an intervention when what is happening is not in the public good.

I have been in homes that have been flooded. It is absolute devastation. In those situations, people do not talk about their insurance premium going up. The first thing they say is that what they really want is for it never to happen to them again. They want the remediation scheme. However, when the remediation scheme is put in place, they do not want to be paying a higher premium again, and why should they? I believe there is something very unfair happening.

In the report, there were a number of recommendations. One factor identified by the committee was the problem of householders located in geo-coded areas who were refused cover or had their premiums increase, even though their property had not been flooded. The committee heard from organisations representing those that had been excluded from flood cover or at risk of being excluded, with the result that their homes were no longer mortgageable. The value of their homes had plummeted. However, the committee was informed by the insurance industry witness that geo-coding pinpoints a property. There is confusion as to the reason for this problem. The problem is that the insurance industry might be confused about it. However, we certainly should not accept their confusion. We should act in the public interest, which means intervening.

I listened to some of the Minister of State's response to this issue. It seems to me the primary point being made by the Government is that insurance companies might be scared off if we intervene but we need to start rattling their cage because what they are doing here is unfair. What they are doing will actually cost the State money, as well as the individuals who are flooded. We must take the insurance companies on and this Bill seeks to put a solution in place. It may not be perfect but the whole point of Second Stage is that if a Bill is not perfect, it is brought to Committee Stage and improved. It is open to the Government to do that. This Bill is actually addressing a serious problem that exists at the moment.

Deputy Aindrias Moynihan: I welcome the Bill introduced by Deputy Michael McGrath. It is a positive Bill which aims to ease the financial burden on home and business owners who are unable to get reasonable insurance due to flooding concerns. Insurance companies should not be allowed to discriminate against homes and businesses in areas of the standard one in one hundred year flood risk or even better. In my own area along the Lee Valley, the catchment flood risk assessment and management, CFRAM, pilot was carried out. Communities in Ballingearry, Inchigeela, Crookstown, Baile Bhuirne, Ballymakeera and Ballincollig are struggling with flooding regularly and need to see those flood defences built as quickly as possible. At the same time, there are people living in those communities whose homes are outside the flood zone who are also struggling to obtain insurance in spite of the fact that they have never been flooded. It must also be borne in mind that buying a house can be obstructed in the absence of flood insurance.

Tá sé tábhachtach go mbogfaí chun cinn na hoibreacha, agus é sin chomh tapaidh agus is féidir, chun cosaint a thabhairt d'áiteanna cosúil le Baile Bhuirne, Baile Mhic Íre, Inse Geimhleach, Béal Átha an Ghaorthaidh agus go leor eile agus go mbeadh cosaint ar fáil dóibh ó na tuilte agus go mbeadh an faoiseamh agus an t-árachas ar fáil dóibh.

Deputy Jackie Cahill: I compliment Deputy Michael McGrath for introducing this Bill which will help to alleviate the financial pressure on home and business owners who are unable to get reasonable insurance cover due to flooding concerns. Major capital investment is being made to alleviate flooding in a lot of towns around the country. However, we are ignoring Inland Fisheries Ireland and the powers of that body. It is preventing people from clearing the waterways. The principal purpose of waterways is to carry water but that basic point seems to have passed Inland Fisheries Ireland by. At times of flooding if pressure was put on Inland Fisheries Ireland and some of its powers curbed that would help to alleviate flooding in some areas.

The Flood Insurance Bill 2016 requires the industry not to discriminate against those who live in areas which are designated as having a one in one hundred year risk of flooding or better. That is just common sense and the practices of the insurance industry must be tackled by this House. This is the first step towards bringing common sense back into insurance. The Bill will oblige insurance companies to provide cover to people who live in areas where millions of euro have been spent on flood defences.

In my own constituency, over €100 million was spent in Clonmel. The general agreement is that it has been a success and yet people are still finding it difficult to get insurance. The same has happened in Carrick-on-Suir. In Templemore approximately €9 million has been ring-fenced for the construction of flood defences but people in that area also have difficulties in obtaining insurance. Following the carrying out of capital works in various areas only 20 houses were flooded, which proves conclusively that the flood defences have worked. The insurance industry must be brought to book and obliged to give people adequate cover.

Deputy Bobby Aylward: As a public representative who witnessed the utter devastation caused by flooding in my constituency last year, I welcome the legislation brought before the House tonight by my Fianna Fáil colleagues. The Bill seeks to ensure that insurance companies cannot discriminate against home and business owners in areas where major flood defences have been completed by the OPW. The insurance companies have refused to meaningfully engage with the many people affected by flood damage so it is only right that they be legislatively bound to do so. A total of 37 flood defence schemes have recently been completed by the OPW and the office has a capital allocation of €480 million for new flood defence projects up to 2021. This legislation can effect lasting change for people in those 37 areas which have had their flood defences improved and for those communities which will benefit from future flood defence projects.

We have a great opportunity to provide those who have suffered greatly with the safety buffer of adequate flood defences and the peace of mind that comes with having insurance in the event that the worst happens. Last year the communities of Thomastown and Inistioge on the River Nore, Graiguenamanagh on the River Barrow and Piltown on the River Suir were some of the worst affected areas in my constituency of Carlow-Kilkenny. The aforementioned rivers are better known as the three sisters and are the main arteries in the Carlow, Kilkenny area. People were utterly devastated and they continue to live under a cloud of anxiety lest the waters begin to rise again.

Since then, the OPW and Kilkenny County Council have begun drafting flood risk management plans and I commend them for the work done so far and for their engagement with the affected communities. When the flood relief schemes are completed by the OPW, which I hope will be soon, I want my constituents to be able to secure insurance so that they can sleep sound-

ly when the rain starts falling. People should not live in fear or be forced from their homes. I urge the Government to accept the Bill and implement its provisions without delay.

I must say that some great work has been done in Kilkenny. The city was flooded regularly and indeed, it was famous for flooding in the 18th, 19th and 20th centuries. The €45 million that was spent in Kilkenny city was very well spent. That said, it created its own problems in that the River Nore now runs faster through the city and areas downstream like Bennettsbridge, Thomastown and Inistioge are now suffering. We need more money for further flood defence works which have proven to be effective. We also need the insurance companies to recognise the areas where such works have been carried out.

Deputy Kevin O’Keeffe: I commend my party colleague, Deputy Michael McGrath, and urge the Government to accede to his request to allow this Bill to go forward to Committee Stage where amendments can be discussed.

This Bill will compel insurance companies to provide cover to people in areas where flood defence works have been completed, including demountable defences. If these defences are not good enough for the insurance companies, are we going to tell the OPW engineers to go back to the drawing board and come up with better, more concrete solutions for other areas such as Midleton, Mallow and Fermoy? Does the Government propose to provide its own indemnity scheme? We must remember that these home and business owners pay rates and local property tax and deserve value for their money.

Over ten years ago when I was a councillor I met the former Minister of State with responsibility for the OPW, Tom Parlon, and made representations on behalf of the people of Fermoy. Some of the members of that delegation have gone to their eternal reward, including Phyllis Nelligan and Jim Bartley. Luckily enough, Tom Parlon’s successor was the former Fianna Fáil Minister of State, Martin Mansergh, and he ensured that money was ring-fenced for Fermoy and Mallow. The day 30 December 2015 was a defining day for Fermoy when the flood barriers were put in place and worked successfully. They saved both sides of the town of Fermoy, north and south. The flood barriers in Mallow were also a success. While the rest of Cork was being flooded the people of Fermoy and Mallow were able to relax. In fact, there is a pub in Brian Boru Square in Fermoy, the Avondhu Bar which has flooded many times. However, this time it was able to hold a party. People came out onto Brian Boru Square and said it is working. The businesses, including the Grand Hotel across the river, were involved also.

There are solutions to this problem and ways of providing insurance. Deputy Michael McGrath knows the background to these issues but across the water in Britain they have looked at a different method of reinsurance, Flood Re, which is a non-profit effort by the insurance companies. The Minister should be asked to look at these areas. In fairness, in 2014, during the term of the previous Government, there was a memorandum of understanding that the insurance companies, with the agreement of the Office of Public Works, would come up with some solution.

There are no defences in place for many of the people in the Gallery. They might ask why is O’Keeffe talking about this when he has defences in place but I have a list of people, properties and householders who have no insurance today but who have the best defence in place.

Deputy Michael McGrath: Hear, hear.

Deputy Kevin O’Keeffe: It is about the amount of it. It is working; I have seen it on the

ground. I ask that the Minister allow this Bill to move forward to Committee Stage.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy): On behalf of the Government and the Ministers of State, Deputies Eoghan Murphy and Canney, I would like to acknowledge the presence of the people in the Gallery who have travelled from across the country to hear tonight's debate. As a public representative in the Shannon catchment area in Offaly and north Tipperary, I am only too well aware of the devastation flooding causes to individuals, families and communities. I acknowledge also the fantastic support the communities provide for each other at times like this when we see community resilience at its best. It works particularly well when supported by the local authorities, which are the lead agencies in all of these flood events.

As my colleagues, the Ministers of State, Deputies Eoghan Murphy and Canney, mentioned at the outset, this Government is very conscious of the problems experienced by certain households and businesses in securing flood insurance in areas most at risk of flooding. It is appreciated that Deputy Michael McGrath's aim in drafting this Bill is an attempt to address the issue of improved insurance cover for potential flood events, something which is of concern to all of us. However, in our view the Bill as proposed will not achieve that goal.

A major concern we have with the Bill is that it could lead to a situation whereby insurers are forced to provide a significant level of cover at inappropriate pricing levels, following an arbitration by the Financial Services Ombudsman. In our view, this would almost certainly result in a significant increase in household insurance premiums across the board as low risk policies would be required to subsidise higher risk ones. Such an occurrence would run contrary to Government policy to try to bring down the cost of non-life insurance policies in general through the work of the cost of insurance working.

Another concern is that this proposed legislation could have an impact on the quality of home insurance cover that is available, as the Bill specifically links the provision of property insurance to flood cover - in other words, one cannot get one without the other. Consequently, insurers may choose to only offer minimum cover in an effort to control the risk, and introduce higher excesses that policyholders must first pay themselves before a pay-out would be made. We are also concerned that some companies could choose to withdraw from the household insurance sector of the Irish market altogether. In view of the very small size of the Irish market, this would have a knock-on effect on price.

With regard to legal issues, we have a number of concerns on which the Department of Finance is consulting the Office of the Attorney General. In particular, we believe the Bill may run contrary to the EU Solvency II Directive and that there may be a requirement to consult with the European Central Bank on the proposed additional functions for the Central Bank as well as potential constitutional issues with the absence of an appeal mechanism for the regulated financial service providers targeted in the legislation.

The plans coming from catchment flood risk assessment and management, CFRAM, highlight that almost 95% of properties at risk from flooding in high risk areas will benefit from flood defence schemes as a result of Government investment. The Government has provided a significant increase in the Office of Public Works, OPW, budget for flood relief over the coming years to accelerate the implementation of these works, with €430 million allocated for the period 2016-21. In this time, the OPW's annual spend on capital flood relief works will more than double to €100 million.

I want to acknowledge the genuine positive comments from previous speakers on Government investment so far in areas of very high risk. I acknowledge also the efforts of the Minister of State, Deputy Canney, and the former Minister of State, Deputy Harris, in ensuring that happened.

I must reiterate the position of my colleagues, the Ministers of State, Deputies Eoghan Murphy and Canney, and repeat that the Government view is that this Bill as it stands would make for bad legislation. The Government has serious concerns about the proposed Bill in terms of pricing, competition and impact on availability as well as legal concerns. However, that was discussed by Government earlier today and notwithstanding the serious and material concerns, the Government will not oppose the Bill going to pre-legislative scrutiny.

An Ceann Comhairle: We move on to Deputy James Browne who I understand is sharing with a number of colleagues.

Deputy James Browne: I am taking two minutes and sharing with a number of colleagues. I welcome the Flood Insurance Bill and thank my colleague, Deputy Michael McGrath, for bringing it forward. The packed Gallery is testament to the importance of the Bill and the area of insurance, with people coming from the north, south, east and west of the country. The way people have been treated in the area of insurance is testament to the practice of insurance companies across the board, and we have seen with regard to motor insurance how the most vulnerable people in society are being targeted. The insurance companies must be tackled over their cherry-picking.

This is a particularly important issue in my county of Wexford. Flooding on the River Slaney is an increasingly regular occurrence. In my home town we have seen the devastation wreaked on families, home owners and family businesses when the town floods. Last year, the President kindly visited to highlight the difficulties in the county and in Enniscorthy town in particular. When faced with the devastation caused by flooding, these families must then deal with the emotional and physical wreckage of that but they must also face the financial ruin wreaked because of the inability to either get insurance or get it at a reasonable price.

A €40 million flood defence programme is on course for Enniscorthy, which is very welcome. However, under the law as it currently stands, even when that is built and certified by the OPW, the people of Enniscorthy, as is the experience of people across Ireland, will not be able to get insurance cover. Insurance companies will continue to be able to discriminate against these Wexford families despite the investment from the taxpayer. That is unacceptable and it places families and businesses under unnecessary stress and financial pressure. I welcome the Bill as a step towards resolving the discrimination people are suffering.

Deputy Mary Butler: Across the country tonight thousands of home owners and businesses are denied access to insurance because of where they live. There are thousands of people at home tonight who are not insured. Even in areas that have undergone significant flood defence improvements, those seeking insurance are often denied it. The absence of flood insurance is not only a matter of grave concern for home owners and their peace of mind but also a very important issue for the lifeblood of the local economy and the communities affected. Businesses that cannot access flood insurance, even if there is little or no risk of flood events given the successful implementation of the schemes, are denied credit from financial institutions and may not be able to expand. The very livelihood of the people involved in the business is under real threat. Small and medium enterprises, SMEs, are the backbone of our economy and need

all the support they can get.

I refer to a forecourt on the outskirts of Lismore that sells petrol and diesel. When the River Blackwater burst its banks in January, the tanks containing the diesel and petrol were flooded, with flood water causing damage amounting to €24,000. Luckily, the shop premises were saved. However, it is after the big clean-up when the water recedes when the issues arise. It is trying to win back the support and confidence of one's customers, deal with the claims and make sure that one is sufficiently ensured to face the following year's business.

We all remember the floods of January last and the way people were forced from their homes, for months on end in some cases. In my area of Portlaw, County Waterford, the River Clodiagh burst its banks causing a single home to flood. It was cut off from the main road and three people were trapped in the house. I do not like making things personal, but my own mother of 79 years was one of those people, and her aunt and uncle. She had been visiting at the time. I was outside and I texted on Facebook, "Please come and help", and the community rallied round. They came from all over. We were there, up to our knees in water, and all of a sudden the banks of the river burst, and at that stage I was waist high in water, with a 79-year-old woman inside and two others aged 75. It was ironic to think that it was a member of the Carrick river rescue who oversaw the evacuation of three people, as the gardaí could not get through the flood. At the same time, the Carrick-on-Suir River Rescue base was flooding when the River Suir burst its banks.

Insurance companies cannot continue to discriminate against homeowners and businesses that are at risk of flooding. Fair treatment is required. All people want is a level playing pitch.

I sat here tonight and listened to everyone, including the Government. I commend the Minister of State, Deputy Canney, because he has met a group which came up from Waterford and his office is always open to us.

However, this is the most important document here tonight - the Bill entitled an Act to provide for fairness in the market for property insurance. That says it all. Once again, I would appeal to the Government to let this go to Committee Stage and debate it there, and let it go through the Houses. If necessary, we can improve it.

Deputy Dara Calleary: I thank Deputy Michael McGrath and all of my colleagues who spoke on this important Bill. I acknowledge the announcement of the Minister of State, Deputy Corcoran-Kennedy, that the Government will not oppose it proceeding to scrutiny on Committee Stage.

I was concerned, because I heard some of the remarks on the monitor in my office, at the manner of some contributions. The scripts, and in the manner in which they were delivered, do not reflect the Deputies' personal views. The scripts and the message from the Government suggest - I also got this from previous debates on insurance - that the Government has been captured by the insurance industry and that the insurance industry agenda is first and foremost in its thoughts. I know that not to be the way for the Minister of State personally, but that is the impression that was given here during the course of the debate this evening.

Many of my colleagues and others here, both in the Chamber and in the Gallery, know what it is like to have one's house or business flooded and know the aftermath, but I wonder if the executives of these insurance companies know what it is like. Do they know what it is like not to sleep for months on end with the fear that every heavy shower of rain will end up inside in

one's living room or business porch, and when every shower of rain that comes adds to the level of the river that will inevitably come inside one's house? Even if one is lucky enough to have had a defence mechanism in place and to have taxpayer investment into one's community, one still cannot be guaranteed insurance by a private insurance company even with the benefit of that taxpayers' investment, is appalling and is a dereliction of duty on all of our parts. However, if one is among those communities that have yet to get to the stage of having that major investment and of having that scheme put in, one has not a hope of getting insurance. In fact, one has been left exposed because of last year's events, and one could be left exposed for many years.

I acknowledge the work the Minister of State, Deputy Canney, and Deputy Moran have brought to the OPW since they took up their positions. Much of the success of that work lies in the minor works scheme that is being delivered by the OPW and, on the ground, by local authorities.

There is still a considerable delay in delivering the large schemes. I listened to the Minister of State, Deputy Canney, last week answering OPW questions from Deputy Brendan Smith, where, once again, the pearl mussel came up. I refer to the pearl mussel that has obstructed progress in Crossmolina. The same pearl mussel is obstructing progress in County Cavan as well. It struck me that we are putting the interests of species and things that can be controlled before that of people and communities.

We have asked on several occasions for the OPW to go back to the traditional dredging. I refer to the traditional cleaning of rivers that was done well, and with respect for the environment, in our parents' time and grandparents' time, but while there is political belief in that - the Minister of State, Deputy Canney, believes in it - it seems the OPW can say "No", and it appears nobody wants to take the office on.

My party, led by Deputies Eugene Murphy and Troy, has proposed a Shannon river authority, but I think the time has come for one single river authority in Ireland because, time and time again, State agency plays off State agency. The OPW blames the EPA, which blames the local authorities which blame the ESB and in the end, homes, people and families get flooded and cannot get insurance. What we have got to do is stop the blame culture, and actually get a bit of action. The Minister of State, Deputy Canney, and Deputy Moran will do it.

This weekend is the first anniversary of Storm Desmond. Were it to happen again this weekend, the damage would be as great and as impactful and families and communities would again be on the streets. We cannot stand by quietly and allow that happen. We most certainly cannot stand by and allow the interests of the insurance industry take precedence over that of our communities, our people and our small businesses around the country. It is time to stand by people and to leave the insurance industry and the interests of profit aside, put the interests of our people and our communities first; the insurance industry will be well able to look after itself.

Question put and agreed to.

Flood Insurance Bill 2016: Referral to Select Committee

An Ceann Comhairle: As this is a Private Members' Bill, it must, under Standing Orders 84A(3)(a) and 141, be referred to a select committee and the relevant committee for this Bill is the Select Committee on Housing, Planning, Community and Local Government. Does the Deputy wish to move the referral motion now?

29 November 2016

Deputy Michael McGrath: I move:

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 141.

Can I clarify the committee to which the Bill is being referred? As an insurance Bill, is it not going to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach?

An Ceann Comhairle: It is to be referred to the Select Committee on Housing, Planning, Community and Local Government.

Deputy Michael McGrath: Is that the ruling of the Ceann Comhairle's office?

An Ceann Comhairle: That is according to the note I have here.

Deputy Michael McGrath: I will make inquiries.

An Ceann Comhairle: We can revise, if necessary.

Question put and agreed to.

The Dáil adjourned at 9.47 p.m. until 12 noon on Wednesday, 30 November 2016.

