



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 13 Nollaig 2016

Tuesday, 13 December 2016

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: The issue I want to bring to the Taoiseach's attention this afternoon is a crisis in the availability of post-primary places for children on the autistic spectrum. There is a chronic lack of places and a similar lack of secondary schools making provision for children and young people on the autism spectrum. If one looks at how the primary situation evolved over the past decade and a half, one will see that initially in the late 1990s - from 1998 onwards - departmental inspectors engaged with schools to facilitate the establishment of many special classes in primary schools. There was quite dramatic growth and engagement.

There has been a complete absence of that kind of proactivity, co-ordination and demographic planning at second level for children with autism. Overall, we have 548 autistic spectrum disorder, ASD, classes at primary level, which are classes for children with autism. At post-primary level, there are 237. One can immediately see the enormous shortage of suitable places. There is also a complete lack of proactivity on the part of the Department of Education and Skills. The National Council for Special Education does not have the powers to instruct schools to take in children with autism.

There is no planning and every year there is incredible pressure on parents to do all the running. Everything is left to the last minute. A meeting was organised in Cork last night by a teacher who worked in a school with a special autism unit at second level. He is absolutely fed up of having to deal with the anguish of parents who are applying to this particular school but who are told there are no places available. There are not many other schools to send their children to because very few offer second-level placements for children with autism. There was a huge turnout at the meeting but this is a national issue. In every county there are parents who do not know where their children will be next September. This is because of gaps in the legislative framework and the absence of a proper engagement with schools, as well as a lack of proper planning and of resources.

The wherewithal to deal with this matter exists in the Education (Admission to Schools) Bill. Will the Government agree to give powers to the National Council for Special Education,

NCSE, to ensure that children are accepted by second-level schools and to instruct such schools to set up special units? It cannot be left to a small number of second-level schools to do it but that is what is going on at the moment. It is about time that everybody put their shoulder to the wheel and that the national council is given the legislative powers it needs.

The Taoiseach: It is always a very difficult situation when a child is assessed as being on a particular point on the autistic spectrum and it creates a great challenge for the child, the parents and a school. In some cases, however, things work out very well. The NCSE is carrying out a review of facilities for autistic children nationally, with particular emphasis on Cork. The number of classes for autistic children has increased from 500 to 1,000 in the past five years. This is an increase of 100% and it is continuing. It is a decision for each school as to whether it wishes to have an ASD class. The decision is not for the Department to make. There is full engagement because this service is critical in the lives of the children concerned, as well as fundamental to the lives of their parents and children in general. The Minister for Education and Skills and his Department will continue to expand the number of ASD classes because they are a fundamental part of allowing every child the best opportunity to make his or her way forward. The increase in classes that I mentioned will continue and the strategy will make further progress in the time ahead.

Deputy Micheál Martin: The Taoiseach has not answered the question and his reply is dangerously disengaged and disconnected. There are 548 special classes at primary level and 237 at post-primary level. There is also a big shortage at preschool level but I am concentrating on post-primary level. The Taoiseach said it was up to schools to decide but that is what I am asking him to end. It can no longer be left to individual schools to decide. At primary level, every single school got involved after 1998 when we brought in automatic entitlement at primary level for children with special needs. At post-primary level, only certain schools are working to take in children on the autistic spectrum. The rest of the schools are not engaging and the Department is not engaging with them. Everybody in this House knows that this is happening each year. It is appalling and scandalous that parents have no idea whether they will have a place next September. There is no need for this situation in light of all the work that has been done in the primary sector in the past decade and a half. Everybody should know who is coming through the primary sector and there should be proper assessments.

It really worries me that the Taoiseach did not really respond to my key point. There is some progress in the Education (Admission to Schools) Bill towards this end but the legislation needs to be strengthened dramatically. First, it should be strengthened to place an absolute requirement on a second-level school to accept a child in the locality who is on the autistic spectrum and who is recommended for such a placement. Second, the national council should have the powers to engage proactively, to plan, map, organise and co-ordinate the provision of units-----

An Ceann Comhairle: I thank Deputy Martin. His time is up.

Deputy Micheál Martin: -----for children with autism at second level and to instruct schools to establish such units and resource them effectively. That is the way to do it. The matter cries out for such action and intervention. The schools admissions Bill is the way to do it. Will the Taoiseach indicate that the Government would be willing to accept amendments to the Bill to make sure this becomes a reality?

The Taoiseach: The matter should be discussed on Committee Stage. The Deputy asks that the State compel schools to form such classes.

Deputy Micheál Martin: Absolutely.

The Taoiseach: He is aware that the State can oblige a school to take in a pupil. It is a very different prospect to legislate to the effect that such classes for children with autism must be created. This is a big difference. I am quite sure the Minister is willing to tease out the issue on Committee Stage of the schools admissions Bill. However, the Deputy suggests that boards of management in secondary schools should receive orders from the Department of Education and Skills to create classes for ASD children-----

Deputy Micheál Martin: We are saying we must have an inclusive society.

The Taoiseach: -----whereas we know that the Department can oblige a school to take a child into a class if the school attempts to refuse to do so. It is a different prospect to set out to issue instructions and orders to every school to form ASD classes. The Minister would be very happy to engage with the Deputy or anyone else on the matter in the discussions on Committee Stage of the admissions to schools Bill.

Deputy Gerry Adams: Today the Taoiseach's Government launched its long-overdue and long-promised propositions for the residential rental sector. Despite the Government's reluctance to support rent certainty in the past, Sinn Féin had hoped rent certainty would be part of the Government's plan. We had hoped some relief would be given to the more than 700,000 citizens struggling with increased rents. The case for introducing rent certainty could not be more obvious. Rents have risen by almost 12% since this time last year and continue to rise because the Government has failed objectively and abjectly to address the rental crisis. The current annual rental increase is the largest on record. Four households per day are losing their homes. Last month's *daft.ie* quarterly rental report showed average rents throughout the State are now more than €1,000 per month. The figure for Dublin is more than €1,500. It is out of control. Rents are already at unsustainable levels. Today's announcement lacks ambition and will actually compound the difficulties faced by citizens.

The most glaring omission is the absence of a system of rent certainty linking annual rent reviews to an index such as the consumer price index, as proposed by the Dáil Committee on Housing and Homelessness. What has been produced is an *ad hoc* package by an *ad hoc* Government supported by an *ad hoc* Fianna Fáil Party that plucks the arbitrary figure of 4% out of nowhere to be applied to rent increases annually in Dublin and Cork. This means that those currently renting an average-priced property in Dublin will pay an extra €2,314 over the course of the next three years. In Cork, the increase will be €1,628. Does the Taoiseach think people have this kind of money? Does he think they can afford this? What about those who live outside Dublin? The old rules still apply. What about people in Galway, Castlebar, Sligo or other parts of the State? Rents in my constituency are now at an average of €913 per month. This represents a 15% increase. In Dundalk, people are paying €400 extra; in Drogheda, almost €700. Citizens need the Government's help. They have not got it. Today's announcement will copper-fasten a wider housing crisis that Fine Gael and Fianna Fáil have consistently refused to deal with.

The two parties voted against Sinn Féin's rent certainty proposals three times. Why did they do so? Why will the Government not introduce rent certainty? It says it cannot interfere with the market. It says it is okay to force through emergency laws to cut public services and wages, it is okay to reward the greed of private bankers and it is okay to force struggling families to pay this bill, but it will not introduce rent certainty. The Government could do it today if it wanted.

It could link rent increases to the consumer price index. Will the Government do this?

The Taoiseach: In the past hour, the Minister for Housing, Planning, Community and Local Government has launched publically the rental strategy which has been worked on extensively in recent months. The rental strategy covers a number of areas relating to security which will bring greater certainty to tenants and landlords. It covers supply and will maintain levels of existing rental stock and promote additional supply through a variety of measures. It covers standards to improve the quality and management of rental accommodation. It covers services in respect of broadening and strengthening the role and powers of the Residential Tenancies Board to more effectively provide key services to tenants and landlords. There will be an extensive discussion on this today at the Oireachtas committee.

Obviously, this is an issue that is complex and not easy to resolve. The fundamental flaw in the situation that has arisen regarding the construction sector has been the lack of supply of housing. That is the fundamental issue. Rents in this city, Cork and a number of other areas throughout the country have begun to increase. It is happening to an extraordinary extent in Dublin. The Minister now proposes to intervene in the market to bring predictability in respect of the increases allowed and the time limits imposed. This measure is being taken to limit the scale of increases in rent and to provide predictability and certainty for tenants, many of whom are hard pressed, in houses in two cities where there is a distinct shortage of supply. This is not a blanket intervention in the market for an indefinite period. It is focused and targeted on areas subject to increases in rent over a period as determined and approved as rent pressure zones by the Minister for Housing, Planning Community and Local Government.

I do not accept the argument of Deputy Adams in respect of this not going far enough. This has been a difficult situation for the Minister to attempt to rectify. Obviously, the housing market nationally suffers from a serious lack of supply. This is where the other elements of the comprehensive housing strategy brought in by the Minister are focused. A time limit is set out in a focused and strategic way in the interests of tenants and landlords.

Deputy Gerry Adams: The Taoiseach says this has been a difficult situation for the Minister; God help him facing this situation. We have heard it all before - Enda-speak, platitudes and plamáas. The Taoiseach says it is quite complex. The bottom line is the Government has refused to act on rent certainty once again. The Government and the other team across the floor have created the biggest housing emergency in the history of the State. Under the Taoiseach's Governments, there has been one certainty where wealth has been transferred from the poorest to the better off and social mobility has been reversed. Poverty and inequality have increased.

Today, the Government and Fianna Fáil, if it supports the Government with its confidence and supply agreement, have guaranteed that citizens renting in Dublin will pay €2,300 more for exactly the same property in three years' time. They have ensured that inflation and the cost of living are going to increase savagely. They have guaranteed knock-on pay demands in the private and public sector and ensured that people are going to be priced out of their homes. I will ask the Taoiseach again. Why does the Government not bring certainty to these tenants?

The Taoiseach: This is a comprehensive programme. I am sure Deputy Adams has not read it yet. He might make time to read it.

Deputy Dessie Ellis: There are too many landlords. That is the problem.

The Taoiseach: There are a number of key actions, first, to introduce rent pressure zones

to provide rent predictability in areas where there is unsustainable rent inflation. That includes this city and Cork. Evidence of that is before our eyes and we either do nothing or something. The second action is to provide more effective termination procedures for non-payment of rent and the third will place restrictions on the use of sale as a reason for ending a tenancy, something the Minister has referred to as the Tyrrelstown amendment. The fourth action is, through engagement, to encourage banks and landlord borrowers to agree sustainable solutions to buy-to-let arrears which result in properties being retained in the rental sector. The fifth action is to review how landlord obligations are addressed during receiverships of encumbered buy-to-lets in order to secure protections for tenants. The sixth action is to improve enforcement of the Residential Tenancies Board's determination orders. The seventh action is to encourage longer-term lettings by allowing unfurnished lettings, as in other jurisdictions, subject to the introduction of an appropriate standard and a minimum lease term of ten years. This plan, which is in the interests of hard-pressed tenants who are experiencing severe rent inflation as a result of the lack of supply of housing, is one element of a comprehensive housing strategy that focuses on dealing with housing right across the spectrum. It will be the subject of extensive debate and discussion in the committee and the Dáil over the course of this week. It is in the interests of tenants and landlords.

Deputy Brendan Howlin: Last Thursday, the Minister for Housing, Planning, Community and Local Government urged the Dáil to reject the Social and Affordable Housing Bill 2016, which was proposed by the Labour Party. According to the amendment he proposed, our Bill "pre-empts" the delivery of the commitment in his action plan for housing and homelessness to publish "a strategy for the rental sector". We now find ourselves in a daft position. The Government announced its strategy for the rental sector earlier today. In two days' time, the House will be invited to vote down a housing Bill on the basis that it is premature in advance of the publication of the strategy. I hope all Members of the House remember on Thursday that this was the reason given by the Government for not providing rent certainty. The Minister, Deputy Coveney, promised last week that the rental strategy would, above all else, provide "predictability for landlords and tenants and... improve security of tenure", so we cleared the decks and waited expectantly. To put it bluntly, the Government has failed the test today.

The only way the Government can stand over this excuse for a strategy is by admitting that it has no real grasp of the nature and scale of the problem. Tenants are facing increasing pressures, such as increasingly unaffordable rents, insecurity of tenure and poor standards. Many single people and families now spend 40% of their net incomes on modest private rental accommodation. As we have just heard, rents have increased by an unprecedented 12% in the past year. It is obvious that one solution is to increase supply, but that alone is unlikely to stabilise or reduce house prices or rents. Everyone apart from the Government and the Fianna Fáil Party now agrees that rent control is needed. This view is shared by Threshold, Focus Ireland, the Simon Community, the Peter McVerry Trust and the National Economic and Social Council. The all-party Committee on Housing and Homelessness recommended that rent reviews be linked to the consumer price index or a similar index. There is virtual unanimity on doing this, but for some reason that is not enough to persuade this minority Government and Fianna Fáil.

As the Taoiseach knows, rent regulation is the norm in Germany, France, Belgium, the Netherlands, Denmark and Sweden. He is aware that the Labour Party did not become converts to rent regulation in opposition. We did our best to get movement on it when we were sitting on the other side of the House. The Taoiseach knows how ferocious the lobby on these issues was and remains. He will agree that a concerted campaign waged by Irish and international

property and mortgage interests against any form of rent regulation has so far held sway. When a representative of the biggest landlord in the country was interviewed in *The Irish Times* last month, he referred to the Irish rental market as “a great market”. He said that his company would be content with 3% annual rent increases but, astonishingly, the Government and Fianna Fáil believes that a 4% limit on rent increases is acceptable. I suggest that such a measure is not enough. I ask the Taoiseach, even at this late hour, to accept the consensus that rent controls are required in the crisis market that currently exists and to allow the Labour Party Bill that will be voted on in the Dáil on Thursday to be agreed.

The Taoiseach: The Labour Party is perfectly entitled to put forward its Bill. It is focused on keeping rent in line with the consumer price index nationally. This would undermine completely the ability to supply the necessary number of houses to help ease this situation. Other elements of the Bill are compatible with what the Minister has produced today on behalf of the Government such as, for example, longer tenancies through a variety of arrangements with landlords.

Deputy Brendan Howlin: They can charge what they want.

Deputy Simon Coveney: They cannot.

The Taoiseach: New dwellings are exempt under this programme, as are completely refurbished existing dwellings, which brings them within the scope and scale of what the Minister is talking about. This is targeted and focused. The Deputy’s Bill seems to be a national clamp-down. Landlords, in the vast majority of cases, are owners of private property and, clearly, there is an issue in respect of determining what rent increase might apply. The Minister is proposing - under an assessed and agreed system - where pressure exists for rent inflation over a period, to set a cap on the rent increase that can be levied. Within that, the rent pressure zone would apply for a three-year term. There may be additions or areas may drop out, but this is based on balancing the opportunities for tenants to have predictability and certainty and to have much longer tenancies available to them, with incentives for landlords to continue to supply accommodation that can be rented.

There has been a significant increase in the number of tenancies over the years. People are happy to enter into tenancies that are compatible with their needs and this can only be effective where the issue with the supply of houses is dealt with. That is the other focus of the programme being introduced by the Minister. Clearly, that is a fundamental issue that has been lacking since the collapse of the construction sector a number of years ago. This is part of the overall housing strategy approved by Government, and, hopefully, accepted by Members in the context of giving predictability and opportunity, while at the same time offering a balance between the availability of existing tenancies. New houses and completely refurbished existing dwellings are exempt. This is a time limited, focused strategy to allow the opportunity for supply to come on stream.

Deputy Brendan Howlin: The Taoiseach is arguing an increasingly lonely, isolated and unsustainable position. Does he not accept the view of those on the front line, including Threshold, Focus Ireland, the Simon Community, the Peter McVerry Trust and even the NESC on these matters? Are they all wrong in respect of this issue, with only the Government and Fianna Fáil in the right?

The Government is proposing an allowable rent increase that is a multiple of any index? It

is eight times the consumer price index. How could that be justified? Someone paying €1,500 a month could under its plan spend an additional €19,000 in after-tax income on rent over the next three years. That is an extraordinary amount, which could be devoted to alleviating household pressures. It is just not acceptable.

I refer to the notion that the only pressure zones are Dublin and Cork. The Taoiseach is famous for talking to people over the garden wall and on his travels around the country. He knows that these rental pressures exist in counties Louth, Meath, Kildare, Wicklow and Wexford and probably elsewhere too.

Deputy Simon Coveney: But they can be designated.

Deputy Brendan Howlin: They can, but not under the Minister's plan. He is arguing about a plan that he published 40 minutes ago. He might at least have given us the chance to debate it.

Deputy Simon Coveney: The Deputy is arguing about it and he has not even read it.

Deputy Brendan Howlin: I have read the Minister's leaks this morning.

Deputy Finian McGrath: We never leak.

Deputy Brendan Howlin: We would like the Dáil to be treated with some respect. We would like to see it before the Minister sends people out to present it in the media. The bottom line is we have a real crisis in terms of sustaining people in their houses. Would the Taoiseach accept that the Bill to come before us on Thursday merits at least being passed on Second Stage so that we can debate it on Committee Stage?

The Taoiseach: No, because it recommended the consumer price index. These are private properties.

Deputy Brendan Howlin: And an all-party committee.

The Taoiseach: Perhaps if the Deputy had taken the time to look at the designation process, the housing agency in consultation with the relevant local authority-----

Deputy Brendan Howlin: I would love to see it.

Deputy Joan Burton: We have not seen it.

The Taoiseach: It proposes that an area be designated - I thank Deputy Burton - as a rent pressure zone, RPZ. The Minister requires that the Residential Tenancies Board, RTB, will prepare a report based on the recent price data which it collects and uses to compile the quarterly RTB rent index, whether the criteria for designation are valid or not. The criteria for that designation are whether in the area concerned annual rent inflation has reached or exceeded 7% in four of the past six quarters and the average rent in the most recent quarter is above the national average rent.

Deputy Joan Burton: That is a 30% increase.

The Taoiseach: If the RTB confirms to the Minister that these two criteria have been met-----

Deputy Simon Coveney: It is not.

Deputy Joan Burton: The Minister should do the maths.

The Taoiseach: -----the Minister will then make the order and that order applies for three years. It is a focused targeted strategy to deal with the question of predictability and certainty for tenancies but also to give the opportunity for accommodation to continue to be rented. New houses and buildings are exempt as are fully refurbished existing tenancies. Areas can come into the RPZ or drop out of it depending on the assessment in terms of rent inflation over that period.

Deputy Thomas P. Broughan: We are now approaching the sixth anniversary of the Taoiseach's occupying his office, if we get that far, but it is also the sixth anniversary of the final report of the Moriarty Tribunal of Inquiry into Payments to Politicians and Related Matters and the fifth anniversary of the final report of the Flood-Mahon Tribunal of Inquiry into Certain Planning Matters and Payments. On several occasions since these reports were published in 2011 and 2012 I have asked Ministers for Justice and Equality to comment on the status of investigations by An Garda Síochána and possible action by the Director of Public Prosecutions, DPP, into the findings of Flood-Mahon and Moriarty and generally received very brief holding replies or just complete brush-offs. I believe that other Deputies have had similar experiences.

In January 2015, for example the Minister for Justice and Equality, Deputy Frances Fitzgerald, said "following the examination of the Garda Síochána of the report of the Moriarty Tribunal, the advice of the Director of Public Prosecutions was sought with a view to determining whether or not a full Garda investigation should be commenced". She also said "the Garda authorities have also been engaged in an examination of the Report of the Mahon Tribunal which was referred to the Garda Commissioner by the Government". On 24 March 2015, the Minister replied to my query on whether she had received a report from An Garda Síochána to the questions I had submitted in late 2014. The Minister then said that she was "informed by the Garda authorities that the position in relation to these matters remains the same". A few months later on 26 May 2015, I submitted further questions relating to these investigations and was told that an "examination is ongoing at present" of both tribunal findings.

In the last weeks of the Thirty-first Dáil, on Thursday, 21 January this year, I inquired from the Minister about the resources within the Department, including staff and the budget that she was allocating to follow up on issues raised in the Flood-Mahon and Moriarty reports. In her reply, she assured me that "all appropriate resources are available" and that detailed consideration had to be given to "the full suites of recommendations" made by the Moriarty tribunal and to the judgments of the Supreme Court. On 2 November last, I again asked the Minister for Justice and Equality about this and in a follow-up letter she stated:

I am now informed by the Garda authorities that investigations relating to the findings of the Flood and Mahon Tribunals as well as the investigation of certain matters arising from the report of the Moriarty Tribunal are ongoing. I am also advised that relevant liaison is maintained with the Office of the Director of Public Prosecutions.

She also said the overriding concern for An Garda Síochána is to ensure these investigations are carried out as "comprehensively and effectively as possible".

After the experience of these two incredibly long tribunals, we are well aware of the limitations on the use of evidence gathered and the impact of various court challenges on their findings. Is the Taoiseach concerned that a series of parliamentary questions from myself and

colleagues has been met with this kind of non-answer? Is he concerned that these questions have never been directly answered? I acknowledge that several of the key recommendations of the Flood-Mahon and Moriarty tribunals on the public funding of politics, the regulation and registration of lobbyists, the protection of whistleblowers and the establishment of a planning regulator have been partially or fully implemented. However, is it not time that the Taoiseach or the Tánaiste and Minister for Justice and Equality gave the House a full report on the actions and investigations being taken on foot of the reports of these tribunals, which fundamentally affected the Taoiseach's party and Fianna Fáil?

The Taoiseach: The Moriarty tribunal recommendations were aimed at breaking the link between big money and politics. As the Deputy pointed out, that was achieved through the enactment of the Electoral (Amendment) (Political Funding) Act 2012, which effectively banned corporate donations. The Government published comprehensive legislation on the protection of whistleblowers and on the registration of lobbyists. The recommendations of the Moriarty tribunal were, as the Deputy knows, grouped into five different areas: political funding, company law, revenue matters, regulations and tribunals of inquiry.

In respect of political funding, the Electoral (Amendment) (Political Funding) Act 2012 was enacted on 28 July that year. The Act brought into force restrictions in corporate donations and considerable reductions in the maximum amount that a political party or individual could accept as a political donation. The Standards in Public Office Commission, SIPO, has published guidelines for political parties on the steps to be taken in receiving donations and on prohibited donations. There are also published guidelines for the registration of corporate donors. Under the 2012 Act, there is a requirement that political parties submit audited accounts for SIPO for publication. This requirement began with the 2015 accounts, which had to be submitted by mid-2016. Such requirements mandate that both the income and the expenditure of the political parties be open to scrutiny, which goes beyond the recommendations of the Moriarty tribunal.

The Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 reduced the levels of payment made to political leaders and Independent Members and provides that Independent Members are now required to furnish to SIPO an annual statement of expenditure. Also relevant in that regard is the Regulation of Lobbying Act 2015. As we have seen in recent days, a web-based register of lobbying has been developed by SIPO and is designed to bring greater transparency in respect of those communicating with public officials on policy matters.

In respect of company law, the Moriarty tribunal recommended that a provision similar to section 172 of the UK Companies Act 2006 be adopted in respect of establishing a post of director of statutory duties. The then Minister for Jobs, Enterprise and Innovation, Deputy Bruton, stated that he considered the matter to be covered under Part 5 of the Companies Act 2014, which came into force on 1 June of that year.

In the context of matters relating to Revenue, section 101 of the Ministers and Secretaries (Amendment) Act 2011 placed on a statutory footing the independence of the Revenue Commissioners exercising the statutory functions provided to them under enactments relating to taxation and customs.

In regulation, the Minister for Finance, Deputy Noonan, has identified a number of specific actions, including the introduction of a new fitness and probity regime in accordance with the Central Bank Reform Act. The Central Bank (Supervision and Enforcement) Act 2013 attempts to strengthen the ability of the Central Bank to impose and supervise compliance with regula-

tory requirements and to undertake timely prudential interventions.

On tribunals, the Moriarty tribunal made a number of observations and the Tribunals of Inquiry Bill 2005 awaits Report Stage in the Dáil. While not directly related to the operation of tribunals of inquiry, the introduction of the Protected Disclosures Act 2014 should be noted.

The Public Sector Standards Bill 2015 has passed Second Stage. The Minister for Public Expenditure and Reform is dealing with it. He expects to bring it before the House again by the middle of next year to deal with the appointment of a commissioner for tribunals, a matter that arises on foot of the provisions contained in that legislation.

Deputy Thomas P. Broughan: I note the litany of measures the Taoiseach has just listed that were taken following the recommendations of both of those tribunals. Ultimately, our constituents want full accountability for decisions. I do not think the Taoiseach in any way addressed the fundamental question I asked him. Can he outline what resources are available to the Revenue Commissioners, the Criminal Assets Bureau, the Bureau of Fraud Investigation, the National Bureau of Criminal Investigation and other vital Garda agencies, such as the Director of Corporate Enforcement, SIPO and the Director of Public Prosecutions, to complete any and all ongoing investigations into the corruption revealed by the Flood-Mahon and Moriarty tribunals? The Criminal Assets Bureau currently has a staffing complement of 71 which is the same as in 2013.

Will there be an interim report to Dáil Éireann on all of the key issues I have raised? Will the Taoiseach or the Minister for Justice and Equality indicate when a final report from An Garda Síochána and the Director of Public Prosecutions will be sent to the Department and laid before the House regarding investigations into the findings of the Flood-Mahon and Moriarty tribunals?

I looked back over a speech I made in March 2012 on the Flood-Mahon tribunal findings. I noted the responsibility of the two big parties who are still in control of this House, that is, Fine Gael and Fianna Fáil. I said that they are different sides of the same coin in relation to, unfortunately-----

Deputy Bernard J. Durkan: No, we are not.

Deputy Thomas P. Broughan: ----- all of the matters that were investigated. Perhaps we need to have a Government made up of other Deputies in this House to have these investigations concluded.

The Taoiseach: I have read out the list of legislation that has been enacted following the publication of the Moriarty tribunal report. The legislation was, as the Deputy knows, the subject of very intensive debate, discussion and scrutiny before being enacted. I also pointed out that the Minister for Public Expenditure and Reform will be bringing the public sector standards Bill to the House. By the middle of next year he will be seeking the support of Members for that Bill so that a commissioner for tribunals can be appointed.

In respect of the Deputy's direct question about the amount of money and resources available to the Criminal Assets Bureau, I will ask the Minister for Justice and Equality to respond to him directly. I cannot give him a date for an overall response from the Department of Justice and Equality but I will update him on the work that is ongoing in the Department.

Dáil Éireann
Order of Business

An Ceann Comhairle: I call Deputy Aengus Ó Snodaigh to announce the Order of Business for the week and to make the proposals regarding the arrangements for the taking of that business.

Deputy Aengus Ó Snodaigh: Today's business shall be No. 9, motion re Committee on the Future of Healthcare, without debate; No. 14, Courts Bill 2016 - Order for Report, Report and Final Stages; and No. 15, Road Traffic Bill 2016 [*Seanad*] - Order for Report, Report and Final Stages. Private Members' business shall be No. 81, motion re flooding introduced by Fianna Fáil.

Wednesday's Government business shall be No. 10, motion re Horse and Greyhound Racing Fund Regulations 2016, back from committee; No. 16, Statute Law Revision Bill 2016 [*Seanad*] - Order for Report, Report and Final Stages; No. 17, pre-European Council statements; No. 4, Appropriation Bill 2016 - All Stages, to conclude within 1 hour 40 minutes; No. 14, Courts Bill 2016 - Report and Final Stages, resumed if not previously concluded; No. 15, Road Traffic Bill 2016 [*Seanad*] - Report and Final Stages, resumed if not previously concluded; and No. 18, Planning and Development (Amendment) Bill 2016 - Second Stage, resumed. Private Members' business shall be No. 28, Broadcasting (Amendment) Bill 2016, introduced by the Labour Party.

Thursday's Government business shall be No. 15, Road Traffic Bill 2016 [*Seanad*] - Report and Final Stages, resumed, if not previously concluded; No. 18*a*, Planning and Development (Housing) and Residential Tenancies Bill 2016 [*Seanad*] - Order for Report, Report and Final Stages; No. 10*a*, motion re presentation and circulation of 2017 Revised Estimates, without debate; No. 10*b*, motion re changes to Standing Orders, without debate; and No. 30, Health (Pricing and Supply of Medical Goods) (Amendment) Bill 2016 - Second Stage will be debated in the evening slot.

Friday's business shall be No. 19, statements on symphysiotomy, to conclude at 12 noon if not previously concluded; No. 18*a*, Planning and Development (Housing) and Residential Tenancies Bill 2016 [*Seanad*] - Report and Final Stages resumed; and No. 18, Planning and Development (Amendment) Bill 2016 - Second Stage, resumed.

I refer Members to the report of the Business Committee dated 8 December 2016. In relation to today's business, there are two proposals. It is proposed that:

(1) The motion re Committee on the Future of Healthcare shall be taken without debate; and

(2) In the event that a division is under way at 8 p.m., Private Members' business shall commence immediately on the conclusion of the division and proceedings on the motion shall be brought to a conclusion, if not previously concluded, after a period of two hours. The Dáil shall adjourn immediately on the conclusion of Private Members' business.

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

(1) The Dáil shall sit at 11.00 a.m.;

(2) With regard to the motion re the Horse and Greyhound Racing Fund statutory instrument, the speeches of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, shall be five minutes each, to conclude within 40 minutes, and all Members may share time;

(3) In the event that a division is under way at 12 noon, Leaders' Questions shall commence immediately on the conclusion of the division;

(4) Pre-European Council statements shall commence immediately after Taoiseach's Questions - and be followed by questions to the Minister for Children and Youth Affairs - and shall be brought to a conclusion after 85 minutes. The speeches of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, shall be ten minutes each, with a five-minute response from a Minister or Minister of State, and all Members may share time;

(5) The suspension of sitting under Standing Order 25 shall take place after Topical Issues for 30 minutes;

(6) The proceedings on Second Stage of the Appropriation Bill 2016 shall, if not previously concluded, be brought to a conclusion after 85 minutes. The speeches of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, shall be ten minutes each, with a five-minute response from a Minister or Minister of State, and all Members may share time. Proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 15 minutes by one question, which shall, in regard to amendments, include only those set down or accepted by the Minister for Public Expenditure and Reform; and

(7) Private Members' business shall take place on the conclusion of the sós and the proceedings on the Second Stage of the Broadcasting (Amendment) Bill 2016 shall be brought to a conclusion after two hours.

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

(1) The Dáil shall sit at 10 a.m. and in the event that a division is under way at 12 noon, Leaders' Questions shall commence immediately on the conclusion of the division;

(2) The motions re the presentation and circulation of Revised Estimates and changes to Standing Orders shall be taken without debate;

(3) Question Time shall commence not later than 3.50 p.m. or, in the event that a division is under way, at 3.50 p.m., questions to the Minister for Justice and Equality shall commence immediately on the conclusion of the division; and

(4) The Dáil shall sit later than 7.48 p.m. and shall adjourn on the conclusion of proceedings on the Health (Pricing and Supply of Medical Goods) (Amendment) Bill 2016.

With regard to Friday's business, there are three proposals. It is proposed that:

(1) The Dáil shall sit on Friday at 10 a.m. The business to be transacted shall be statements on symphysiotomy; the Planning and Development (Housing) and Residential Tenancies Bill 2016, Report and Final Stages, resumed; and the Planning and Development (Amendment) Bill 2016, Second Stage, resumed. The Dáil shall adjourn not later than 4

p.m.;

(2) On the opening round of the statements on symphysiotomy, the speeches of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, shall be ten minutes each, with a second round of ten minutes in total for Members of the Government, Fianna Fáil and Sinn Féin, to be divided proportionally on a 40-40-20 basis, respectively. There shall be five minutes for all other Members on the subsequent rounds, with a five-minute response from the Minister or Minister of State, and all Members may share time. The statements shall conclude after two hours; and

(3) The Dáil on its rising shall adjourn until 2 p.m. on Tuesday, 17 January 2017.

An Ceann Comhairle: There are four proposals to put to the House today. Is the proposal for dealing with Tuesday's business agreed to? Agreed.

Is the proposal for dealing with Wednesday's business, as outlined by Deputy Ó Snodaigh, agreed to?

Deputy Mick Barry: May I just ask about the business for the week?

An Ceann Comhairle: Yes.

Deputy Mick Barry: We have had the announcement of the rent policy discussed by the Cabinet today. I am sure the Government Deputies present would not disagree that there needs to be a full debate on these measures in the Chamber. It is not clear to me whether it is proposed to make some extra room for a debate on these proposals or the Government intends to tack the proposals on to another Bill, for example, the Planning and Development (Housing) and Residential Tenancies Bill 2016 [*Seanad*]. Can it be clarified? There are clearly important questions that need to be debated and teased out here. Will this apply retrospectively for those who have had rent increases in the past two months? Will there be a sunset clause to prevent increases in the immediate future?

An Ceann Comhairle: We cannot go into the detail of the Bill.

Deputy Mick Barry: What is the proposal?

An Ceann Comhairle: We will try to ascertain that but we cannot go into the detail of the Bill. Can the Government Whip tell us what is proposed and how it will be dealt with?

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): The Planning and Development (Housing) and Residential Tenancies Bill 2016 [*Seanad*] is in Committee all day today, coming to this House on Thursday for approximately six hours debate on Report Stage, and Report and Final Stages for four hours on Friday. I assume, as agreed at the Business Committee, that there will be ample time to discuss today's very exciting announcements.

Deputy Brendan Howlin: Sorry, I did not hear the Minister of State. Are there amendments from today's announcement and will they be amendments to the planning Bill? Is that what the Minister of State is telling us?

Deputy Regina Doherty: On Report Stage, yes.

Deputy Brendan Howlin: When will we see them?

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An Ceann Comhairle: We have to see them before-----

Deputy Regina Doherty: Today, I suppose.

An Ceann Comhairle: -----Thursday.

Deputy Joan Burton: That is not good enough.

An Ceann Comhairle: It is not the worst time. In fairness, it is the first time that this has happened.

Deputy Brendan Howlin: We cannot deal with an important issue like that.

Deputy Joan Burton: We could not even work out the maths earlier.

An Ceann Comhairle: Anyway, let us go back. Is the proposal for dealing with Wednesday's business agreed to?

Deputy Micheál Martin: Agreed.

An Ceann Comhairle: Agreed. Is proposal No. 3 for dealing with Thursday's business agreed to? Agreed.

Deputy Brendan Howlin: Just-----

An Ceann Comhairle: Is the proposal-----

Deputy Brendan Howlin: I want to speak on Thursday's business.

An Ceann Comhairle: We have agreed it.

Deputy Brendan Howlin: No, Sir. I said, "No."

An Ceann Comhairle: Deputy Howlin said, "No." Sorry, go ahead.

Deputy Micheál Martin: Deputy Howlin did not say, "No."

Deputy Brendan Howlin: I know we are in a rush but we are not in that much.

Deputy Micheál Martin: You did not say, "No."

Deputy Brendan Howlin: The bottom line is we need to know. Maybe Deputy Micheál Martin has sight of the proposals. I do not know.

Deputy Micheál Martin: Deputy Michael McGrath has had the sight of nothing and we signed up to nothing.

Deputy Brendan Howlin: Okay, that is fine.

Deputy Micheál Martin: That is misleading.

(Interruptions).

An Ceann Comhairle: If the Deputies are going to have a conversation-----

Deputy Brendan Howlin: It is not.

An Ceann Comhairle: -----have it outside. Can we just deal with the business before us?

Deputy Micheál Martin: I recall Deputy Howlin remonstrated with me about the failure of the Business Committee's decisions.

An Ceann Comhairle: Please, Deputy Martin.

Deputy Brendan Howlin: I am simply seeking clarity. I do not know how well briefed Deputy Micheál Martin is but I have not been briefed at all in relation to an announcement made publicly at 1.15 p.m., when Leaders' Questions were at 2 o'clock, on what we regard as one of the most fundamental issues facing us, which is housing, in particular, the rental sector. We are now told it will be dealt with by way of amendment to a Bill that has already passed Second Stage, we have not seen the amendments and we do not understand the substance. That is just not acceptable. Before we agree to Thursday's business which includes voting on a housing Bill in the name of the Labour Party, can we have some explanation of what exactly is proposed in relation to the Government's strategy to deal with rents?

The Taoiseach: The committee is under way this evening for a considerable period.

Deputy Brendan Howlin: Sorry, I cannot-----

An Ceann Comhairle: The Members cannot hear the Taoiseach.

The Taoiseach: The Committee Stage is under way this evening. There are 140 amendments down to that, as I understand it. Obviously, any other amendments will be tabled on Report Stage and the Members will see those as quickly as possible, where that is necessary.

Deputy Joan Burton: The complexities of what was put on offer today-----

The Taoiseach: It is important-----

Deputy Joan Burton: -----will mean a bigger Bill presented by way of amendment than the current Bill before the House and we have not sight of it.

The Taoiseach: The Minister has had extensive engagement with all the parties about this strategy.

Deputy Joan Burton: Not true.

The Taoiseach: We indicated on many occasions that it would be coming in towards the end of the year and, obviously, needs the support of Members of the House in order to be legislated. It is important that it move through.

An Ceann Comhairle: Is the proposal for dealing with Thursday's business agreed to? Agreed.

Finally, is the proposal for dealing with the Friday sitting and business to be taken then agreed to? Agreed.

Deputy Micheál Martin: A Cheann Comhairle, it seems to be extraordinarily chilly in the Chamber. I hold the view maybe it was to prevent Members from coming in in their T-shirts or something like that. I can assure you it is having the desired impact. It is becoming a hardship post in the week leading into Christmas.

An Ceann Comhairle: I do not really think that is the Government's failure.

Deputy Micheál Martin: It is not.

(Interruptions).

Deputy John Brassil: We might be expecting snow.

Deputy Micheál Martin: Maybe the Ceann Comhairle does not want the temperatures to rise too much either. I can appreciate that.

There is a commitment in the programme for Government about reform of the system of appointment to State boards and to place it on a statutory basis. Unfortunately, there are no commitments on how to deal with Ministers who refuse to make appointments to State boards, even when the potential appointees have gone through the new system of appointments that was introduced by the previous Government in 2014. Indeed, in the past couple of weeks there have been advertisements on television urging people to make applications through the Commission for Public Service Appointments and stating that the commission wants people's talents and ability. I understand that approximately 4,200 applications have gone through the Public Appointments Service. It is a centralised applications system through which applicants are short-listed. The Minister for Transport, Tourism and Sport, Deputy Ross, apparently has great difficulty following through with this system. The programme for Government contains a commitment to strengthen the system by putting it on a statutory footing by the end of 2016. What progress has been made on that commitment, given this is the last week of the session? Will that legislation be published?

The Taoiseach: No, obviously it will not be enacted before the end of the year. However, all applicants for positions on State boards now apply to the Public Appointments Service, PAS. That service, independently of the Department or Minister, examines the applications or expressions of interest for any positions that are open. The PAS determines the criteria, eligibility and appropriateness of persons to be considered for appointment. The service then sends a list of eligible and competent individuals to the Minister involved and the Minister is entitled to nominate from that list of eligible persons. In any event, Ministers do not know who applies for any of these positions. In respect of more serious positions under NewERA, the criteria, conditions of employment and specific requirements are set out in terms of the particular speciality a person might have and would bring to a State board.

The Minister for Public Expenditure and Reform is reviewing the issue Deputy Micheál Martin has raised. However, it is open to a Minister who has received a list of competent persons, for example, ten or 12 from whom three were to be appointed, to set up an internal interview board in the Department to decide whom to nominate from that list of eligible people.

Deputy Micheál Martin: Does the Minister, Deputy Ross, have a veto?

The Taoiseach: Yes.

Deputy Micheál Martin: He does.

Deputy Gerry Adams: The Constitutional Convention recommended that the right to vote in presidential elections should be extended to citizens of the North and to members of the diaspora, the people who were forced out of this country by Fianna Fáil and Fine Gael Governments.

Deputy Darragh O'Brien: Get over last week, Gerry.

Deputy Gerry Adams: This morning, councillors from four of the largest councils in the North, that is, councillors from Mid Ulster District Council, Derry City and Strabane District Council, Newry, Mourne and Down District Council and Fermanagh and Omagh District Council, all of which support this position, took part in a protest outside the Dáil at the Government's deliberate long-fingering of this issue. Last Thursday, An tUachtarán held a ceremony for the Presidential Distinguished Service Award for the Irish Abroad. I was delighted to attend, especially for Drogheda man Brendan Fay, who has worked tirelessly for equality, and for others who have done our nation proud through their service.

Michael D. reminded us that the journeys of the Irish emigrants are testimony to the creativity and resilience of all who have left our shores over previous centuries. He told us that the emigrants live fulfilling lives in their respective countries, but remain true to, and proud of, their Irish heritage. However, they cannot vote in this country, unlike the case with citizens of other states. A few weeks ago Fianna Fáil and Fine Gael voted against a Sinn Féin proposal in the Seanad to allow such voting. The Minister of State said that an options paper is being prepared. When will this options paper be published and will the Government allocate time for it to be debated in the Dáil? Why has the Taoiseach changed his position on this issue? He told me previously that citizens of the diaspora and the North would be given voting rights.

The Taoiseach: I saw Deputy Adams in Áras an Uachtaráin and he is quite familiar with Uachtarán na hÉireann. I am not sure that it is appropriate for the Deputy to refer to him just by his first name in the Dáil. I believe the Uachtarán would like to be referred to with his official title, which is Uachtarán na hÉireann, and not as the Deputy referred to him.

This matter was the subject of discussion at the Cabinet sub-committee a few days ago. We have a Minister of State with responsibility for the diaspora, the second person to hold that position, and obviously we have a great deal of interest in this issue.

3 o'clock

In reality, it boils down to the question of citizenship and how we deal with the definition of that in the context of the law that already exists and how that should be determined for those who would vote. Clearly, on that basis, the citizens of Northern Ireland would be eligible to vote in a presidential election. This matter is being worked on and I will return to it in mid-January for an update on a number of questions that I have raised about this.

Deputy Brendan Howlin: Over the past ten days we have all been shocked by the actions of a substantially profitable company proposing to eviscerate the pension rights of those working for that company. I understand the Minister, Deputy Varadkar, has indicated he is considering an intervention in this matter. The Labour Party has drafted a Bill that would amend the Pensions Act 1990 and is consulting the trade union movement on that legislation. That Bill would impose a liability on any solvent employer that winds up a defined pension scheme to carry a liability for those pensions. There has been much comment about this and Fianna Fáil is also in the process of drafting legislation on this matter. Will the Taoiseach indicate if legislation will be prepared as a matter of urgency to deal with this basically sharp practice?

The Taoiseach: This is obviously of great concern to those who are involved. The position, however, is that if we were to attempt to introduce legislation, it would not be retrospective. A number of matters are being discussed by the Minister for Social Protection with the Pensions

Authority. The position is that he has consulted his officials, the Pensions Authority and the Attorney General on the matter but legislation is not contemplated as of now.

Deputy Brendan Howlin: It would include others though.

The Taoiseach: I note the comment from the chairman of the company involved yesterday to the effect that it was not contemplated that any dividend would be paid out. Obviously, this was a matter of some speculation.

Deputy Danny Healy-Rae: As the Taoiseach is well aware, there is an understaffing of front-line nurses across all our hospitals and the current staff are under severe pressure. University Hospital Kerry in Tralee, Cork University Hospital and Killarney district hospital are all understaffed and that position is replicated throughout the country. The HSE has spent €250,000 advertising to attract nurses back home from abroad. A total of 88 returned home but more than half of those have emigrated again. What will the Taoiseach and the Government do to attract nurses to return home to provide a full complement of staff in all our hospitals? Does the Taoiseach know how much of a problem this is, the difficulties it is causing and the pressure the current staff are under? I ask him to act to attract nurses back into the workforce as they are urgently needed.

The Taoiseach: This is a matter the Minister keeps under review. It is obviously a personal choice at the end of the day as to whether nurses wish to work in the Irish system, to work abroad or to return home from abroad. All those who have graduated are now being offered permanent contracts. A number of nurses have returned home. This is a very competitive area, particularly in countries where no tax is payable by those who work there, and many choose to go abroad for a number of years to gain experience and so on. I would make the point that the Public Service Pay Commission makes reference to sectoral pay in its remit and that is a matter that will be considered by it when it reflects on this particular area.

Deputy Eamon Scanlon: Page 79 of the programme for Government reads, “we must ensure that every young person leaving school can move seamlessly to a job, training or education, no-one [should have to] graduate onto welfare”. Yesterday, I received a letter from a concerned parent in south Leitrim whose child attends school there and whose educational psychologist has recommended that the child should do a leaving certificate applied course. The parent on going to the school the child attends and has attended for the past number of years was told that the school does not provide this course. The parent contacted another post-primary school, a big school I might add, 14 miles away only to be told the same thing. I have checked the records from last year, when there were 48 courses in Sligo, 79 in Galway, 73 in Mayo and 136 in Donegal but none in Leitrim. As a former educationalist, the Taoiseach should appreciate that this is wrong and needs to be addressed immediately.

The Taoiseach: It is certainly an issue of considerable personal concern. I do not understand why there is not a post-leaving certificate course in operation in Leitrim. The education and training board, ETB, would have reflected on the provision of courses. I will have the Minister for Education and Skills-----

Deputy Eamon Scanlon: I am referring to leaving certificate applied courses.

The Taoiseach: In Sligo?

Deputy Eamon Scanlon: In Leitrim.

The Taoiseach: Yet the person in question lives in Leitrim.

Deputy Eamon Scanlon: He lives in Leitrim.

The Taoiseach: Is there no leaving certificate applied course at all in Leitrim?

Deputy Eamon Scanlon: There was none last year.

The Taoiseach: It is a matter for the ETB. We need to find out the reason for this. The student should be as entitled as anybody else to have access to a course one can qualify through, particularly when it is recommended by his psychologist.

Deputy Pearse Doherty: The mortgage special courts Bill was supposed to go to pre-legislative scrutiny last month. Will the Taoiseach inform the House when the Minister for Finance will publish a 59-page detailed report he received from the Central Bank six weeks ago into the options that vulture funds and banks have for restructuring mortgages before they move to repossess? He has had that report for six weeks and it is important, given that the Bill is supposed to be going to pre-legislative scrutiny. It is also important in light of yesterday's announcement from the Central Bank that 1,210 letters were issued by banks seeking repossessions of family homes in the three months up to October. Will the Taoiseach inform the House that the Minister will no longer sit on that document and will publish it without delay?

The Taoiseach: I cannot give a date for publication but I will consult with the Minister this afternoon and advise the Deputy then.

Deputy James Lawless: We have all heard the horror stories of the predatory practices of the car-clamping companies on unsuspecting motorists and commuters who return to their cars to find clamps attached. Four years ago, the Automobile Association made a presentation to the Oireachtas transport committee on a litany of abuses occurring in this regard. Two years ago, the Vehicle Clamping Act 2015 was enacted by this House. A week ago, however, when I asked why the practices prohibited under the clamping Act were still continuing, with charges far in excess of those allowed, I was informed that the legislation had not been commenced because the National Transport Authority, NTA, does not have the resources required to do so. If we are going to pass legislation in this House, we need to commence, implement and enforce it. The law of the land, as set out in the Vehicle Clamping Act, is not being followed or in operation. Will the Taoiseach take this matter on board and address it immediately?

The Taoiseach: I will. The law of the land should be observed. I will advise the Deputy.

Deputy James Lawless: Then it should be commenced.

Deputy Shane Cassells: The programme for Government contains a firm commitment to make significant funding available to equip our Army and, specifically, to provide it with new armoured personnel carriers. In this respect, will the Taoiseach ensure there is an active engagement by the Department of Defence with Irish industry and, at the very least, it sees its capabilities in fulfilling this role at the commencement of the new year? One of the world's leading companies in designing and developing armoured vehicles, Timoney Technology, is based at the IDA Ireland Technology & Business Park in Navan. Two Ministers, Deputies Coveney and Bruton, have visited the company's plant in the past. This company has supplied the Australian, Singaporean, Polish and Turkish armies, as well as the US Marine Corps. Despite the efforts of Enterprise Ireland, at the behest of the Ministers, there has been no active engage-

ment whatsoever with the industry in Ireland, however. When it commences in the new year, there should be a fair and open process and everyone should get a fair crack of the whip, given the world-class leading company we have.

The Taoiseach: I assure the Deputy that, in so far as the Department of Defence is concerned, this is an issue that is monitored constantly in the context of having proper equipment for our Defence Forces, which carry out such important work on behalf of the State at home and abroad. We discussed the question of resources for the Department of Defence and it was agreed with the Minister for Public Expenditure and Reform. As these issues arise, they will be examined carefully. Hopefully, our Defence Forces personnel will never be sent out with inadequate or inferior equipment.

Deputy Shane Cassells: What about an open process?

The Taoiseach: The company mentioned by the Deputy is very reputable. I accept that.

Deputy Darragh O'Brien: In response to questions from my party leader, Deputy Micheál Martin, as well as from Deputy Howlin today, about the Minister for Social Protection, Deputy Varadkar, seeking advice from the Attorney General as to the protection of the benefits of members of pension schemes and, specifically, defined benefit pension schemes, last week the Taoiseach responded in a rather sheepish way and said the Minister was simply seeking advice. I remind the Taoiseach that the Minister, Deputy Leo Varadkar, the Minister sitting beside him, Deputy Paschal Donohoe, and the former Tánaiste and Minister for Social Protection, Deputy Joan Burton, actually brought about this very issue. They brought it about through the destruction of the IAS pension scheme in which 15,000 members were removed from the pension scheme unilaterally. It was aided and abetted by the previous Government's-----

An Ceann Comhairle: Does the Deputy have a question?

Deputy Darragh O'Brien: -----Social Welfare and Pensions Act 2014 and section 33 of the State Airports (Shannon Group) Act 2014. We warned at the time that this would set a road-map for other employers of profitable firms to wind down their pension schemes and reduce pension scheme benefits. What is the Attorney General's advice? Does the Taoiseach intend to bring forward specific pension legislation to provide the protection that he and his Ministers removed from pension scheme members during the lifetime of the last Dáil and Seanad? The last Government has done more to undermine pension provision in this country by that and by the private pension levy that took €2.6 billion out of people's savings and provisions for their retirement.

The Taoiseach: The Minister for Social Protection met with the chairperson of the Pensions Authority. He has asked the authority to report back to him with an assessment of the current overall position on defined benefits schemes.

Deputy Darragh O'Brien: Why not amend the Pensions Act 1990?

The Taoiseach: He sought advice from the Attorney General on the way he might be able to look at the question of the public element of this issue. Legislation in this area cannot be made retrospective. The Minister has asked the chairperson of the Pensions Authority to report back to him. I mentioned before that there have been some calls for the funding standard that applies here to be suspended. That defines the basis upon which liabilities of defined benefits schemes have to be calculated. It provides a benchmark against which the strength of a scheme can be

tested and when a scheme fails-----

Deputy Darragh O'Brien: It was allowed to fail.

The Taoiseach: -----the funding standard, it means that unless some action is taken, the scheme will not be able to pay all the benefits that are promised to the shareholders in the first place.

Deputy Darragh O'Brien: Employers are ensuring that these schemes fail. They have a roadmap to do it.

The Taoiseach: Any reduction in the funding standard would not improve the scheme's ability to pay the benefits as they fall due. The Minister will get the report from the chairman of the Pensions Authority in due course.

Deputy Darragh O'Brien: The Government should amend the Pensions Act 1990 to provide the protections that are required.

Civil Law (Missing Persons) (No. 2) Bill 2016: First Stage

Deputy Pearse Doherty: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the effects in civil law of persons who are missing, including arrangements for interim management of the missing person's property, and to provide for the civil status of the missing person where the circumstances of their absence leads to a presumption of death; and to provide for related matters.

Last week, we marked National Missing Persons Day. There are hundreds of families across the country missing family members or friends. Between 7,000 and 8,000 people are reported missing every year in Ireland, which is almost 20 every day. Most of these turn up within a very short time and less than 1% remain missing in the long term. It is for the families and friends of that 1% that I hope this Bill can provide some practical and moral help.

I commend the work of the Law Reform Commission on this Bill and Senators Colm Burke, Lynn Ruane and Marie-Louise O'Donnell who have moved a similar Bill in the Seanad. In the last full year for which figures are available to us, which is last year, 37 people who went missing have not yet been found. We see from the reply to a parliamentary question I got last week that two people who were reported missing in 1951 are still considered missing. There are similar numbers for every year since. We know many of these people's names. We know people like Mary Boyle who went missing from my neighbourhood the same year I was born. People such as Mary Boyle are still subject to much public interest but there are many others who are missing and few beyond their closest friends and families know of them.

The Bill allows for the appointment of an interim manager of the property of a missing person. This is an essential measure that would allow the family of a missing person not to be stuck in a legal limbo and to deal with issues like a mortgage or bank account in that person's name. Another element of the Bill is to bring the State into line with what is happening in other jurisdictions, for example, in the North and in Scotland. It allows for an application to be made to a register of presumed deaths, which is a new register that would be established. Applica-

tion would be made to the courts and presumed death would only be registered if it met strict criteria laid out in the Bill. The Bill lays out a procedure for dealing with people who go missing outside the State and for people from outside of the State who go missing in the State. It also clarifies what should happen if a person who has been presumed dead returns, including its impact on the status of marriages previously ended because of the presumption of death.

This Bill comes out of a hope that when the worst has been presumed, family members of the missing person do not have to suffer further difficulties than are necessary. It is rigorous legislation which fulfils an important gap in legislation that benefits nobody and adds only to the tragedy of missing persons. It is only one part of the suite of legislation that needs to be brought forward that will bring much support to the families of missing persons, including dealing with the Coroners Bill and other legislation that campaign groups have been seeking for many years. I hope all sides can support this legislation and I commend it to the House.

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

Question put and agreed to.

Amendment of Orders of Reference of Special All-party Committee on the Future of Healthcare: Motion

An Leas-Cheann Comhairle: We will now move on to the motion for the amendment of orders of reference of the special all-party Committee on the Future of Healthcare. Neither Deputy Róisín Shortall nor a representative is present.

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

That the Order of the Dáil of 1 June 2016, relating to the special all-party Committee on the Future of Healthcare, is amended in paragraph (1) by the deletion of 'within six months of the initial meeting' and the substitution therefor of 'no later than 28 April 2017'."

Question put and agreed to.

Ceisteanna - Questions

Ministerial Advisers Appointments

1. **Deputy Micheál Martin** asked the Taoiseach the way in which he has filled the position left vacant following the departure of his economic policy adviser. [38479/16]

2. **Deputy Gerry Adams** asked the Taoiseach if he has appointed a new chief economic adviser. [39815/16]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

Following the resignation of my economic adviser last September, I reviewed the allocation of certain responsibilities within my office. Two of my special advisers will continue their work on policy and programme implementation within my office with some additional responsibilities. To reflect their added responsibility, I have revised their working titles to special adviser for policy and programme implementation.

Deputy Micheál Martin: The Taoiseach has previously said that we are facing incredibly challenging economic circumstances. The position I was talking about leaving vacant is that of economic adviser who has moved on to perhaps greener pastures. With Brexit coming down the line, questioning our relations with multinational companies and various domestic pressures, the Taoiseach will agree it is not time for business as usual. There are very serious challenges. When the Taoiseach filled this particular economic adviser role back in 2011, he said it was central to co-ordinating work across Government. As we discovered after the election, it was a role which at times appeared to carry more authority than many senior members of Fine Gael. Can the Taoiseach explain to me how the co-ordination of economic policy is now to be done within the Taoiseach's Department, particularly given the enormous challenges of Brexit, enterprise strategy and related issues? How many people will work in the economic area within the Taoiseach's Department?

Is it his intention to publish a White Paper on economic strategy? The only reason I put that question is because it seems to me that following the Brexit decision and the clear evidence that the Trump administration will mean America becoming more isolated and protectionist, we are looking at the prospect of a world that is becoming more protectionist and less amenable to a liberal trading environment. Ultimately, that will be injurious to Irish economic fortunes because we depend significantly on trading our goods and services all over the world. That is the key to our capacity to generate wealth and prosperity for the country. It is often forgotten about here and neglected by many commentators who decry every trade agreement that is ever signed, such as the Canadian trade agreement. I have heard very little affirmation from anybody on the left, for example, that Ireland should seek international agreements that increase access to markets for our goods and services. Such things are critical to the future of Ireland and have been part of our industrial strategy since the late 1950s and early 1960s when Seán Lemass and T. K. Whitaker engineered a fundamental change in our economic perspectives, making the country more outward looking in its approach to industry, investment and trade.

There is a danger, in the current globalised context, of that changing. Brexit is a fundamental change in our economic structure. It will be a permanent change, if and when it comes about. It is not a passing phase nor a recession but something that permanently alters the structure of the economic model which we have had for 50 years. I do not get the sense that there is a strong economic co-ordinating capacity in the Department of the Taoiseach since the decision of the previous economic adviser to move on to other areas. The Taoiseach might indicate how he sees the challenge of co-ordinating economic policy and he might give more information on his intention to publish a White Paper.

An Leas-Cheann Comhairle: There is enough time to take individual questions.

Deputy Gerry Adams: If I understand the Taoiseach's answer, he has not yet filled the position of social economic adviser. Am I right?

The Taoiseach: The Deputy is right.

Deputy Gerry Adams: The Taoiseach has previously said that this is a crucial position. We are still in economic difficulties and many citizens across every sector are under huge economic pressure. There is a housing and homelessness emergency and pressure in the public services, especially the health services. Brexit will not ease those economic difficulties but will increase them and the entire construct of successive Government policies will change. I do not know whether there is someone who could bring a focus to these issues or whether the Taoiseach should consider filling this position because his record on all these issues has been extremely poor. At the least, he needs to give us an explanation as to why a post which he said was absolutely crucial has not been filled, notwithstanding the difficulties we have and which may well worsen in the time ahead.

This question will be redundant if the Taoiseach does not appoint a new economic adviser, but if he does so, I ask that it be at the appropriate salary scale and will not breach the current levels. The former economic adviser was gifted over €60,000 in excess of the salary cap for such appointments, as was the case with others appointed by Labour Party Ministers in the previous Government. I welcome that new guidelines on advisers' salary scales have been brought in by the Department of Public Expenditure and Reform and there is now a different level of transparency. If the Taoiseach does not intend to fill this post, why is that? If he changes his mind, will it be at the appropriate salary scale and will he ensure the salary will not breach the guidelines?

Deputy Brendan Howlin: I share other Deputies' surprise that the person who vacated this role has not been replaced. I know how pivotal the former economic adviser was to Government policy formation in the past five years. When the 2011 Government was formed, the economy was at the heart of everything we did and we established the Economic Management Council as a core vehicle for the analysis of economic decisions. The previous economic advisers to the Taoiseach and the Tánaiste played a crucial role for our country in that period. I do not see that things have altered so remarkably for a very senior economic adviser to the Taoiseach not to be warranted, even though we have made significant economic improvement in the past five years.

Cheap publicity can always be had for comments that we should pay somebody at a lower rate, but to get people of the calibre we need, to match wits with the World Bank and the IMF, the European Commission and the ECB, we need people of calibre. I do not believe the public service should be denuded of people of calibre and I have had this debate with Sinn Féin in the past when that party was arguing against decent salaries in the health service, a hook it got off when its members realised it was not sustainable. We need to be realistic about public service pay if we want to get people of calibre. For the economic strategising that needs to inform the decision-making of the Taoiseach, the Government and this House, we need people with independent, trained economic minds to be available to us. We established the independent economic evaluation unit within the Department of Public Expenditure and Reform over the past five years and there are now more than 100 economists trained in economic analysis across the public service. Is it that the Taoiseach has not yet appointed an economic adviser or is it that he does not intend to appoint one?

The Taoiseach: I thank Members for their support in this important issue. As Deputy

Howlin pointed out, when the previous Government was appointed in 2011, the situation was well-nigh catastrophic economically. Both of the people to whom he referred were quite extraordinary. I have rarely met anybody of the calibre and quality of my own party's nominee as economic adviser. He is capable of running any of the institutions Deputy Howlin mentioned and has a particularly strong, trained economic mind. It was important that there be a balance between the Department of the Taoiseach and the other two Departments, the Department of Public Expenditure and Reform and the Department of Finance. I have looked to replace that person but it is well-nigh impossible. It is not that I have given up. Instead, I have reassigned responsibilities in the area of policy and programme implementation.

We have a very close relationship with the Department of Public Expenditure and Reform and the Department of Finance and it would be through the Department of Finance that a White Paper would come to Government. Deputies will be aware of the changed situation in which there is now a spring economic statement. Bodies such as the national economic forum, the independent Irish Fiscal Advisory Council, the ESRI and other institutions put forward economic views and perceptions but the Government would adopt a White Paper on the basis of what would come from the Department of Finance. Any appointment would have to be commensurate with the ability of which I have spoken, and Deputy Howlin is correct that if one looks for somebody with an exceptional capacity, one has to remunerate them accordingly. It is true to say that cheap publicity can be gained by saying a person is being paid such an amount for doing a job. This is about our country. It is about maintaining steady management of the economy in very difficult times. As Deputy Martin pointed out, Brexit will not go away. It will have implications for us all on this island. The new Administration in America will have global implications. In this sense, it is important that we understand that in a partnership situation, this entity requires different thinking, different consultation and different support in order to keep it moving in the interests of the country. This is an important consideration. It is not that I have decided not to make an appointment. The particular kind of person we need is not that easy to find. In the meantime, I have reassigned responsibilities to two very capable people who are working on policy and programme implementation.

Deputy Micheál Martin: I take from the Taoiseach's reply that he has endeavoured to secure a replacement for his economic adviser and that he is on the hunt for, or that there is a vacancy for, an economic adviser if the right person comes along but that so far he has not been in a position to secure a suitable replacement. Is this because of salary issues? Is it perhaps because of a worry about the longevity of the Government, given the antics of the Taoiseach's Independent colleagues? Sorry, I withdraw that. We will not use the word "antics", but the-----

Deputy Brendan Howlin: Unpredictability.

Deputy Micheál Martin: I thank Deputy Howlin. Yes, the unpredictability or, may I say, volatility from time to time of certain members of the Independent Alliance, the Minister of State present, Deputy Canney, excepted. It is clear the Taoiseach has been seeking a replacement. It is important that there is a broader economic perspective on this because the challenges are so fundamental that they require a fundamental rethink of enterprise strategy, our economic model, our industrialisation policy *vis-à-vis* small-to-medium-sized companies and a greater role for such and the degree to which our economy is fit for purpose in a more isolationist and protectionist post-Brexit world.

Deputy Gerry Adams: I have an offer to make. If the Taoiseach were prepared to change his policy, we could lend him Deputy Pearse Doherty or some of our economic advisers, who

would advise him properly, point him in a different direction and really bring in new politics.

Deputy Micheál Martin: The Taoiseach already has a propaganda Minister.

The Taoiseach: I have given consideration to the Deputy's offer and have decided not to go down that road.

Enterprise strategy is absolutely critical. It was discussed just yesterday at a Cabinet sub-committee. We recently saw the publication of the report by the National Competitiveness Council on dealing with competitiveness and productivity, which is critical. The lack of a replacement adviser so far has nothing to do with the longevity of the Government. We have a very fine supply and confidence agreement with Fianna Fáil, a three-year programme with a review to be carried out at the end of 2018. The Government will honour all the commitments in the agreement, as required by the agreement. We understand the different ways in which Government must now decide how things can move forward. We are on the look-out for a replacement adviser. One never knows: the fact that the Deputies have raised the matter today might bear fruit very quickly.

Cyber Security Policy

3. **Deputy Micheál Martin** asked the Taoiseach if his Department has a policy on the use of unofficial e-mail accounts for official purposes; and if not, if his Department plans to have such an e-mail policy in the future. [38480/16]

4. **Deputy Gerry Adams** asked the Taoiseach the protocols his Department has in place for the use of unofficial e-mail accounts for official purposes by him and Ministers of State in his Department. [39814/16]

The Taoiseach: I propose to take Questions Nos. 3 and 4 together.

My Department has detailed ICT policies relating to the use of e-mail and the Internet which are provided to all staff. These policies also deal with software downloads, media device usage, remote access and the security responsibility of users. The existing policies do not explicitly ban the use of unofficial e-mail accounts for official purposes but they do stipulate that individuals using the Department's electronic media should handle their communications with the same care as with any other type of business communication.

These policies are being reviewed and consolidated, and text dealing explicitly with the use of unofficial e-mail accounts for official purposes will be included in the consolidated policy.

Deputy Micheál Martin: I thank the Taoiseach for his reply. There appears to be conflicting accounts from his office on this matter. My understanding is that, as he said, the practice has been that he and the political staff of his Department are given access to encrypted communications on a limited range of devices, including laptop computers. The objective has been to control tightly how official documents and information is handled. The Taoiseach might indicate why he thinks there is a need to operate a separate account. Is this for personal matters? What steps have been taken to ensure that all documentation is preserved in accordance with the requirements of freedom of information legislation? Has the Taoiseach submitted his e-mails to any security review? Have the arrangements of his staff been reviewed?

The backdrop to this is the very strong, conclusive evidence of hacking against democratic Governments and political parties across the globe. We are in a new era. The core question is whether the existing system in the Taoiseach's Department and across Government is adequate to cope with the present challenges. Is there a need for people to be fundamentally brought up to speed on the present dangers or the capacity of other states and organisations not only to hack into and disrupt our systems, but also to obtain vital information to undermine aspects of State policy, for example, or to create political mischief? This is a very real situation and a new avenue for espionage and cyber-warfare. I endeavour to ascertain from the Taoiseach whether he is satisfied that our system is fit for purpose in the context of the challenges democratic Governments now face regarding the security of their IT systems, in particular in respect of e-mail accounts and so on. There is the official route of encryption of official documents and so on but also the separate matter of the use of unofficial e-mails. What is the Taoiseach's perspective on this?

Deputy Gerry Adams: As the Taoiseach knows, the issue of hacking has hit the news recently as a result of allegations that the Russian Government has in some way hacked into the American Democratic Party computer system. The outgoing President has initiated an investigation into this. We read that more recently, in the past few months, there was a theft of millions from Tesco Bank in Britain, so there are a number of issues of concern in this regard. As I understand it, websites of different Government Departments have come under cyber-attacks in the past 12 months and there has been disruption of services, both for workers in the public service and for citizens who avail of online services. We now live in a world in which citizens rely on online services to apply for grants and medical cards, to complete tax returns and to do much more besides, so there is a possibility of personal information being accessed as this continues. As I understand it, the HSE, the CSO, the Department of Justice and Equality, the Courts Service and the Taoiseach's other Department, the Department of Defence, have all been targeted. I read that the Oireachtas network has been targeted as well. I tend not to pay an awful lot of heed to what the media reports, but it was reported that the Taoiseach used Gmail for official correspondence and that this was under review. It is also reported that he and five other Cabinet Ministers had personal information, including passwords, stolen by hackers who targeted the LinkedIn website. I do not know whether the Taoiseach wants to clarify any of these issues for the Dáil. Is he satisfied that enough is being done to ensure that Government IT systems are protected? Government policy does not, I understand, ban office holders and staff in the Taoiseach's Department from using non-departmental e-mail services. Is that the case throughout all other Departments? The Taoiseach said this is being reviewed. If so, will the Taoiseach indicate the status of the review and when it will be concluded? Will we get a report on it in the House?

Deputy Brendan Howlin: Obviously, all e-mails generated within the official systems within Departments sent to any e-mail address whatsoever are retained on the central servers and are amenable to being accessed for freedom of information purposes or any other purpose. There have always been concerns over the vulnerability of communications. Back 20 or 25 years ago the concerns would have related to telephones, mobile telephones and the hacking of mobile telephones and so on. I do not believe we are ever going to have a fool-proof system.

It was believed 20 or 25 years ago that any communication between Ministers here was always subject to oversight by GCHQ in Britain and the CIA. That was always a view. Whether that was true, I do not know, but it would be naive to think that sophisticated external intelligence agencies throughout the world would be unable to listen to any communication if they

so wished.

The question of cyber attacks and cyber manipulation represent a new dimension. Does the degree of priority or urgency correspond to the implications of revelations in the United States? I am not suggesting that those of us in this jurisdiction would be subject to the same focus applied by the Russian Government or any other government to the United States. Anyway, we need to take measures to ensure that, as far as is practicable, we have the best defences that technology can provide.

The Taoiseach: I am advised that the situation is secure. However, given what we read internationally about what happens with WikiLeaks or whatever, is anything secure that is put in electronically? I note from correspondence in America that there were over 60,000 cyber-related attacks on the US Government last year. I have spoken to representatives of some of the companies in California and the United States generally. Cyber attacks take place on their systems every day of the week. Many of these companies have continuously to employ people with a real interest who can look ahead at the challenges that will arise.

Deputy Adams asked when the review would be complete. I am assured that these things are fireproofed or fire-walled and safe. I am assured that the review and the consolidation process are almost complete. I expect that that new consolidated process will be completed by the end of January.

I have a private e-mail account that pre-dates my time as Taoiseach and which I use for personal correspondence or for party political correspondence that would not be appropriate to transmit on an official e-mail account from the Department. The Department has an official account for my constituency office for receipt of matters relevant to the Cabinet or the agenda in that sense. Sometimes I receive correspondence through that official e-mail address. If it is a matter that should be addressed to the Department or the Minister who might be concerned with it in an official capacity, I will send it off to the person concerned.

The private office uses a number of secure corporate e-mail accounts for conducting day-to-day business on my behalf, such as dealing with correspondence from the public or arranging events to be attended. My constituency office also has a secure corporate e-mail account. These accounts are managed by staff in my office and are only accessible on the Department's network. I also use a secure corporate e-mail account to enable officials to send me priority e-mails when I am out of the office. I can access this e-mail account on my mobile telephone or iPad. No corporate data, other than e-mail and calendar data, is accessible from these devices. All corporate data on the devices is encrypted. Both devices are protected through specialised mobile device management products.

The official e-mail accounts are only accessible by the Department's network in Government Buildings and remotely using official laptops and mobile devices. All devices issued to staff for remote access are fully encrypted and remote access to the network is only permitted from sanctioned devices using strong authentication protocols. Corporate e-mail is deployed on some telephones and tablets, but my Department's mobile security policy has to be deployed on the devices first. This policy controls a number of device settings, including enforcing the use of a complex passcode. Apart from e-mail and calendar data, no other corporate data is accessible from these devices. All mobile devices are managed using a leading mobile device managing product. In the event that a device is reported lost or stolen, a device-wipe signal is sent to the device to remotely remove all access to e-mail. My information technology unit also

has the capacity to render the devices completely unusable.

The Department of the Minister for Communications, Climate Action and Environment, Deputy Naughten, has a unit dealing with security encryption and this particular area. The unit is being expanded for obvious reasons. It is going to be located in UCD separate from the Department. This initiative is already paying dividends by way of warning individual entities or institutions of a cyber attack. Clearly, this is a specialised area. The issue is being addressed through the Department of Communications, Climate Action and Environment. The Department will have a unit removed from the Houses of the Oireachtas area and located independently in UCD, operated by personnel who are specifically focused on working on this area. The Department intends to expand those numbers again next year.

Deputy Micheál Martin: The Taoiseach has confirmed that he has his own separate personal e-mail account. Is that correct?

The Taoiseach: I have had it since before I became Taoiseach.

Deputy Micheál Martin: Can the Taoiseach guarantee that it is the case that no Government business or material or material pertaining to Cabinet ends up in that e-mail system? Presumably, less security is attached to the Taoiseach's personal e-mail account than would attach to his Government related e-mail account. Can the Taoiseach clarify that? Is material that may go from one to the other sufficiently secure in the Taoiseach's private e-mail account? I presume the service is owned by a private company. Can the Taoiseach clarify that for us?

Penetration by hackers and other states has been acknowledged as has the ease with which they can penetrate people's accounts and so on. In parallel, there has been a headlong rush to move everything online and to put all manner of crucial information online, including financial information. Increasingly, Revenue operates online, banking transactions are going online and so on. It is somewhat paradoxical. We are telling everyone to do this while the security situation is not sorted. Gaping holes exist in terms of people's security. It is a wider issue of policy. We need to be more cautious in forcing Seán Citizen down a certain line when the security for Seán Citizen is not sorted in terms of either the privacy he can expect or phishing relating to banking and so on.

The Taoiseach: I have had an e-mail address since long before I became Taoiseach. Obviously, I generally use the corporate e-mail for official purposes. In the past, there have been occasions when I have used that personal e-mail because of operational reasons. However, information does not go there from the secured encrypted e-mails. Government agenda or business comes to me via encrypted e-mail addresses.

I have seen what happens internationally. Irrespective of the firewalls put in place, I have a healthy scepticism regarding the ability of people to be able to breach them. Let us consider the extraordinary extent of e-mail production throughout the world. Hundreds of thousands of e-mail messages that apparently were deemed to be encrypted are being published. I have to say I have a scepticism about things that are put on the cloud electronically. There is somebody out there with a capacity to breach that unless the walls are absolutely fireproofed. My Department has assured me that these e-mails are completely encrypted and encoded in a complex manner. The Minister for Communications, Climate Action and Environment is expanding the unit of people who are dealing with this. The unit will be in a stand-alone position to advise and inform companies and institutions regarding cyber attacks. As I have mentioned, I learned last week

that there are thousands of attempted hits and attacks on the systems of American companies every day. In addition, there were many thousands of attacks on the systems of the American Government last year.

Brexit Issues

5. **Deputy Brendan Howlin** asked the Taoiseach if he will reaffirm comments attributed in the media to him regarding the potential for a united Ireland following the negotiations on the United Kingdom's exit from the European Union; and the specific plans he has in place for such a measure. [38617/16]

6. **Deputy Gerry Adams** asked the Taoiseach if he will report on the meeting of the Cabinet committee on Brexit that was held on 24 November 2016. [38637/16]

7. **Deputy Brendan Howlin** asked the Taoiseach to set out how his Department will work with the Department of Foreign Affairs and Trade on Brexit; and the process for dealing with the overlap of functions on relations with EU member states between the two Departments. [39818/16]

The Taoiseach: I propose to take Questions Nos. 5 to 7, inclusive, together.

The Government wants to ensure all aspects of the Good Friday Agreement are provided for in any new arrangement between the EU and the UK. This includes the principle of consent and the possibility of a change in constitutional status in Northern Ireland. The Good Friday Agreement and its successor agreements contain a very clear measure to the effect that people North and South of the Border may, under certain conditions, have the opportunity of voting by referendum on a united Ireland. As Taoiseach, I have made it clear that the Government is mindful of the need to ensure the future option of a Border poll, as part of the totality of the Good Friday Agreement, is upheld.

The Cabinet Committee on Brexit has met on a number of occasions, most recently on 24 November last, to continue the overall co-ordination of this country's preparations for the negotiations on Brexit which will take place as soon as the British Government submits its Article 50 notification. The committee is also considering the potential impact of Brexit for Ireland, as well as any economic opportunities that may arise. Separately, a special Government meeting was held on 16 November last to consider Brexit issues and, in particular, to prepare for an important plenary meeting of the North-South Ministerial Council in Armagh on 18 November.

The Government has considered Brexit issues regularly since the UK referendum, including on foot of ten separate memoranda for Government. I am ensuring a whole-of-Government response to Brexit is being developed, including through the Brexit Cabinet committee I established following the referendum result. I chair the Cabinet committee, which involves all Ministers as required. The issues involved concern all Ministers, Departments and agencies and require a consistent and comprehensive whole-of-Government response. As I have told Deputies previously, I have restructured my Department to ensure Brexit is treated as a crucial cross-cutting issue, including by creating a newly amalgamated international, EU and Northern Ireland division under a new second Secretary General. The work of this division includes supporting the Cabinet committees on Brexit and on European affairs.

Work on Brexit is supported by the Minister for Foreign Affairs and Trade and his Department, both of which now have a greater role in EU matters overall. The newly created EU division in the Department and the existing division in the Department dealing with Anglo-Irish affairs both have important roles to play. Relevant Departments, agencies and overseas missions across the Government are being strengthened to deal with Brexit. There is ongoing interaction on EU issues on a daily basis between the Departments of the Taoiseach and Foreign Affairs and Trade. Under the restructuring I announced in July, a second Secretary General has been appointed to lead a new integrated division in the Department of the Taoiseach with responsibility for supporting me on EU, Northern Ireland, British-Irish and international affairs, including through the Cabinet committees on European affairs and on Brexit.

A second Secretary General has been appointed to lead a new EU division in the Department of Foreign Affairs and Trade. This Department, working closely with my Department, has lead responsibility for the general co-ordination of EU affairs. The two second Secretaries General and their respective teams engage closely on an ongoing basis to ensure a comprehensive whole-of-Government approach to EU affairs is provided. In addition to the regular engagement between the Departments of the Taoiseach and Foreign Affairs and Trade, there is ongoing interaction across all Departments on the range of EU issues, including through regular meetings of the senior officials group on the EU and the interdepartmental group on Brexit. As Members will be aware, the European Council is meeting in Brussels this week.

Deputy Brendan Howlin: The section of the Taoiseach's comprehensive response in which he referred to Northern Ireland was quite orthodox. I am intrigued by a quote that was attributed to the Taoiseach in an article in *The Irish Times* headlined "Kenny says Brexit could bring about united Ireland" on 25 November last. The article began:

Britain's exit from the EU could result in an "uncomplicated route" to a united Ireland, Taoiseach Enda Kenny told a private Fine Gael fund-raising event. Mr Kenny again raised the prospect of a united Ireland as a possible outcome of Brexit at an event for one of his backbenchers.

Would the Taoiseach care to share with us what exactly he said at that meeting? It might be better for him to clarify the matter rather than having this quote out there. What was the thinking behind the Taoiseach's statement?

I am still a little confused about the exact working of the new EU division within the Department of the Taoiseach. It is now a merged EU-Northern Ireland division. Under the previous Administration, many staff from the Department of Foreign Affairs and Trade, headed by an assistant secretary, were transferred on secondment to the Department of the Taoiseach. The Taoiseach has now told us that there is a new EU division in the Department of Foreign Affairs and Trade itself. Are two units of officials from the Department of Foreign Affairs and Trade - one in the Department of the Taoiseach and the other in the Department of Foreign Affairs and Trade - dealing with EU affairs? How is the "co-ordination" mentioned by the Taoiseach happening? There is an assistant secretary in each division. How do they relate to each other? How do they relate to the Taoiseach and to the Minister for Foreign Affairs and Trade, who has the front or lead position in relation to foreign policy under the Constitution?

Deputy Gerry Adams: The Taoiseach will be aware that throughout her campaign to become Tory party leader and since she was appointed as Prime Minister, Theresa May has repeated that "Brexit means Brexit". Not content with that, she coined a new phrase last week

when she referred to a “red, white and blue Brexit”. That is her new mantra. The British Government has made it clear where it stands. It is standing up for what it perceives to be Britain’s national rights. The people of this island, North and South, are not a priority for it. That is entirely understandable from its perspective. The people of this island have to be a priority for the Taoiseach, however.

As I have said previously, the vision of the Taoiseach and the leaders of Fianna Fáil and the Labour Party is limited, restricted and blinkered by the parameters of this State. We need to be thinking about the entire island all the time. The Taoiseach’s reply to the questions before the House referred to the need for consent if there is to be a united Ireland. I accept that proposition. I am working with others in Sinn Féin to get that consent. We recently published a discussion document on Irish unity. I sent a copy of it to the Taoiseach. I am not sure if he has had a chance to read it but I would commend it to him. I sent copies of it to all Deputies.

The Government does not have a strategy for Irish unity. It is only mentioning it now in the context of Brexit. Over the entire existence of this State, no Government has had a strategy for Irish unity. Sinn Féin is prepared and willing to work with the Government and all the parties in here to develop such a strategy. I commend that position to the Taoiseach. Short of ending partition and achieving Irish unity, the main objectives of any Government should be to end poverty and to bring inequality to an end. Ending partition and ending poverty are linked in many ways. We have consistently urged that there should be an all-island vision when it comes to negotiations. We have argued that the result of the Brexit referendum in Northern Ireland has to be respected as part of the principle of consent, about which the Taoiseach spoke earlier. We have argued that a special designated status should be created to allow the whole island to remain within the EU.

4 o’clock

Again, we published a document on the case for the North to achieve designated special status within the Union, which seeks to address many of the issues that we have touched on and which the British House of Lords EU committee deals with to some extent in the report it published yesterday. The Taoiseach is arguing that such a status is implicit in the different propositions that have been put forward, but Northern Ireland will be outside the Union. There is a qualitative difference between what we are arguing for, not least because it is based on the democratic decision of the people in that part of the island. They have not given their consent to be moved out of the EU. Will the Taoiseach continue to focus on this? Is he prepared, in terms of the united Ireland proposition, to work with our party and the leaders of Fianna Fáil, the Labour Party, the Independent groupings and the other smaller parties to bring forward such a proposition?

Deputy Micheál Martin: The great victory for democratic republicanism on this island was the winning of the right to call a unification referendum if such a vote might conceivably be won.

Deputy Gerry Adams: The Deputy refused to put it to the British Government.

Deputy Micheál Martin: No one has yet demonstrated that calling such a referendum would be anything more than a gesture at this time and we have no intention of exploiting the Brexit issue to pursue a divisive agenda.

The more urgent issue is protecting the full right to joint Irish and British citizenship for

residents of Northern Ireland. We need the Taoiseach's assurance that he will not put up with any attempt to weaken this right on the part of the UK Government or the EU and I ask him to give this assurance. In essence, we will be faced with a situation where the largest number of EU residents living outside its boundary will be in Northern Ireland post-Brexit. It is a unique situation and those EU citizens demand special status and a unique approach and resolution in the aftermath of Britain leaving the Union and in terms of the future arrangements and relationship between the UK and the EU. As the forum the Taoiseach established recently illustrated, there is capacity to bring people together on the island on economic, industrial, farming, trade union and community issues, devoid of a political context saying they will be used to browbeat people into a united Ireland. The approach in the context of Brexit should be to continue to work with the stakeholders and to get the right deal for the people of this island in respect of the impact of Brexit because it will be bad for Britain and the Republic but it will be worse for Northern Ireland. That is what the economic analysis so far is telling us. We need to knuckle down on the practical implications of Brexit and come up with resolutions.

Has the Department examined the recent London Supreme Court case? In that case and the Belfast High Court case, the UK Government has taken a disturbing approach to its right to change international agreements. I do not know whether the Taoiseach is aware of this but the UK Government rejected as irrelevant parts of the Good Friday Agreement which gives EU law a role in Northern Ireland institutions. It said that the Northern Ireland Assembly has fewer rights of consultation than the assemblies in Wales and Scotland. It also insisted that it may act unilaterally to withdraw from agreements. Has the Taoiseach considered this matter? What is his position on the position the UK Government took in the Agnew case, in particular? Has he conveyed to the UK Government the fact that we must agree before any changes are made to the content and implementation of previous agreements?

An Leas-Cheann Comhairle: The Taoiseach will have to condense his reply into one and a half minutes.

The Taoiseach: I am happy to clarify Deputy Howlin's question, which I have answered previously. Second or third-hand reports generated into headlines are not what I was talking about. The Good Friday Agreement clearly contains within it the opportunity in the future, if so desired by the people, North and South, to vote in a referendum on the question of Irish unity. In other words, if there was a strong feeling and a strong motivation among people in Northern Ireland arising from a Border poll or whatever and the majority view was to join the Republic and form a united Ireland, that is provided for in the Good Friday Agreement and successor agreements. Brexit negotiations and discussions, whenever Article 50 is triggered, will have to include that wording and that principle in order that at some future time, were that to become a reality, the conditions applicable under the Agreement would apply. As Brexit will then have been implemented and Northern Ireland will be outside the EU, there should not be a long process if the people there wish to join the Republic in a united Ireland as a member of the Union in the same way that applied when East Germany was assimilated into West Germany. I was not suggesting what the headline said. I was making clear that in the discussions and negotiations that will arise, the principle, wording and understanding in the Good Friday Agreement, an internationally legally binding agreement, would be clearly put into the negotiated wording. I will do that from the EU's side of the table. This is an internationally binding agreement, as Deputy Martin will be well aware.

Deputy Adams asked about the question of Brexit meaning Brexit and standing up for people's rights. I have identified our priorities on many occasions: jobs, citizens, economy, rela-

tionship with Northern Ireland, the peace process, relations with the UK, the common travel area and our future relationship with the EU. When I met Prime Minister May, a number of things became clear. First, she said she would trigger Article 50 before the end of March. Second, there will be no return to a hard Border. Third, there will be diminution of the benefits of common travel area between the two countries which has applied since 1922. Both Governments agree with that. Implementing that will be an outcome that we look forward to arising from the discussions and the negotiations that will take place. That is where our priorities are and will continue to be.

The Deputy referred to qualitative differences and special status and so on.

An Leas-Cheann Comhairle: The Taoiseach should observe the clock.

Enda Kenny: Gabh mo leithscéal. I would like to know, and I would be happy to hear, what the British proposition is as to the kind of relationship it wishes to have in future with the Union once Article 50 is triggered. There are court cases with decisions to be made. We can then decide on the options and how that relationship should be structured. We need to focus also on the future of the EU with 27 member states minus Britain and where Europe wishes to be in five, ten or 20 years and the decisions it must make to get there.

I am happy to give the assurance Deputy Martin mentioned in respect of citizens in Northern Ireland.

An Leas-Cheann Comhairle: I extended the time because of the importance of the questions.

Priority Questions

European Defence Action Plan

An Leas-Cheann Comhairle: I understand it is proposed to take Questions Nos. 28, 29 and 32 together. According to Standing Orders, the Member who tabled the first question in the group should introduce them.

Deputy Lisa Chambers: Will the Leas-Cheann Comhairle clarify how that will work?

An Leas-Cheann Comhairle: Deputy Chambers will introduce the questions and the Minister of State will say which ones are being grouped.

28. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence the implications for Ireland of the European defence action plan; and if he will make a statement on the matter. [40072/16]

29. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence if he will be attending the meeting of the European Council of Ministers in Brussels on 15 December 2016; and the Government's position on the European Commission's European defence action plan which is to be discussed there. [39978/16]

32. **Deputy Eamon Ryan** asked the Taoiseach and Minister for Defence the implications for

Irish defence policy of the recent announcement of a European defence action plan. [40172/16]

Deputy Lisa Chambers: What are the implications for Ireland of the European defence action plan? Clearly, the EU is facing an unprecedented set of security challenges both within its borders and outside. It is my view that this plan is a reaction to those threats. I would like a statement from the Minister of State please.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I propose to take Questions Nos. 28, 29 and 32 together. The College of Commissioners adopted the European defence action plan on 30 November last. This is simply a proposal from the Commission. It has not been discussed or agreed by the member states or the European Parliament. As such, it has yet to go through the wide ranging and extensive EU procedures before any part of it becomes a reality.

The aim of the plan is to explore how EU policies and instruments can ensure that the EU's industrial and skills base will be able to deliver required defence capabilities in view of current and future security challenges. As part of this plan, the Commission has proposed the creation of a European defence fund. In addition, the plan aims to offer supports to small and medium sized enterprises, SMEs, start-ups and other suppliers to the defence industry. There are also proposals in the plan to increase transparency in relation to defence procurement under the existing EU procurement directives.

The purpose of the defence fund is to promote research and innovation and contribute to the strengthening of the European defence technology and industrial base, and to further stimulate the development of key defence capabilities. The Commission has proposed that the fund would have research and capability windows.

In the research window, it is proposed that €90 million in funding will be made available for collaborative defence research projects over the period 2017-20 in what is known as the "preparatory action". The Commission also proposed that, post 2020, a European defence research programme will be established which will require funding of €500 million per annum. It should be noted that this has yet to be negotiated as part of the post 2020 multiannual financial framework.

Under the capability window, the establishment of a fund is proposed. The fund would facilitate member states in purchasing capability platforms together through the pooling of national contributions, where possible, supported by the EU budget. The Commission estimates that this fund would be in the region of €5 billion per year. It is important to highlight that this would depend on individual member states agreeing to initiate joint projects which they would co-fund from national resources. To date, no such ambition on pooling resources across the union has been realised.

For certain member states in the EU, defence is a significant contributor to their economies, representing an industry of €100 billion with 1.5 million direct and indirect employees. Ireland does not have a defence industry. However, this does not mean we do not need to equip our defence forces with advanced defensive systems or that we will not benefit from this action plan. The action plan puts forward a range of proposals designed to deliver additional capabilities for the common security and defence policy, CSDP, and to support and regulate the defence industry as another sector of the Single Market.

I am satisfied that the proposals in the action plan fully respect the EU treaties and the

Lisbon protocols and pose no challenge to Ireland's traditional policy of military neutrality. There is also a clear recognition and reaffirmation that defence remains a member state prerogative. Decisions about expenditure, military capabilities, research and technology are matters for member states.

Deputy Lisa Chambers: At the Bratislava summit in September of this year the leaders of the 27 member states concluded "We need the EU not only to guarantee peace and democracy but also the security of our people." I agree with the Minister of State that suggestions will be put to him today and in the future that this is somehow an attack on our neutrality and I reject that completely. It is important to bear in mind that the second Nice treaty introduced a provision into our Constitution affirming that we could not partake in common defence without further amendment to the Constitution. We in Fianna Fáil abide by that.

We also believe, however, that it is in Ireland's best interests to have defence forces that are fit for purpose and able to carry out their duties effectively. The demand for resources is challenging and if there are ways we can boost our defences and ensure there is in place a credible defence policy we should do so. If the European defence action plan can provide opportunities for efficiencies and for making our defence spending go further we should avail of it. Even by the standard of neutral countries our defence spending is very low. What will the Minister of State do to ensure our Defence Forces can take advantage of this plan?

Deputy Paul Kehoe: The Deputy is right to say that this does not put our neutrality in question. I agree ours is a changing society and the world is changing and we have to be ready for whatever eventuality happens. We have to have the best equipped Army to be able to react to whatever is the situation. This is only a proposal from the Commission. It is to be agreed by the Council. I do not want, and it would be wrong of me, to make any commitment until I see the decision of the Council which then has to go through the European Parliament. I assure the Deputy that I take all her views and sentiments on board. I will be singing off the same hymn sheet as the Deputy.

Deputy Aengus Ó Snodaigh: I listened with interest to the Minister of State's response to Deputy Lisa Chambers. Is the Minister of State aware that there is a defence or military industry in Ireland? On the Order of Business today a Deputy from the county where Timoney is based appealed for the purchase of more military equipment from Timoney. There is also a huge industry in respect of dual-use goods, including some which go to Israel for military purposes.

There was a concern when the European Defence Agency was proposed in the Lisbon treaty that this was exactly where it was going. The Minister of State's response to Deputy Chambers is quite pathetic because he is not willing to take a position. What is the Government's position on this proposal? We know the proposal is to increase EU spending on military goods in research and divert money away from its current use for social good to military spend.

Deputy Paul Kehoe: The European defence action plan refers to the creation of a European defence fund which consists of two distinct financial structures. In respect of the research window, Ireland recognises the need for investment to be made in defence research, particularly in innovative technologies and products and services which will assist the development of future capability requirements for our Defence Forces. The action plan proposes a €5 million annual budget for defence and dual-use research and development as a successor to Horizon 2020. This has yet to be negotiated as part of the post-2020 multi-annual financial framework. Ireland

welcomes the reference in the European defence action plan to encourage the creation of synergies to boost innovation with civil economies such as cyber defence. Ireland has particular strengths in the areas of dual-use and civil commercial technologies which can support defence capability.

Deputy Eamon Ryan: The Minister of State says this does not affect our neutrality but at a certain point it does and we are at that point with a €500 million per annum research budget which we want to tap into, and a €5 billion capability window to build up a defence industry. As the Minister of State said, there are hybrid threats, cybersecurity threats and dual-use opportunities for which we will have these capabilities. However, it is increasingly drawing us in.

Just to focus on one specific question, the Minister of State said that he does not wish to contemplate the outcome of the Council meeting in advance. There is a proposal on funding and financing to the effect that the European Investment Bank, EIB, would have the capability of defence lending. That would be a shocking development which could have real implications for the EIB's ability to raise funds. No ethical fund would be able to invest in the EIB. The cost of lending would probably rise as a result. Does the Government intend to support any proposal that gives the EIB defence industry and arms industry lending capability? Does it think it better not to support that development or to be associated with it if the proposal is passed?

Deputy Paul Kehoe: I will repeat what I said in my original reply. I am satisfied that the proposals in the action plan fully respect the EU treaties and the Lisbon protocols and pose no challenge to Ireland's traditional policy of military neutrality. There is also a clear recognition and reaffirmation that defence remains a member state prerogative. Decisions about expenditure, military capabilities, research and technology are matters for member states. We will consider the Commission's proposal. I am not going to indicate to what we are going to commit.

To address Deputy Chambers, we live in a changing society. We have to be ready for every eventuality. We must have our Defence Forces equipped as best as they can be in order that they will be able to measure up and equal any other defence force. That is a real challenge for us. There are benefits for us in the proposal. We have to be able to equip our Defence Forces and that is the most important thing.

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

Deputy Paul Kehoe: If the Deputy talks to any member of the Defence Forces, he or she will tell her that the most important thing is-----

An Leas-Cheann Comhairle: There is an overall time limit.

Deputy Paul Kehoe: -----that they have the proper equipment.

An Leas-Cheann Comhairle: Do Members agree to allow the three Deputies to ask supplementary questions and the Minister of State to answer them? Agreed.

Deputy Lisa Chambers: Deputy Ó Snodaigh has said that this is about increasing military spending. The objective is actually to pool spending in order to increase efficiencies on the part of every member state that partakes in what is proposed. The European defence fund being proposed by the Commission represents a great opportunity for our country. We have a very tight military budget. I do not believe that we spend enough on our Defence Forces. They do not have the resources they need - through no fault of their own - to operate effectively.

There are two tranches to this: the research window and the capabilities window. The research window would fund collaborative research in innovative and strategic defence technologies. For example, technologies could include electronics, metamaterials, encrypted software and robotics. As a collective, we could achieve advances in technology. The capability window would support member states in joint spending. This is not about increasing the number of bombs or guns. We spend money on helicopters and other technologies for our Defence Forces in order that they can protect our citizens. We could pool resources to get a better price on those. Rather than taking the cynical view, there are actual savings to be made. Ireland is a small country with a small budget. To be able to pool collectively to create greater efficiencies and economies of scale is a good thing for Ireland. We need to recognise that. What is the Minister proposing to do to increase our ability of procurement in order to increase our capabilities?

Deputy Aengus Ó Snodaigh: Rather than retaining spending at the current cost, the proposal is based on the fact that the EU as a whole has a decreasing military spend. That is a laudable result and is not to be lamented, nor should it be increased to create an arms race similar to those from which Europe suffered greatly in the past. The Minister of State is saying that the Government has no position and does not want to pre-empt the debate. However, has Ireland already pre-empted this debate by assenting in October to the European Defence Agency, EDA, allocating €1.4 million to a pilot project in order to underline and prepare for the eventual project of increasing spending on research and pooling an initial €5 billion - up to €25 billion and maybe beyond that afterwards - in EU defence spending, as proposed by the EU and outside forces such as the US Presidency?

Deputy Eamon Ryan: The Minister of State said that he would not answer my question on whether the Government will support the proposal that the EIB might fund armaments and defence spending in advance of the meeting. What is the point of us being here if we cannot get some sense of the Government's position in advance of a European Council meeting? As I understand it, we are encouraged to have an understanding of our own position in advance of a decision of the European Council. It is not a difficult question, a sensitive question or a question of military secrecy. Can the Minister of State indicate whether the Government has a view on whether the EIB should be lending for armaments and defence spending? If he will not tell me, will he tell me why he will not tell me or will he explain the position? His refusal to answer the question because the meeting is coming up next week is something with which I fundamentally disagree. That is not what this House is for or how we should approach EU Council meetings. It is not a secret. I wish to know in advance what is the Government's position on this issue.

Deputy Paul Kehoe: There is huge potential in this proposal for Ireland. We must give that fact serious consideration. It is about pooling resources. I have said this in the House in the past. We must consider all of the proposals very carefully over the coming period, especially at Head of State level. That is where the Commission's proposals will really be considered.

The action plan will be formally sent to the European Parliament, the EU Council, the Committee of the Regions and the Economic and Social Committee for formal responses. I do not want to pre-empt anything, but I wish to say that we have to take these proposals extremely seriously and consider them. There is huge potential for Ireland. For a small country, given the amount we spend on defence, the proposals that the Commission has set out could get us more bang for our buck.

Deputy Eamon Ryan: Are we in favour of the EIB funding armaments?

An Leas-Cheann Comhairle: We move on now to-----

Deputy Eamon Ryan: On a point of order, are we precluded from asking questions on the Government's position before an upcoming EU Council meeting? What is preventing us receiving an answer to that question?

An Leas-Cheann Comhairle: I ask the Minister of State to reply.

Deputy Paul Kehoe: That will be discussed at the upcoming EU Council meeting.

Deputy Eamon Ryan: I know. What is our position?

Deputy Paul Kehoe: I am not going to get into an argument. This is a proposal that has been sent. There is a huge amount of negotiation yet to be done in respect of it. We must give serious consideration to these proposals. There are huge benefits in this for Ireland.

Deputy Eamon Ryan: So we are in favour of the EIB lending in respect of armaments.

Naval Service Operations

30. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence the preparations being made within the Naval Service to address possible increased fisheries protection requirements post-Brexit; and if he will make a statement on the matter. [40073/16]

Deputy Lisa Chambers: Are preparations being made within the Naval Service to address possible increased fisheries protection requirements post-Brexit? Will the Minister of State make a statement on the matter?

Deputy Paul Kehoe: The Sea-Fisheries and Maritime Jurisdiction Act 2006 established the Sea-Fisheries Protection Authority, SFPA, as the competent authority for securing efficient and effective enforcement of sea fisheries protection legislation and the sustainable exploitation of marine fish resources from the waters around Ireland.

To this end, the SFPA has a service-level agreement with the Department of Defence to ensure efficient enforcement of sea-fisheries law at sea through the support provided by the Naval Service and the Air Corps. In accordance with this agreement, an annual control plan is agreed between the parties that sets out the strategy for achieving sea-fisheries control targets each year. The Naval Service is also responsible for the operation of the fisheries monitoring centre, which is located at the naval base and is operated by the Naval Service on a 24-7 basis.

The consequences of Brexit will depend on the manner in which, and under what circumstances, the United Kingdom leaves the European Union. It is, therefore, premature to anticipate the detailed implications of the UK referendum, including any possible impact on fishery protection requirements, at this stage.

However, the Deputy may be assured that the Department, the Naval Service and the Air Corps will work closely with the SFPA on how any new arrangements are enforced and will liaise closely with the European Fisheries Control Agency and with other member states as appropriate. The Naval Service and Air Corps are well positioned to meet any new requirements that may emerge, including in their fishery protection roles.

The Deputy will be aware that the Naval Service ship replacement programme has seen the delivery of three new offshore patrol vessels in the past three years with a further ship to be delivered in early 2018. In addition, the White Paper on Defence from 2015 provides that the two Air Corps CASA 235 aircraft, which are tasked with carrying out maritime air patrol surveillance, will be replaced when necessary. These measures will ensure the Naval Service and the Air Corps have the capacity to continue to develop their fishery protection and other important roles in the maritime domain.

Deputy Lisa Chambers: The Minister of State is no doubt aware of the recently published House of Lords analysis of Brexit. It has received a lot of attention here because of its call for the continuation of the current open land border between the UK and Ireland, the maintenance of the common travel area, the right of free movement within the UK for Irish and UK citizens and their right to reside and work in both countries.

However, in its hearings, the House of Lords also heard that Brexit is a big prize for the British fishing industry and will enable it to become a world leading seafood exporter like Norway. According to fishing industry leaders, withdrawal from the EU will enable Britain to regain control of its waters after decades of common grazing rights assigned to European neighbours. Mr. Bertie Armstrong said that the flaws in the EU fishing policy had their roots in the politics of joining the European Community in 1973. According to Mr. Armstrong, "Fishing was considered expendable and British waters were given to the EC as part of the accession negotiations. It was a deliberate act but an act of folly. Now we have the opportunity to right it."

Obviously, this could have implications for Ireland and while nobody wants to predict difficulties, we would be foolish not to recognise they may be lying ahead for us. What action has the Minister of State taken since the vote in June? Has he and have the officials from his Department met officials from the Department of Agriculture, Food and Marine to discuss the implications of what I have just said?

Deputy Paul Kehoe: First, I have had bilateral meetings with my counterpart in the UK. There are two Departments involved here, namely, my Department and the Department of Agriculture, Food and the Marine, as well as the Sea-Fisheries Protection Authority. As I have outlined, we have a service level agreement with the Sea-Fisheries Protection Authority. The agency has set out the number of days it requires the Naval Service and the Air Corps to undertake sea fisheries protection duties.

The Deputy asked if there will be consequences for sea fisheries protection when Britain exits the European Union, but that will form part of the negotiations. The Minister for Agriculture, Food and the Marine, Deputy Michael Creed, has had talks on fisheries issues at EU level. As a matter of fact, the last time I was in Brussels, both the Minister and his departmental officials with responsibility for fisheries were also there engaged in talks.

I am not aware of the document to which the Deputy referred but-----

An Leas-Cheann Comhairle: The Minister has exceeded his time. I must exert some control.

Deputy Paul Kehoe: -----I assure the Deputy that we are very much on top of this.

Deputy Lisa Chambers: The 2015 White Paper highlights the perils of being an island. There are many risks and threats listed in the EU maritime security strategy that are relevant to

Ireland's maritime domain, including threats to Ireland's economic resources arising from illegal, unreported and unregulated fishing or other illegal exploitation of our maritime resources. This has the potential to deplete our fish stocks and destroy maritime habitats. We know that we already have certain difficulties in our waters, including overfishing and illegal fishing. It is understandable that some UK citizens and parliamentarians would view Brexit as a positive development for their fishing industry. We need to get to grips with this and get ahead of the curve because while we might be eyeing the UK's commercial banking industry, they are very much eyeing the fishing industry.

There are many concerns that in post-Brexit Britain there will be a bonfire of regulations. Indeed, members of the Brexit committee in the House of Commons have called on businesses to submit their wish lists. We must be concerned about this.

Does the Minister of State accept that there is a need to protect our fish stocks and maritime habitats and that the Naval Service must beef up its preparations ahead of Brexit?

Deputy Paul Kehoe: I would be the first to say that we need to protect our fish stocks. The fishing industry plays a very important role in our economy, especially in coastal communities, including in my own county in places like Kilmore Quay.

I assure the Deputy that whatever the Sea-Fisheries Protection Authority requires from the Naval Service and the Air Corps post Brexit will be forthcoming. The Government has invested heavily in the Naval Service in recent years. Such investment was much needed and now we have the most up-to-date vessels-----

Deputy Lisa Chambers: We have a lot of near-obsolete vessels too.

Deputy Paul Kehoe: Regarding the Air Corps, the CASA 235 aircraft will be replaced in time. The Air Corps also plays a very important role in sea fisheries protection.

Defence Forces Reorganisation

31. **Deputy Noel Grealish** asked the Taoiseach and Minister for Defence the reason soldiers from Finner Camp in County Donegal are being transported to Dublin and soldiers from Galway are being transported to Cork every day to carry out duties; the costs involved of these movements in terms of transport and soldier's time; his views on whether the reorganisation of the Defence Forces into a two brigade structure has been a success; his views on whether the reorganisation has left Ireland exposed in view of Brexit, should a managed Border become necessary; and his views on whether the reorganisation has been a significant factor in the poor findings from the Defence Forces climate survey 2015. [40201/16]

Deputy Noel Grealish: Will the Minister of State explain why soldiers from Finner Camp in Donegal are being transported to Dublin and soldiers from Galway are being transported to Cork every day to carry out their duties? Will he provide cost details to the House of these movements in terms of transport and soldiers' time? Does the Minister of State accept that the reorganisation of the Defence Forces into a two brigade structure has been an unmitigated disaster?

Deputy Paul Kehoe: The re-organisation of the Defence Forces, finalised in October 2012, resulted in a fundamental restructuring of Army formations and units throughout the country,

including the closure of a number of operational posts. This was undertaken to enhance operational readiness and deployability while reducing the number of personnel involved in administration. The reorganisation led to a reconfiguration of the Defence Forces operational processes from a garrison-based system to a more flexible, deployable system that makes more efficient use of all resources, including personnel.

I have been advised by the military authorities that, for the most part, personnel are only deployed within their own brigade area. However, on occasion, personnel from Donegal, for example, have been redeployed for security operations to other locations, including Dublin, which is a key centre for large-scale operations and ceremonial activities for the Defence Forces. It is important that military personnel have experience of the full range of duties required of members of the Defence Forces in situations where they may be called upon to reinforce operations in different parts of the country. This requires their deployment to locations where they can gain such experience.

The Defence Forces operate in the most cost effective manner possible. Costs associated with the transport of personnel are included in the funds allocated to the military through the budgetary process and the reorganisation has not resulted in any excessive additional costs being incurred.

Primary responsibility for the internal security of the State rests with the Department of Justice and Equality and An Garda Síochána. Control of Ireland's borders, which is primarily a security matter, falls to An Garda Síochána and, in respect of its responsibilities, to the customs service of the Revenue Commissioners. It is premature at this juncture to anticipate the detailed implications of the result of the UK referendum. While it is reasonable to engage in prudent planning, the fact of a British exit from the EU does not, of itself, give rise to additional border security requirements at this time.

Additional information not given on the floor of the House

The key findings of the climate survey are grouped under topics such as work-life balance, peer support, organisational justice within the organisation, procedural justice, organisational fairness, Defence Forces integrity and supervisory justice. The University of Limerick researchers who undertook the project point out that the findings of the report and the recommendations are interconnected and that caution should apply to reading or responding to any one particular finding in isolation. The University of Limerick is engaged in further work on the climate survey, engaging with personnel across all ranks and formations. This process will provide a greater understanding of the issues identified in the climate survey.

The following deferred reply was received under Standing Order 42A:

I refer to the above and the Deputy's supplementary question concerning vacancies in the Naval Service.

Based on the most recent figures available (Naval Service strengths at 31 December 2016) there are currently 39 vacancies at Officer level in the Naval Service: 32 of those vacancies are at the rank of Captain and the remaining seven (7) at the rank of Lieutenant.

There are currently 22 Naval Service Cadets in training and it is envisaged that 15 applicants from the 2017 Cadet competition will be inducted to the Naval Service in September 2017. Additionally, the Defence Forces also launched a competition in September 2016 to Naval Service

Direct Entry Officers in order to address the short term manpower deficiencies in both the Operations and Engineering Branches. It is planned to commission the first successful applicants from these rolling Direct Entry competitions in Q1 of 2017.

I trust this information will be of use.

Deputy Noel Grealish: I thank the Minister of State for his reply. Is he aware of the difficulties being experienced by members of the Defence Forces? At present, the Naval Service is short 38 staffing officers. One of our naval vessels was unable to put to sea because no engineering officer was available. Soldiers are having difficulty accessing basic items such as replacement uniforms. Last month I heard of a soldier who had to buy a pair of boots because a new pair could not be issued to him locally.

In light of Brexit, does the Minister of State accept that the reorganisation of the Defence Forces has left Ireland exposed, should a managed Border become necessary? Does he also accept that the reorganisation was a significant factor in the negative findings of the Defence Forces climate survey of 2015?

Deputy Paul Kehoe: First, I commend the Defence Forces on conducting the aforementioned detailed survey of members. The findings of the survey are very interesting. In conjunction with the Chief of Staff of the Defence Forces, my Department is making sure that issues raised in the climate survey affecting members of Óglaigh na hÉireann are addressed.

I am not aware of personnel not being able to get parts of their uniforms. If there are such cases, I would like to hear about them.

The Deputy referred to personnel having to travel from barracks to barracks or from where they live to a barracks that may not be in their locality. Bearing in mind the brigade structure, I have asked that when recruit classes are being taken in, personnel be located in the barracks closest to where they live. That will solve a considerable number of the problems. A considerable number of problems arose after the reorganisation. We are trying to solve them and relocate personnel to the barracks closest to where they live. For personnel with expertise in specific areas, it does not always work that way.

Deputy Noel Grealish: Has it been brought to the attention of the Minister of State that a naval vessel could not be put to sea because there was no engineering officer available? Is it true that there are 38 officer staff vacancies in the Naval Service? If the Minister of State does not have this information to hand, he might be able to send it to me on another occasion.

Deputy Paul Kehoe: I am not aware of a ship not being able to go to sea because of an issue associated with engineering personnel. There are vacancies at present for officers. I will revert to the Deputy with the exact number. We have the biggest cadet class, including members of the Air Corps, Naval Service and the Army. One hundred personnel in the junior cadet class started in September 2016. This will address a number of the issues associated with officers. This shows the commitment of the Government regarding the officer corps within the Defence Forces.

The Deputy referred to Brexit and the Border. That will be a matter for the Minister for Justice and Equality, Deputy Francis Fitzgerald. Where there is a call to aid the civil power, it will be matter for the Department of Justice and Equality to assess the circumstances after Brexit.

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) Deputies Sean Fleming and Brian Stanley - the HIQA report on Midland Regional Hospital, Portlaoise; (2) Deputy Richard Boyd Barrett - the industrial relations situation in Bus Éireann; (3) Deputy David Cullinane - the delay with the extension at Garranbane National School, Dungarvan, County Waterford; (4) Deputy Michael D’Arcy - funding for an adult narcolepsy service in 2017; (5) Deputy Pat Casey - the sale of Ardmore Studios in Bray for development; (6) Deputy Peter Burke - the need to relocate Westmeath Civil Defence; (7) Deputy Frank O’Rourke - the need for an additional VRT centre in north Kildare to reduce delays; (8) Deputy Maurice Quinlivan - delays with the opening of the new accident and emergency department at Limerick hospital; (9) Deputy Bobby Aylward - delays with scoliosis treatment for children; (10) Deputy Fiona O’Loughlin – the location of an Alzheimer’s day care unit in south Kildare; (11) Deputy Mary Butler - the need for intensive home care packages for people with dementia; (12) Deputy John Lahart - the NCPE decision regarding the Respreeza medication; (13) Deputy Billy Kelleher - parking charges at hospitals; (14) Deputy Jackie Cahill - difficulties for farm families missing entry into GLAS 3; (15) Deputy Gino Kenny - the incarceration of Ibrahim Halawa in Egypt; (16) Deputy Bríd Smith - Ireland as the sixth largest tax haven in the world; (17) Deputy Clare Daly - the need to search US military aircraft at Shannon; (18) Deputy Mick Wallace – the commission of investigation into the complete workings of NAMA; (19) Deputy Seán Crowe - the pending prosecution of the Speaker of the Catalan Parliament; (20) Deputy Pat The Cope Gallagher - the crisis at Letterkenny hospital; (21) Deputy Mick Barry - the recent Oxfam report on global tax; (22) Deputy Mattie McGrath - difficulties with flood insurance in County Tipperary and the south east; and (23) Deputy Catherine Connolly - maidir le hionad tacaíochta teaghlaigh sa Gaeltacht, an féidir síneadh ama a fháil ó thaobh feidhmiú na dtreoirlínte in 2017.

The matters raised by Deputies Sean Fleming, Brian Stanley, Michael D’Arcy and Peter Burke have been selected for discussion.

Ceisteanna - Questions (Resumed)

Question No. 32 answered with Question No. 28.

Other Questions

Defence Forces Properties

33. **Deputy Fiona O’Loughlin** asked the Taoiseach and Minister for Defence his plans to develop lands in the area of the Defence Forces training centre on the Curragh to enhance relationships with the local community; and if he will make a statement on the matter. [39823/16]

Deputy Fiona O'Loughlin: The fact that the Curragh is home to the Irish Defence Forces is a matter of great pride for the people of Kildare. We appreciate the great history attached to it, particularly this year when all the personnel received commemorative medals. However, the Defence Forces training centre is not a military base in isolation; it is home to a community that was once full of thriving businesses, schools and community groups. Some of the residential areas are currently blighted by the issue of overholders, who in many cases remain in legal limbo.

Deputy Paul Kehoe: I acknowledge the Deputy's concerns in this area. As she is aware, the Curragh forum was established to enable key stakeholders of the Curragh plains to meet and contribute to the ongoing management, protection and future development of the plains. Membership of the forum, which is chaired by the Department of Defence, includes representatives from the Defence Forces, An Garda Síochána, the Curragh Racecourse, Curragh racehorse trainers and Kildare County Council. The forum also considers inputs from other representative groups of stakeholders and interested parties, as required.

To date, there have been three meetings of the forum, the most recent of which was held on 27 October. Issues discussed have included illegal encampments, illegal parking, dumping, overgrazing and the ongoing management and maintenance of the Curragh plains. At the most recent meeting, a number of actions were agreed by the members of the forum to assist in addressing these issues. They include the updating of by-laws, where necessary, for the protection of the Curragh; putting formal processes in place for the reporting and processing of breaches of the by-laws and civil law on the Curragh, to include prosecutions etc. where appropriate; a memorandum of understanding to be agreed for actions between the responsible parties, including the Defence Forces organisation, the Garda and the local authority; possible development of facilities on the Curragh plains for use by the public; and development of educational programmes to ensure users of the Curragh are aware of its uniqueness and the practices necessary to protect it.

I am well aware of the many issues that need to be addressed in the context of the day-to-day management and use of the Curragh plains and consequently I am supportive and appreciative of the work being undertaken by the forum. I am confident that in working together, the members of the forum will provide the resolve and expertise to assist greatly in the identification and implementation of solutions to the problems that need to be addressed.

Deputy Fiona O'Loughlin: With the greatest of respect to the Minister of State and the forum, there are many more areas that the forum needs to consider. I acknowledge that there are really wonderful community groups within the camp and surrounding areas. The personnel of the Defence Forces engage with them, particularly in regard to the Curragh PRIDE resource centre. I was delighted to have some of the ladies involved here as my guests recently.

So much more could be done under the remit of the Department. There are approximately 1,500 personnel stationed within the camp at any given time. There are many others also. There are two primary schools, which are DEIS schools. Both are under the dual patronage of the Bishop of Kildare and Leighlin and the Minister for Defence, which the Minister of State will acknowledge is quite unusual and demonstrates his responsibility. The secondary school is also a DEIS school and is under the auspices of the ETB. It is run by the board of management. Its location causes a problem, however. It is in the centre of the Curragh Camp. There is an excellent new principal, Ms Nessa Lawlor. I was delighted to see one of the groups winning awards recently. The figures of the Department of Education and Skills show that the school

is undersubscribed. While it has the capacity for 225 students, it has in the region of 169. The Department of Education and Skills, other patron boards and the Department of Defence could play a valuable role here in dealing with the problem of oversubscription in schools in the area and possibly in providing a site for a new school, bearing in mind the needs of the ETB. Those concerned should really work together to make sure the school will be a school of choice.

Deputy Paul Kehoe: I can chat to the Deputy privately about this. That are a number of schools, both primary and secondary, based in the Curragh Camp. I am very much aware that when they were originally set up, the number of personnel in the camp was much greater than it is now. Of course, numbers are dwindling in the schools. This is one of the first matters I inquired about after my appointment earlier this year. I know where the schools are in the Curragh Camp. There are concerns over this, as stressed by the Deputy.

Last week, I was made aware that there is a new principal in one of the schools. I, as Minister of State, have no problem whatsoever meeting the Deputy or a delegation to discuss a number of issues concerning educational requirements in the Curragh Camp.

Deputy Fiona O'Loughlin: I appreciate that and I will take the Minister of State up on his kind offer.

There are a number of shops and businesses in the camp that are empty and no longer of use. It is very unfortunate that these have closed and have now become very unsightly. We need to consider a regeneration programme for the Curragh. The Minister of State has assured us here on a number of occasions that plans are under way to develop the institute for peace support and leadership training at the training centre in the Curragh. I understand it is foreseen that this will be of an international standard and contribute to the overall development of knowledge and experience in the areas of conflict resolution and peace support. It is important that a regeneration programme be implemented at the same time, with a specific timescale for establishment. This is really important. Projects could run in conjunction with one another.

Deputy Paul Kehoe: I have a number of plans for the Curragh Camp. As the Deputy is very much aware, now that there are additional cadets recruited since September, this is an area in which I personally want to invest. If one looks back ten, 15, 20 or 30 years ago, the number of personnel in the Curragh Camp was greater. The numbers have dwindled in the schools because of the fall in the number of personnel there. There were many more commercial businesses there at that time. I would like to have resources available to me to be able to pump into the Curragh Camp. The Partnership for Peace initiative will add to the camp. On the original question the Deputy asked regarding education, I have no issue with discussing with the Oireachtas Members from the south Kildare area the facilities the Deputy outlined.

European Defence Action Plan

An Leas-Cheann Comhairle: The next question is in the name of Deputy Boyd Barrett, who requested the Ceann Comhairle to give permission to have the question taken by Bríd Smith.

34. **Deputy Richard Boyd Barrett** asked the Taoiseach and Minister for Defence if he has reconfirmed Ireland's neutrality to his European counterparts in view of the European Commission's recent proposal for a €5 billion defence fund; and if he will make a statement on the

matter. [39836/16]

53. **Deputy Richard Boyd Barrett** asked the Taoiseach and Minister for Defence his plans for a discussion in Dáil Éireann on the European defence action plan; and if he will make a statement on the matter. [39835/16]

54. **Deputy Richard Boyd Barrett** asked the Taoiseach and Minister for Defence if he will report on his discussions with his counterparts in Europe with regard to the European defence action plan; and if he will make a statement on the matter. [39833/16]

60. **Deputy Richard Boyd Barrett** asked the Taoiseach and Minister for Defence if he has entered into new agreements with foreign powers on air defences in view of the European defence action plan; and if he will make a statement on the matter. [39837/16]

Deputy Bríd Smith: This question relates to Ireland's neutrality and asks whether the Minister of State, Deputy Kehoe, or the Taoiseach is about to reconfirm or has reconfirmed Ireland's neutral position to the European Union and the European Commission in light of the Commission's recent proposal for a €5 billion defence fund, and will he make a statement on the matter. This is a serious matter and the Minister of State did not adequately address it earlier.

Deputy Paul Kehoe: I propose to take Question Nos. 34, 53, 54 and 60 together.

As I outlined earlier, the College of Commissioners adopted the European defence action plan on 30 November last. The aim of the plan is to explore how EU policies and instruments can ensure the EU's industrial and skills base will be able to deliver required defence capabilities in view of current and future security challenges. As part of this plan, the Commission has proposed the creation of a European defence fund. In addition, the plan seeks to offer supports to small and medium enterprises, SMEs, start-ups and other suppliers to the defence industry. There are also proposals in the plan to increase transparency in defence procurement by member states. The purpose of establishing a European defence fund is to promote research and innovation, to contribute to the strengthening of the European defence technological and industrial base and to stimulate further the development of key defence capabilities.

As part of the Foreign Affairs Council held in November, which I attended, the Commissioner for Industry and Entrepreneurship presented an outline of the European defence action plan to defence Ministers. It should be noted that details contained in the plan, in particular relating to the creation of a European defence fund, are currently simply Commission proposals. They have yet to be fully defined and negotiated with member states. For example, the proposed funding for research and innovation will require agreement on a future EU multi-annual financial framework and then agreement on a defence research budget line by the member states and the European Parliament. In addition, the annual fund of €5 billion envisaged is dependent on member states pooling existing defence expenditures in favour of EU-wide co-operative programmes. There is no guarantee that member states would be prepared to pool resources in this way. As such, there is a lot yet to be worked through before any of these proposals can come into effect.

The proposals in the action plan fully respect the EU treaties and the Lisbon protocols and they pose no challenge to Ireland's traditional policy of military neutrality. There is, therefore, no requirement for me to reconfirm Ireland's neutrality to my European counterparts at this stage. However, this will be kept under review by my Department as the proposals within the action plan become more clearly defined.

I am satisfied that there is also a clear recognition and reaffirmation that defence remains a member state prerogative. There is no change to the *status quo* in that regard. Decisions about expenditure, military capabilities, research and technology are matters for the member states to decide.

Deputy Bríd Smith: It is interesting that the European Union issued a press release from the meeting the Minister of State referred to on 30 November in which it stated that this big defence plan would “reverse billions of euro in cuts and other actions, supporting Member States’ more efficient spending in joint defence capabilities”. The EU is welcoming a reversal in cuts to its military budgets while at the same time insisting that key austerity measures are continually enforced on this country and on Greece.

I ask the Minister of State again if he will reaffirm Ireland’s neutral stance when he meets the European Commission for this European defence action plan, how much Ireland will be contributing and how neutral Ireland can be if the defence budget is to be determined by the European Commission. We do not have a great history, given that we allowed more than 1 million troops through Shannon Airport in the recent past and there is evidence that Shannon Airport has been used for rendition for torture. People are rightly concerned about the viability of our neutrality. Given that this amount of money is being poured into a joint defence fund, this question is not being adequately addressed by the Minister of State.

Deputy Paul Kehoe: Let me assure the Deputy that at every opportunity I reaffirm Ireland’s position and policy on neutrality.

The proposals in the action plan fully respect the EU treaties and the Lisbon protocols and they pose no challenge to Ireland’s traditional policy of military neutrality. Therefore, there is no requirement for me to reconfirm Ireland’s neutrality to my European counterparts at this stage. Let me assure the Deputy that at all stages officials in my Department will carefully consider the proposals within the action plan as they become more clearly defined to ensure we remain within the confines of our policy on neutrality. If, at any stage, we see that there is a shift from that, I will reaffirm Ireland’s position on military neutrality.

An Leas-Cheann Comhairle: I call an Teachta Ó Snodaigh.

Deputy Bríd Smith: Do I get to come back?

An Leas-Cheann Comhairle: If we get an opportunity, yes. These are not priority questions and other Deputies may indicate.

Deputy Aengus Ó Snodaigh: Does the Minister of State accept, and we have had some of this debate already, that these European Commission recommendations that EU investment in defence would increase from €1.4 million this year to €25 million next year, €90 million in 2020 and then possibly €500 million are an increase in anybody’s eyes and us being tied to that would be contrary to our neutrality because we would be pooling and working hand in glove with NATO countries?

In terms of the second Commission proposal, while initially talking about harnessing €25 billion to procure weapons, the proposal’s detail also talks of €100 billion. As well as being contrary to neutrality, there is nothing in that to indicate that any saving that such pooling will achieve - in the region of €5 million or €20 billion depending on which part of the proposal one cites - will be ring-fenced to tackle poverty or disease eradication. Rather, it will be reinvested

in destructive industry and will be added to proposals contained in terms of creating EU bonds on this, using the European Investment Bank and diverting research funds from the European Structural Investment Fund. Will the Minister of State say that Ireland will oppose all such moves that are likely to add to a growing arms race, that we are a neutral country and that we will not contribute in any way to that arms race?

Deputy Paul Kehoe: First, I can assure the Deputy that we will consider every part of the Commission's proposal.

There must be savings when one pools resources and it would be only right and proper that we consider all of the proposals. There are opportunities here for Ireland.

5 o'clock

We are living in a society in which circumstances change at a rapid pace and we must be able to keep up to date on all equipment and technology available to the defence organisation. We cannot afford to be left behind. I assure the Deputy that if we did not consider the proposals here and we were left behind, many Members on the benches opposite would be the first to raise it in the House and say that we were not treating the proposals in a satisfactory and professional manner.

Deputy Bríd Smith: The joint French-German paper calls for a new European security contract. In this, NATO wants all other members to increase their spending to 2% of GDP. I hope the Minister of State will answer my question fully, rather than skate around it. Does he not agree that this would fundamentally change the character of the European Union from a supposed peace and economic project to a project that is more aggressive and in reality is giving a subsidy to the competitiveness of the arms industry and its capacity to export abroad, which will not serve our interests?

Deputy Paul Kehoe: I do not agree with the Deputy's accusation. I repeat that we will maintain our traditional policy of military neutrality in whatever decision we make here. The Government will consider each of the proposals that have been put forward in a very serious manner. There is potential here for Ireland so we must consider each of the proposals seriously. Society is changing at a rapid pace and we must be able to keep up with that. If that means equipping our Defence Forces, that is exactly what we must do.

White Paper on Defence

35. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence if he will publish regular reports on progress towards achieving the 88 separate actions specified in the White Paper on defence. [39808/16]

Deputy Lisa Chambers: Will the Minister publish regular reports on the progress towards achieving the 88 actions specified in the White Paper on defence which was released just over a year ago? It is important that we work collectively to monitor the implementation of the report and that it does not just fall to the Minister to ensure it is implemented.

Deputy Paul Kehoe: The White Paper on Defence sets the defence policy agenda for the next ten years. It encompasses the Government's policy on defence of the State from armed aggression, the defence contribution to domestic security, the defence contribution to interna-

tional peace and security and a broad range of other “non-security” roles which the Government requires the Defence Forces and the Civil Defence to undertake. It considers the defence capabilities required so that the Defence Forces can successfully deliver on the roles assigned by the Government. Finally, the White Paper also considers implementation and the actions required to ensure that defence planning and provision processes are further developed.

Therefore, the White Paper encompasses all work carried out by the Department of Defence, the Defence Forces and the Civil Defence. The 88 actions or projects which have been specifically identified are a subset of the totality of the work being carried out to implement the White Paper. Implementation of the specific actions arising from the White Paper will be carried out over a ten-year period. The initiation of each action is planned across the ten-year period of the White Paper up to 2025. Actions are being initiated on a phased basis in order to reflect the programme for a partnership Government and strategy statement commitments, the related nature of some projects and resourcing implications. This process is being kept under review and will be subject to change as issues arise.

The White Paper actions are being implemented through the use of a project management framework. Civil-military project teams are being established for each action as it is initiated.

Progress on implementation will be reported on as part of the annual report and be comprehended within the development of the planned fixed cycle of defence reviews. A core aim of implementation is to ensure White Paper actions are fully embedded in the day-to-day business of the Defence organisation. Updates on specific actions will be published in the normal manner through already existing channels.

Deputy Lisa Chambers: It is just over a year since the White Paper was published. We all welcome it and wish to see it implemented. I and my party would go further and ensure a significant increase in the number of personnel, if possible. However, we will have to wait for that. I ask the Minister of State to publish regular updates on the progress made towards achieving the 88 actions. Perhaps that could be done twice a year - once at the end of the year and once mid-year. The Minister of State could attend a meeting of the committee on foreign affairs and defence to update members on the implementation of the 88 actions perhaps a fortnight or three weeks after the publication of such a report. Members could then have a detailed discussion each January when the Dáil resumes and early in July just before the summer recess. This would be very useful and informative, especially for communicating the good work of our Defence Forces. It would be beneficial, in terms of working with the Department, the Defence Forces and the various representative organisations, if we worked collectively on monitoring the implementation of the 88 actions to ensure there is accountability and regular updates for Members from the Minister and his Department.

Deputy Paul Kehoe: As I outlined in my reply, there is a civil and military side to the implementation of the White Paper. I get regular updates from that group, which meets regularly. I will be happy to attend a meeting of the committee at any stage regarding the action plans. However, developments on the White Paper and the actions that are taken and delivered on will be reported in the annual review of the Department of Defence, which also includes the Defence Forces. Furthermore, if the Deputy wishes to ask questions on the White Paper and its implementation on any occasion during Question Time, I have no problem answering them.

Deputy Lisa Chambers: Questions in the Chamber in this instance are useful, but the debate is truncated and we do not get an opportunity to discuss any single project in detail. It

would not suffice in terms of the type of reporting I am requesting and the facilitation of debate not just between myself and the Minister of State, but with other Deputies and members of the defence and foreign affairs committee. I appreciate that there are military and civil aspects to all of the actions and that there are many matters to consider. However, I believe defence matters were too little considered by the committee in the last Dáil and Deputy Brendan Smith is anxious to make up for that in the current Dáil. I hope that can be done. Other Departments, such as the Department of Health and the Department of Children and Youth Affairs, update the relevant Oireachtas committee regularly. The Department of Children and Youth Affairs, for example, liaises with An Garda Síochána and other stakeholders in the community and it manages to update the relevant committee regularly on its work. The Department of Defence could probably do the same with regard to the 88 separate actions. It would not pose a huge difficulty. I ask the Minister of State to explore doing it twice yearly and to do so two to three weeks in advance of a committee meeting so we can have a debate on it, rather than in the Chamber where the debate is too truncated.

Deputy Aengus Ó Snodaigh: I support the request that we be given such a report. It is our duty to try to measure proposals from the Government, in this case a White Paper, especially given that we are expected to prepare for proposals in the budget when the Estimates are provided and also proposals for multi-annual funding. We cannot do that if we do not know the current progress on these far-reaching 88 recommendations. I do not agree with all of them, but they are far-reaching. At the very least, we should schedule one session, be it just before or just after the summer break, to allow the committee, hopefully, to influence the Minister of State's thoughts and those of the Government when proposing the budget, to ensure that the proposals are making progress rather than, as happened in the past, being stalled because they were sometimes an afterthought.

Deputy Paul Kehoe: I have no problem with updating the committee in the second quarter of next year on the implementation of the White Paper. As the Deputy understands, this is an important document for the Department of Defence and the Defence Forces for the future. A great deal of work went into the White Paper and I would be delighted to do what the Deputy asked. I, the Department and the Defence Forces also intend to brief the representative organisations, Representative Association of Commissioned Officers, RACO, Permanent Defence Force Other Ranks Representative Association, PDFORRA, and the Reserve Defence Force Representative Association, RDFRA, on all the actions in the White Paper. We have specifically targeted 88 actions. I have no problem in updating the committee on this and I assure the Deputy that I have no problem in terms of the Dáil with respect to the annual report of the Department of Defence and keeping the associations up to date on exactly what we are at on the 88 initiatives.

Military Medals

36. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence if he will consider honouring the proposal of the late Commandant Quinlan to award medals to a number of men who served with the UN at the battle of Jadotville in 1961. [39705/16]

40. **Deputy James Lawless** asked the Taoiseach and Minister for Defence if he will take the next step forward and award individual decorations of honour to soldiers in recognition for their actions during the United Nations intervention in the Katanga conflict in the Congo in view of

the recent issuing of a unit citation to honour the collective actions of bravery of the men of A Company, 35th Infantry Battalion, UN service, of the Army ONUC contingent; and if he will make a statement on the matter. [39821/16]

44. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence the steps he has taken to liaise with the President on the presentation of military medals for gallantry notwithstanding previous initiatives in relation to honouring the men of A Company, 35th Infantry Battalion that fought in Jadotville. [39704/16]

Acting Chairman (Deputy Eugene Murphy): Before I call Deputy Clare Daly to introduce her question, I wish to check with the Minister of State if he is taking Questions Nos. 36, 40 and 44 together.

Deputy Paul Kehoe: I propose to take Questions Nos. 36, 40 and 44 in the names of Deputy Clare Daly, Deputy Lawless and Deputy Clare Daly, respectively.

Acting Chairman (Deputy Eugene Murphy): Is that agreed? Agreed.

Deputy Clare Daly: My questions relate to an issue on which I have corresponded with the Minister of State, namely, the need for an appropriate recognition of the men who fought in Jadotville through the form of medals for bravery, a measure which was suggested by Commandant Quinlan. This is a sad part of our military history in that these people have never been properly recognised for the heroic courage they showed in 1961 in the Congo. In fact, they were stigmatised. While that is beginning to change it is not because of the State but rather because of their families and colleagues.

Deputy Paul Kehoe: I propose to take Questions Nos. 36, 40 and 44 together.

On the occasion of the 55th anniversary of the siege of Jadotville, I decided to issue a unit citation to honour the collective actions and bravery of the men of A Company, 35th Infantry Battalion. My Department organised and hosted a ceremony in Custume Barracks, Athlone, on Saturday, 17 September 2016, at which a unit citation was presented to the company in recognition of their collective heroism and professional performance during the siege of Jadotville while cut off from support and reinforcements.

During the ceremony a copy of the citation was presented to each member of the unit or next of kin in the case of deceased members. This was the first time a unit citation was awarded within the Defence Forces and I was delighted to be able to formally recognise the collective bravery and actions of the men of A Company, 35th Infantry Battalion. In addition, a specially commissioned insignia, which is currently being procured, will be provided to the members and the next of kin of deceased members of A company.

These recent steps to honour and recognise the bravery of those who served with A Company, 35th Infantry Battalion, build upon previous initiatives taken by former Ministers for Defence as follows. In November 2005, a plaque was unveiled in Custume Barracks, Athlone, to commemorate the events at Jadotville and the very significant contribution of A Company and of the 35th Battalion, as a whole, to the UN Peace Support Mission in the Congo. There was a presentation of scrolls in 2006. Portraits of Lieutenant Colonel McNamee, 35th Battalion commander, and Commandant Quinlan, company commander A Company, were commissioned. On 23 February 2007 these portraits were unveiled at the Military College and now hang in the Congo Room in the United Nations Training School in the Curragh Camp. In July 2010, the

50th anniversary of the first deployment to the Congo was commemorated in a highly publicised and well attended event in Casement Aerodrome, Baldonnel. A Congo photographic book was also produced for the occasion, a section of which was dedicated to the events at Jadotville in 1961. A nominal roll of A Company, printed in copper, has been affixed to the monument in Custume Barracks and was unveiled as part of the 50th anniversary of the Jadotville affair in September 2011.

I am satisfied that the events and happenings to date properly honour the bravery of the men of A Company.

Deputy Clare Daly: While the Minister of State may be satisfied, I do not believe the remaining men, their colleagues or their families are satisfied with the efforts. In some ways, one would have to ask why the Minister of State is going to all this effort to give these men what they do not want. The citation this year was a generic piece of paper to A Company, it had no identifying features such as the name or rank which is very important to military personnel. The plaque in Athlone is not good enough. The soldiers themselves had to pay to have the names put on it. There is no record of the presentation rolls in 2006. The Minister of State might clarify that.

With respect to the portraits in the mess hall, one is of Lieutenant Colonel McNamee, who was not even in the Congo and the other is of Commandant Quinlan who was ridiculed for most of his military career. A picture in a mess hall is not adequate given the bravery and trauma these men experienced. The initiative in Baldonnel was welcome but it was only publicised among the Army community. It is not an appropriate recognition.

The Minister of State gave out 10,000 medals to people who took part in a celebration of the centenary of 1916 and we cannot give out medals for bravery to people who took part in one of the most heroic and inadequately represented parts of our military history. What they want is a medal for bravery. There are only 30 or 40 of them left. It is time to acknowledge this.

Deputy James Lawless: I listened to the Minister of State's reply and I have read previous answers to questions tabled by Deputy Clare Daly, Deputy O'Dea and many others on this issue in recent times. The answers given do not appear to vary. I welcome the moves that have been taken to recognise these men and their families. I will not criticise the State for what it has done in recent times, albeit belatedly, but I ask the Minister of State, and this point was also articulated by Deputy Clare Daly, when individual decorations will be awarded. What steps are being taken to acknowledge the trauma suffered by the men and their families for the continuing and prolonged neglect and failure to recognise them?

I welcome the belated recognition that has come about, albeit in a joint manner, but I implore the Minister of State to go further. It means a lot to these families and those remaining men to have individual decorations awarded. A family member of mine fought with the UN, not in the Congo, and not in Jadotville. I know that being given individual recognition is something that would be deep and meaningful to those families. When will the granting of individual recognition be on the agenda?

Deputy Paul Kehoe: First, I wish to state that the men and women of Óglaigh na hÉireann put their lives on the line every day of every week, 24-7, when they go on peacekeeping duties, be it with UNDOF, UNIFIL or many of the other missions we have scattered across the world. I took a personal interest in this matter when I was appointed Minister of State because I saw

the human side of it when I was in opposition and over the past few years. I did not know any of the people personally, so I had no personal attachment in taking a personal interest in this.

This is the first time a unit citation and an insignia have been presented to any members or past members of Óglaigh na hÉireann. When I took a personal interest in this I said that we would have a ceremony in Athlone. I met each of the survivors personally and spoke to them and, contrary to what Deputy Clare Daly said, they were happy to receive the recognition, albeit not a medal, that I had given them. There is a legal position in that there is no provision in the regulations for the Minister to make an award of the military medal for gallantry other than on the recommendation of a military board appointed by the Chief of Staff, nor is there any mechanism for the case to be referred back to a military board for fresh examination. I have-----

Acting Chairman (Deputy Eugene Murphy): Thank you.

Deputy Paul Kehoe: Can I conclude?

Acting Chairman (Deputy Eugene Murphy): I will allow the Minister of State back in.

Deputy Clare Daly: Where there is a will there is a way. There is a sad irony in the fact that the battalion that followed the 35th and went out to the Congo received 25 medals while the 35th, to this day, has received none. The men of course welcome the Minister of State's actions and are glad of some recognition but given the scale of the siege and this battalion's monumental bravery against the odds, this is not enough. We need to find a way in which to recognise them appropriately. A key part in the turnaround has been Rose Doyle's excellent book. The film, "The Siege of Jadotville", has also helped to rewrite history as it should have been. There is a view that one of the reasons the soldiers involved were not appropriately rewarded was to protect the reputations of the likes of Frank Aiken and Conor Cruise O'Brien, who might not have had as good a history of this experience as the men at the front. Will the Minister of State look at this again?

Deputy James Lawless: I am curious as to what the Minister of State has to say because I think he was about to give an explanation of the details of the case. Maybe we are making progress.

Acting Chairman (Deputy Eugene Murphy): I will be allowing the Minister of State to reply.

Deputy James Lawless: There is a barrier there about which I am curious to hear.

There is a complex legal, political and military tapestry around the circumstances of this case. It appears one of the reasons, apart from the postcolonial emergence and conflict at the time, is the surrender of the soldiers in question. I remind the House, however, that many Irish patriots have surrendered, including those in the GPO during Easter week. The soldiers in question are not unique in Irish history of having surrendered against overwhelming odds to fight another day.

Individual commendations are appropriate. I would welcome the Minister of State's clarification on what steps are involved and if he can overcome these issues.

Deputy Paul Kehoe: After my appointment, this was one of the first issues I wanted to recognise. I have looked at this case upside down, inside out and every way possible. I recognise this is a complex situation, as Deputy James Lawless pointed out. There are rules and

regulations around the presentation of medals and who receives them. There have to be regulations. When one sees the movie, “The Siege of Jadotville” one immediately recognises the bravery of these men, their commitment and what they went through. One also sees this with every member - men and women - of the Defence Forces who goes abroad on peacekeeping duties. I do take on board the views of both Deputies but I assure them I have looked at this in every way possible.

Naval Service Operations

37. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence if the Naval Service humanitarian mission to the Mediterranean Sea will continue to be a unilateral one or if he is giving consideration to integrating the Irish contribution in wider EU efforts. [39809/16]

(Deputy Paul Kehoe): Following a Government decision on 12 May 2015, three Naval Service vessels, *LE Eithne*, *LE Niamh* and *LE Samuel Beckett*, were deployed to the Mediterranean between May and November 2015 to assist the Italian authorities with the migrant crisis. During that period, 8,592 people were rescued in the Mediterranean by Irish Naval Service vessels.

On 6 April 2016, the Government approved the return of a Naval Service vessel to undertake humanitarian search and rescue tasks in the Mediterranean. From May to December 2016, three Naval Service vessels, *LE Róisín*, *LE James Joyce* and *LE Samuel Beckett*, were deployed to the Mediterranean. *LE Samuel Beckett* has recently completed its mission in the Mediterranean and is scheduled to return to the Naval Service base soon. A total of 7,029 people were rescued by Irish Naval Service vessels in 2016.

To date, Irish participation in the humanitarian mission has resulted in the rescue of over 15,600 migrants, which clearly demonstrates the value of Ireland’s involvement in this important humanitarian response. Tragically, a total of 74 bodies were also recovered by the Naval Service during search and rescue operations.

The despatch of Irish vessels was subject to a bilateral arrangement with the Italian Government on the deployment and operation of the Irish vessels and on the disembarkation and reception of any persons rescued or vessels in distress, in accordance with the applicable international conventions on the rescue of persons in distress at sea. The question of further deployment to the Mediterranean in 2017 is currently under consideration.

EUNAVFOR MED Operation Sophia is another element of the comprehensive approach being pursued by the EU to address the migration crisis. The primary role of Operation Sophia is targeted at security and countering people trafficking, and ultimately, preventing the loss of life at sea. Ireland has not, to date, participated in this mission. While Ireland remains fully supportive of the EU approach to this crisis, there are currently no plans to deploy Naval Service personnel or vessels to Operation Sophia at this time.

Deputy Lisa Chambers: Last night, the Taoiseach, who is also the Minister for Defence, accepted the European Movement Ireland European of the year award on behalf of the Defence Forces. It was a special tribute which endorsed the efforts and sacrifices made by our Defence Forces personnel in the Mediterranean. The Taoiseach said last night that part of our commitment to Europe means working together with our partners to respond to the many challenges we

face. The work of our Defence Forces is the clearest practical fulfilment of that commitment. He also said:

The current humanitarian mission in the Mediterranean is a particularly vivid example of the professionalism of the Naval Service, and indeed of Ireland's solidarity with Europe. In response to the needs of people on the frontier of Europe, the six vessels which have patrolled the sea over two years have saved a total of 15,600 lives. While it is a tragedy that so many people attempt these dangerous crossings - and we are working to address that - the achievements of our Naval Service are indeed remarkable.

I agree wholeheartedly with him. We all agree that the Taoiseach is correct that this is a meaningful and important contribution to European solidarity. However, it is not the case that it is part of an integrated European approach. Instead, it is an isolated bilateral contribution. While in no way minimising the significance of what the Naval Service is doing in humanitarian terms in Europe, is it possible that the effect of this is to minimise the potential greater effectiveness of the Irish contribution? Does the Minister of State feel that if it was part of an integrated mission, the Irish contribution could be even more effective?

Deputy Paul Kehoe: There are several policy issues around Ireland being part of the full Operation Sophia. Ireland's response to the humanitarian effort in the Mediterranean in 2015 and 2016 was effective, however. I am not sure if the Deputy saw the programme "The Crossing" last night on television. It was excellent coverage of the work of the Naval Service in the Mediterranean. There were some absolutely harrowing pictures of what exactly it does every day. I would be favourable towards the continuation of this mission and humanitarian effort.

Acting Chairman (Deputy Eugene Murphy): Will Members please stick to the times allowed? If we do not stick to them, some Members will not get to ask their questions.

Deputy Lisa Chambers: In practical terms, participation in larger integrated search missions rather than isolated efforts would allow refuelling and resupply at sea, as well as integration with air support such as medevac. The Naval Service's Operation Pontus is operating solely as a bilateral humanitarian mission and is isolated from associated EU operations such as the Frontex mission, the EU Common Security and Defence Policy, CSDP, mission, and Operation Sophia. Does this not reduce the operational effectiveness of the Irish mission and eliminate any training added value of a multilateral engagement? Does it not also mean we do not know with the return of the *LE Samuel Beckett* this week whether Ireland will continue to engage due to the size of overheads and questions over the sustainability of the operation? I appreciate there may be a triple lock issue. Has the Department any view on how we can accommodate both our triple lock traditions with our humanitarian approach? Again, I compliment the Naval Service on its work and hope it continues.

Deputy Paul Kehoe: If we were to participate in the full mission, a number of caveats would be involved. The naval operation against human smugglers and traffickers in the Mediterranean, Operation Sophia, is one element of the comprehensive EU response to the crisis. The EU operation was launched at the Foreign Affairs Council meeting on 22 June 2015. Its mission is to identify, capture and dispose of vessels and enabling assets used, or suspected of being used, by migrant smugglers or traffickers. The objectives are not only to obstruct the activities of smugglers and traffickers but to also prevent further loss of life at sea and to reduce the suffering and exploitation of migrants caused by criminal organisations. Ireland is committed to addressing the humanitarian aspect of the crisis arising from the large numbers of mi-

grants trying to cross the Mediterranean. While Ireland is fully supportive of the EU response to the crisis, there are no plans to deploy Naval personnel or vessels to the EU mission at this time. In addition-----

Acting Chairman (Deputy Eugene Murphy): The Minister of State should be brief because he has gone over time.

Deputy Paul Kehoe: I congratulate the Irish Defence Forces, which include the Air Corps, the Army and the Naval Service on receiving the European Movement award yesterday in Dublin. The award was presented by the Taoiseach to the Chief of Staff of the Defence Forces.

Question No. 38 replied to with Written Answers.

Military Aircraft

39. **Deputy Mick Wallace** asked the Taoiseach and Minister for Defence if his Department carries out periodic reviews of defence policy and decisions to ensure they uphold Ireland's stated policy of neutrality; if he has had any discussions with the Minister for Foreign Affairs and Trade and the Minister for Transport, Tourism and Sport regarding the ongoing use of Shannon Airport by the US military as a result of concerns raised by groups (details supplied) over its potential implications for Irish neutrality; and if he will make a statement on the matter. [39839/16]

Deputy Mick Wallace: Does the Minister of State's Department carry out any periodic reviews of defence policy and decisions to ensure Ireland's stated policy of neutrality is being upheld? Has the Minister of State spoken with the Minister for Foreign Affairs and Trade or the Minister for Transport, Tourism and Sport in light of the fact that US military hardware is still passing through Ireland on its way to war zones? How does this tie in with our notion of neutrality, military or otherwise?

(Deputy Paul Kehoe): The White Paper on Defence 2015 provides for the establishment of a new fixed cycle of defence reviews. These reviews will take the form of a White Paper update every three years and a strategic defence review every six years. The first White Paper update will commence in the third quarter of 2018, with the first strategic defence review commencing in early 2021. Our policy on neutrality has been confirmed in the White Paper.

The issues of overflights by foreign military aircraft and the use of Shannon Airport by foreign military aircraft are the responsibility of the Minister for Foreign Affairs and Trade. Both my Department and the Defence Forces are informed by the Department of Foreign Affairs and Trade when requests are received for foreign military overflights or landings. This information serves to alert the Defence Forces, in particular, to a potential request for support from An Garda Síochána in the case of a request for landing approval at Shannon Airport.

As has been highlighted many times in the House, successive Governments have made overflight and landing facilities available at Shannon Airport to the United States for well over 50 years. These arrangements do not amount to any form of military alliance with the US and are governed by strict conditions, which are applied to ensure compatibility with our traditional policy of military neutrality.

The recent debate on the Private Members' Thirty-Fifth Amendment of the Constitution

(Neutrality) Bill 2016 clearly demonstrated that Ireland's long-standing policy of military neutrality is sufficiently safeguarded through existing constitutional provisions, through the protocol in the Lisbon treaty, through the Defence Acts and through long-term policy strategies adopted by the Government.

Deputy Mick Wallace: In November 2014, two planes passed through Shannon Airport coming from Delaware. They were carrying class 1 liquid fuel explosives and rockets and class 1 explosives and rockets with bursting charges. I have heard Fianna Fáil and Fine Gael condemn the Russian use of cluster bombs in Aleppo. I condemn their use as well. Why in God's name are we allowing cluster bombs to go through our airspace to Saudi Arabia? The US is backing the Saudi mission in Yemen, a country in which there is an absolute humanitarian disaster. Cluster bombs going through Ireland are killing innocent people in Yemen on a daily basis. A UNICEF report last week showed that 2.2 million children in Yemen are suffering from malnutrition. There is a child dying every ten minutes as a result of malnutrition, not to mention those being killed by cluster bombs or bombs of another nature. How can we say we are neutral if we are allowing this to happen? I do not understand it.

Deputy Paul Kehoe: Among the roles assigned to the Defence Forces in the White Paper on Defence is the provision of aid to the civil power. In practice, this means that the Defence Forces assist An Garda Síochána when requested to do so. Since 2003, the Garda has requested support from the Defence Forces at Shannon Airport on occasion. The issues of overflights by foreign military aircraft and the use of Shannon Airport by foreign military aircraft are the responsibility of the Minister for Foreign Affairs and Trade. It should be highlighted that successive Governments have made overflight landing facilities available at Shannon Airport to the United States for well over 50 years. These arrangements do not amount to any form of military alliance with the US and are governed by strict conditions applied to ensure compatibility with our traditional policy of military neutrality. The Deputy has made suggestions. If he is aware of any such cluster bombs being on board these aircraft, I ask him to go to An Garda Síochána to report that fact.

Deputy Mick Wallace: We were given the information through an FOI request. We are not making it up. When we were being tried down in Shannon, three people testified under oath that they had seen weapons on board military planes. It is not rocket science. If we were neutral, we would not only condemn the Russians for using cluster bombs or engaging in war crimes, we would criticise everyone who engages in war crimes. However, we do not do so. We are taking sides. Only recently, a leaked document has shown that Barack Obama and Joe Biden knew that Turkey, Saudi Arabia and Qatar are the leading funders and weapons suppliers of extreme jihadi insurgents in Syria and yet arms are being transported from America, through Ireland and on to these people. They have escalated the situation in Syria. They have turned a blind eye to the fact that Saudi Arabia has been arming jihadist insurgents in Syria. The most important step we could take is to stop any foreign power from using our airports and airspace to transport instruments of war, whether bullets, soldiers, bombs or guns. Let us become a neutral country again.

Deputy Paul Kehoe: Under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973 the carriage of weapons through Shannon Airport on commercial aircraft is prohibited unless an exemption has been obtained in advance from my colleague, the Minister for Transport, Tourism and Sport. The carriage of personal weapons by foreign military personnel travelling on chartered aircraft transiting through Shannon Airport is subject to the issuance of such an exemption in respect of each individual flight.

Acting Chairman (Deputy Eugene Murphy): I thank the Minister of State and all the Deputies who participated on Question Time.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Acting Chairman (Deputy Eugene Murphy): The first matter is in the names of Deputies Sean Fleming and Brian Stanley and relates to the HIQA report on the Midland Regional Hospital, Portlaoise. Both Deputies will have two minutes, the Minister of State will have four minutes to reply and the Deputies will have one minute each afterwards.

HIQA Reports

Deputy Sean Fleming: I want to raise the issue of the recent HIQA report into the Midland Regional Hospital, Portlaoise. I am very pleased to meet the Minister of State, Deputy Finian McGrath, here. I wish him well in his Department and I know his heart is in the right place when it comes to health and disability.

I am saying clearly on the record of the House that I need to speak to the Minister, Deputy Harris, directly on this issue. Any plans by the Department of Health will go nowhere until we have proper consultation with the Minister on the matter. The recent HIQA report contained nothing that was a surprise to me. Essentially, the report says that progress is being made in the maternity unit at Portlaoise hospital but that investment is required in the medical and intensive care unit in order to bring them up to standard. This has been known for quite some time but the HSE has not yet taken action. It should get a move on and do so immediately.

The main issue highlighted in the HIQA report relates to the difficulties in the accident and emergency department. The problem is that there are a large number of patients - over 36,000 - attending the emergency department in Portlaoise each year. There is not the appropriate number of consultant staff to deal with these patients and neither is there a named emergency consultant available on 24 hours a day, seven days a week. The answer is very simple. We have to take the necessary steps to ensure that we have enough consultants and medical and nursing staff available in the emergency department at Portlaoise hospital to deal with the patients who arrive there. Remarkably, the HSE's response to this problem is to consider cutting the number of hours the emergency department is open, thereby reducing the numbers attending to match the number of staff it wants to employ. This attitude by the HSE is totally wrong and if it represents the ethos of the HSE at national level, it has to be fundamentally changed. The real issue is that the statement by the HSE regional manager on cutting the hours of the emergency department has put a cloud over the future of the hospital. The knock-on effect, as highlighted in the HIQA report, is that the HSE is finding it difficult to recruit senior medical staff to Portlaoise hospital.

Deputy Brian Stanley: Can the Acting Chairman confirm how long I have?

Acting Chairman (Deputy Eugene Murphy): The Deputy has two minutes.

Deputy Brian Stanley: The issue arising from the HIQA report is very important and the question for the Independent-Fine Gael Government is whether it will use it as an excuse to downgrade services and close the hospital or whether it will use the report to improve services. The HIQA report said the hospital was at a critical juncture and that, to function as a model 3 hospital, it must be adequately and sustainably resourced. It said that services were being sustained through a reliance on agency staff which is costly and not good practice from the perspective of service sustainability. It stated that the ongoing reliance on agency staff had significant financial implications for the hospital. It also stated: “The ongoing lack of certainty has a negative effect on staff recruitment, retention and morale, and this further affects the sustainability of services.” If firm A is the subject of constant rumours about closing, local tradespeople and other workers will not apply for a job there. They will go to firm B instead, if that firm is on a steady footing. That is what is happening with Portlaoise. None of the past four Governments has put forward a clear, long-term strategic plan for Portlaoise. HIQA said the remaining risks will only be fully addressed through the formulation and enactment of a clear strategic plan.

Last year, almost 37,000 patients attended the emergency department in Portlaoise. There is a problem with capacity across the State and every Deputy in this House knows it. If the emergency department in Portlaoise is closed, where can patients be sent? They cannot be sent to Naas and they cannot be sent to Tallaght or Tullamore because they are already out the door. The report, which is now in the Government’s hands, was headed up by Dr. Susan O’Reilly. She is determined to plough on and I heard her on local radio the other morning.

Acting Chairman (Deputy Eugene Murphy): The Deputy’s time has concluded.

Deputy Brian Stanley: I started well behind so I need another couple of minutes.

Acting Chairman (Deputy Eugene Murphy): The Deputy asked for two minutes. He has had two minutes so I have been very fair to him.

Deputy Brian Stanley: The ball is in the Government’s court. Will it be its policy to use the HIQA report to downgrade the hospital or to fix what needs to be fixed? Will it set out a clear strategic plan to give the certainty that the community, staff and patients need?

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Deputies for raising this matter and giving me the opportunity to update the House on the report by the Health Information and Quality Authority, HIQA, into the services provided at the Midland Regional Hospital, Portlaoise. As the Deputies are aware, on 5 December HIQA published a review of the progress made at Portlaoise hospital in implementing the recommendations made following HIQA’s investigation in 2015. The HIQA report was conducted following a request from the Department of Health, which has been overseeing the implementation of the recommendations of the original report, to examine the progress that has been made on the ground in Portlaoise.

I welcome this HIQA report, which found that significant progress had been made at the hospital in relation to governance, patient safety and quality, and shows how much services have improved for the women using maternity services at the hospital. Portlaoise maternity services are reporting monthly maternity patient safety statements and are participating in national data collections, including the Irish maternity indicator system. This has led to a confirmation by HIQA that the hospital’s maternity services are performing in line with nationally reported

rates. I would like to acknowledge that we have travelled this far thanks to the bravery of the families who spoke out in the midst of their grief at a very sad time for many of them. The extent of progress in patient safety measures also demonstrates the commitment of the staff and the leadership team at Portlaoise hospital, as well as the team at hospital group level.

There has been considerable investment in Portlaoise in recent years. Hospital funding has increased by 15% since 2012 and staffing levels have risen by 18%. Additional funding is to be provided to facilitate the opening of the new medical assessment unit at Portlaoise in 2017. The HIQA report also identified immediate issues to be addressed in general hospital services. The HSE has been asked to address these immediate issues as a priority, and to ensure that the hospital is appropriately supported in its role by the other hospitals in the hospital group to serve the patients of the midlands. The Dublin Midlands Hospital Group has produced a draft action plan for Portlaoise hospital which takes account of the need to develop services in the context of developing the model of service provision for the entire hospital group. The HSE has now submitted the draft plan to the Department of Health, where it will be reviewed in detail. I reassure the Deputy that the Minister for Health is committed to securing and further developing the role of Portlaoise hospital as a constituent hospital within the Dublin Midlands Hospital Group.

The most important issue in relation to any changes at Portlaoise hospital is that patient safety and outcomes must come first. Any changes to services at Portlaoise, once approved, will be undertaken in a planned and orderly manner to further improve services for patients at the hospital and will take account of existing patient flows and demands in other hospitals, as well as the need to develop particular services at Portlaoise in the context of the overall service configuration in the Dublin Midlands Hospital Group.

Acting Chairman (Deputy Eugene Murphy): The Deputies have one minute each and I will be very strict about this as other Members are waiting.

Deputy Sean Fleming: I acknowledge the positives in the approach taken by the HSE on the maternity hospital in Portlaoise and, as has been mentioned, this has resulted in significant improvements. The same positive attitude now needs to be demonstrated towards the emergency department to bring it up to service. A sustainable hospital can only exist if it has sustainable resources and adequate staff to provide the required care. The biggest difficulty in Portlaoise in the past 12 months was the statement by the HSE regional managers who have sought to downgrade the hospital. This has damaged the confidence of the public towards the hospital because the suggestion that accident and emergency services might be reduced has resulted in people not wanting to take up employment there. It is damaging to the morale of existing staff and, above all, it is damaging to the quality of service people feel they will get if they go into hospital. The HSE needs to fundamentally change its attitude. If it does not, I will demand that the Minister does it for it.

Deputy Brian Stanley: Any extra cash is welcome but HIQA has said the extra money is being eaten up in expensive temporary staff, such as locums and agency staff. HIQA also said this had significant implications for the budget of the hospital going forward. The minor medical assessment unit, operating between 9 a.m. and 5 p.m., is no replacement for 24-hour emergency department services. As the 69 local health professionals who put their name to the report to the Minister said, paediatric, maternity and ICU services depend on emergency departments. The moment of truth has arrived. Are we going to have a strategically located regional hospital in Portlaoise, with maternity services, an ICU unit, paediatric services and an emergency department, or are we not? We need a clear plan with a clear strategy to give certainty

for the future which none of the past four, five or six Governments has provided.

Deputy Finian McGrath: I thank the Deputies again, in particular for acknowledging the work of staff and the excellent resources we have in that regard. Deputy Sean Fleming has a valid point about sustainable resources as these are vital for running a proper hospital. The Deputy also raised the issue of morale among staff. Deputy Brian Stanley talked about the capacity issue and about the fact that the extra cash was being eaten up. I strongly take his point and I will bring all these points to the attention of the Minister, Deputy Harris. He is attending a very important Cabinet sub-committee meeting on health at the moment, which is why I am taking these Topical Issues. It is important that we also acknowledge the fact that since 2012, there has been an 18% increase in staffing levels across maternity services, paediatric medicine and the emergency services, and a 15% increase in funding in 2016. However, there remain real issues of concern. I am aware of them in my local hospital, Beaumont Hospital. We have difficulty recruiting staff and we then find ourselves spending extra money on emergency agency staff. I take that point because I have experienced this in the disability sector.

Deputy Brian Stanley mentioned the 69 medical professionals who have been lobbying local Deputies. This is very important. Their voices must be heard. I will absolutely bring Deputy Stanley's concerns to the Minister's attention.

To follow up on Deputy Sean Fleming's point, the Minister should meet him to discuss the issue raised.

Acting Chairman (Deputy Eugene Murphy): I thank both Deputies for their co-operation.

Narcolepsy Issues

Deputy Michael D'Arcy: Narcolepsy was described to me by somebody whose family has been affected by it as being asleep when one should be awake and awake when one should be asleep. It is a naturally occurring ailment, but many people are affected by it because of a vaccination programme, specifically the use of a product called Pandemrix. The Pandemrix vaccine was intended to treat the H1N1 virus, or swine flu. However, some people's lives have been impacted significantly by this product, which was approved by the HSE. Nobody has ever been held accountable for the use of the vaccine. There were questions as to its suitability at the time. I feel aggrieved that a number of people's lives have been turned upside down as a result of an approved vaccination programme despite the questions raised about the product. Nobody has been held responsible. Nobody was found to have approved the product, despite the serious questions raised. The Department of Health has linked narcolepsy to Pandemrix. This has affected 80 people in Ireland, and their lives, as I said, were turned completely upside down.

There is a treatment service but it is in Temple Street Children's University Hospital and therefore only available to children. However, a number of adults are affected. They are on their own. This is not sufficient. According to information I was given, there was to be a funding stream of €1.6 million or €1.7 million to establish a national service for narcolepsy, not just for those affected by Pandemrix. It was to be based in St. James's Hospital, it was to be a centre of excellence and there was to be access to a multidisciplinary team and to professionals and specialists in narcolepsy. The hope and expectation was that they would develop a knowledge of the condition in Ireland but that the knowledge, the information and the accrual of the information would be available not only here, but also in other areas around the world. I was

told that the funding stream was cut. I look forward to the Minister of State's reply. I certainly hope it was not cut, in particular for people who were given Pandemrix, a State-sponsored vaccination product. Where the State is liable for a programme, the State should not cut it. If it has been cut, it should not have been cut. If it has not been cut, I welcome that.

Deputy Finian McGrath: I thank Deputy Michael D'Arcy for raising this very important issue and for allowing me the opportunity to give an update to the House on the matter. I acknowledge the impact of narcolepsy on all people who have been diagnosed with it. In particular, I am aware of a specific group of individuals who claim to have developed narcolepsy as a result of receiving pandemic vaccine during the 2009 influenza pandemic. Many people among this group were children at the time of their diagnosis.

As Deputies are aware, immunisation is a simple, safe and effective way of protecting children against certain diseases. It has saved more lives than any other public health intervention, apart from the provision of clean water. In spite of the obvious benefits that have come from vaccination, I must also acknowledge that there have been adverse outcomes for a very small number of people arising out of vaccination.

The priority of the Department of Health and the HSE is that the individuals and families affected receive appropriate health and social care supports. Therefore, my Department has engaged with the HSE, the Department of Education and Skills and the Department of Social Protection to ensure the provision of a range of services and supports on an *ex gratia* basis.

The HSE's advocacy unit acts as liaison with other service providers and Government Departments to facilitate access to the required services. It is in regular contact with individuals affected. Regional co-ordinators have been appointed to assist individuals by providing advice, information and access to local services.

The *ex gratia* health supports include: clinical care pathways to ensure access to rapid diagnosis and treatment; multidisciplinary assessments led by clinical experts; counselling services for both the individuals and their families; discretionary medical cards for those who have been diagnosed, which have been provided to allow unlimited access to general practitioner care and any prescribed medication; *ex gratia* reimbursement of vouched expenses incurred in the process of diagnosis and treatment, including travel expenses for attending medical appointments; and physiotherapy, occupational therapy assessments, dental assessments and dietary services, all on a needs basis.

Every possible measure is in place to ensure rapid diagnostic services. Consultants in sleep medicine from the Mater Private Hospital and the Children's University Hospital, Temple Street, have been involved in the diagnosis and treatment of many of the narcolepsy patients. As many of the patients are now becoming adults, work is under way to set up a centre of excellence for narcolepsy based at St. James's Hospital which will include the following services: a nurse specialist, dietary service, psychological service and a full service between St. James's Hospital and the children's hospitals.

It is acknowledged that treatment and individual medical needs may need to be reassessed over time. Consequently, the services and supports provided are reassessed on an ongoing basis to take account of any changes in the individuals' conditions and circumstances.

Finally, I acknowledge the impact on the lives of those people and families affected by narcolepsy and reiterate our commitment to the ongoing provision of appropriate services and

supports.

Deputy Michael D’Arcy: I ask the Minister of State to correct the record of the House. In his response he said, “In particular, I am aware of a specific group of individuals who claim to have developed narcolepsy as a result of receiving pandemic vaccine during the 2009 influenza pandemic.” They do not claim this; it happened to them as a result of the use of the vaccine. Will the Minister of State take the opportunity to correct this? He subsequently said, “I must also acknowledge that there have been adverse outcomes for a very small number of people arising out of vaccination.” Whether the Minister of State read his speaking note beforehand or not I do not know, but these statements do not tally. I ask him to correct the record of the House.

I asked a very specific question of the Minister of State.

6 o’clock

Is the €1.6 million funding stream available in the HSE 2017 service plan or not? The Minister of State spoke about many things, some of which were good and welcome. I want to know whether that specific sum of money is in the service plan. The Minister of State is unable to answer the question but it could not be clearer. The answer is not on the pages of script supplied to the Minister of State. Perhaps he has the answer in follow-up notes. I hope so. If not, the Minister of State has come to the House unprepared in a way that is insulting. The question is clear. Is the €1.6 million funding available for the development of a narcolepsy centre in St. James’s Hospital in the 2017 service plan?

Deputy Finian McGrath: I wish to remind the Deputy that I am representing the Minister for Health, Deputy Harris, who could not attend because he has a Cabinet meeting.

Deputy Michael D’Arcy: The Minister of State is representing himself.

Deputy Finian McGrath: I am representing the Minister and I will respond accordingly. I will respond to the particular issues. As of 9 December 2016, legal proceedings against the Minister for Health, the HSE and GlaxoSmithKline Biological have been initiated by 51 individuals. The plaintiffs allege personal injury and claim the development of narcolepsy resulted from the administration of the H1N1 pandemic vaccine. Legal advice obtained by the Department recommended delegation of the management of these cases and any subsequent similar cases to the State Claims Agency. A Government decision to give effect to this approach was obtained in October and allowed the Taoiseach to refer the matter to the National Treasury Management Agency on 15 October. The management of these cases has been transferred to the State Claims Agency.

The funding issue is important. Total payments in 2015 amounted to €55,189.32. The average payment made was €551.89. The largest single payment made was €7,488, which was for college accommodation expenses. Other expenses being reimbursed include expenses for GP visits, hospital charges, prescription charges and, prior to a medical card being issued based on the diagnosis of narcolepsy, consultant visits, dental costs, complementary therapies, travel costs, overnight accommodation and counselling, including family counselling. In some cases the HSE has also reimbursed third level accommodation costs, home tuition costs, rental arrears to the local authority, gym membership and child care costs.

The Deputy asked a question related to the funding of €1.6 million. I do not have the answer before me but I will come back with the answer to Deputy D’Arcy.

Deputy Michael D’Arcy: Do, please.

Acting Chairman (Deputy Eugene Murphy): Deputy D’Arcy, please. Can you listen to the Chair for one moment?

Deputy Michael D’Arcy: Will you allow me to speak?

Acting Chairman (Deputy Eugene Murphy): No, I will not, because your time is gone.

Deputy Michael D’Arcy: You will not allow me to speak. Is that correct?

Acting Chairman (Deputy Eugene Murphy): I apologise to you if you have an issue. You should take it up with the Ceann Comhairle’s office.

Deputy Michael D’Arcy: I asked a question. The Minister of State came in twice and did not answer the question.

Acting Chairman (Deputy Eugene Murphy): The Minister is coming back to you. Your time has passed.

Deputy Finian McGrath: I answered his question. Deputy D’Arcy should calm down.

Acting Chairman (Deputy Eugene Murphy): The Deputy is eating into the time of his colleague, Deputy Burke.

Deputy Michael D’Arcy: It is simply not good enough. The Acting Chairman should be protecting my rights.

Acting Chairman (Deputy Eugene Murphy): Deputy D’Arcy, you got your time. Please, sit down.

Deputy Michael D’Arcy: I did not get an answer to my question.

Acting Chairman (Deputy Eugene Murphy): I will let the Minister of State back in for 30 seconds.

Deputy Finian McGrath: I have answered the question.

Acting Chairman (Deputy Eugene Murphy): The Minister of State decided he would get back to the Deputy. Is that right?

Deputy Finian McGrath: I have answered as many questions as possible. I said I would come back to the Deputy about the details of the €1.6 million.

Deputy Michael D’Arcy: Why did the Minister of State not have the answer available for this evening?

Acting Chairman (Deputy Eugene Murphy): I call on both Members to sit down.

(Interruptions).

Acting Chairman (Deputy Eugene Murphy): Address the Chair, please.

Deputy Finian McGrath: I gave a commitment to come back on it. I answered every other question.

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Acting Chairman (Deputy Eugene Murphy): The Minister of State did. The Deputy should resume his seat.

Deputy Finian McGrath: I am surprised that the Deputy is carrying on like that.

Deputy Michael D'Arcy: Why did the Minister of State not have-----

Acting Chairman (Deputy Eugene Murphy): Please resume your seat, Deputy D'Arcy. I am moving on.

Deputy Michael D'Arcy: I asked one simple question. The Minister of State did not answer it.

Acting Chairman (Deputy Eugene Murphy): If you are concerned about patients-----

Deputy Michael D'Arcy: I asked-----

Acting Chairman (Deputy Eugene Murphy): Deputy D'Arcy, please. Are you going to respect the Chair?

Deputy Michael D'Arcy: I will.

Acting Chairman (Deputy Eugene Murphy): Thank you. If you are concerned about patients, you do not carry on like this. The Minister of State has said he will write to you. I take his word on that. You can talk to the Minister of State afterwards. I am moving on to Deputy Burke without further interruption.

(Interruptions).

Acting Chairman (Deputy Eugene Murphy): Please resume your seat, Deputy.

Deputy Michael D'Arcy: Acting Chairman, I will be making a-----

Acting Chairman (Deputy Eugene Murphy): I am calling Deputy Burke. Please resume your seat, Deputy D'Arcy.

Deputy Finian McGrath: Deputy D'Arcy was too busy on the mobile.

Civil Defence

Acting Chairman (Deputy Eugene Murphy): Deputy Burke has four minutes.

Deputy Peter Burke: First of all, I thank the Minister of State with responsibility for defence, Deputy Kehoe.

Deputy Michael D'Arcy: Acting Chairman, Deputy McGrath has just made a statement to me on the way out.

Acting Chairman (Deputy Eugene Murphy): You take that up with the Ceann Comhairle's office.

Deputy Michael D'Arcy: I will indeed.

Deputy Finian McGrath: Get over it.

Acting Chairman (Deputy Eugene Murphy): Gentlemen, please. Deputy Burke, without interruption.

Deputy Peter Burke: I thank the Minister of State with responsibility for defence, Deputy Kehoe, for taking this Topical Issue matter. Some weeks ago, I met the Minister of State and a number of the volunteers along with councillors Tom Farrell, Tony Martin and Joe Reilly, who are commanders in the Westmeath Civil Defence. This issue is urgent. It is about the relocation of the headquarters of the Civil Defence in County Westmeath. Currently, the Civil Defence operates in a condemned building. Serious health and safety risks are posed by this situation. Insulation is falling from the ceiling. Plasterboard has collapsed in one room. Buckets of water are on the floor collecting water day after day. The place is infested with rats. Thousands of euro of medical equipment, such as ECG machines, are lying in damp conditions and are at serious risk.

The Civil Defence is the first responder in many instances. During the serious flooding last year, the people in Westmeath saw the thousands of voluntary hours administered by Civil Defence personnel in their role as key responders. They often complement the serious stretched emergency services and they do a fine job at that. It is often said that those who can, do, and those who can do more, volunteer.

As a public representative in Longford-Westmeath I cannot stand over the current conditions that the Civil Defence personnel operate in. I will not accept it. I want to make this clear to the Minister of State. I know he has a special interest in the Civil Defence and that he has done great work nationally in the area to communicate with Westmeath County Council. This issue has been going on since 2007. I cannot tolerate going back to Mullingar or Westmeath and seeing this continue.

Volunteers cannot attend courses because the areas and headquarters are not suitable. They do not even have basic running water at the facility. We need an integrated facility with a garage and stores. As we are all aware, large significant equipment such as boats and ambulances are needed to provide this service to the community. The local authority sector is the first sector to call on the Civil Defence when they need support and when instances arise.

My colleague, Councillor Andrew Duncan, in Mullingar put forward a motion to Westmeath County Council at the November meeting calling on the council to put a clear plan in place immediately to relocate the headquarters of the Civil Defence. I know several options are on the table. These need to be explored urgently. I will not tolerate a date past January. We need to have a clear plan in place. We have to treat volunteers with dignity and respect. We cannot allow them to continue in a condemned facility. The facility has been condemned by the health and safety officer of Westmeath County Council. I know the Minister of State has communicated with the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, calling on him to put pressure on the local authority to ensure alternative premises are secured. It is important that we work together. I know the Minister will do his best. I appeal to the Minister of State to ensure a safety facility for the volunteers to allow them to discharge their service.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I acknowledge the Deputy's interest in this specific area. He has had much interaction with me on it. Civil

Defence is a volunteer-based organisation which supports the front-line emergency services. It operates in partnership between the Department of Defence and local authorities throughout Ireland. As Minister of State with responsibility for defence, one of my functions is to provide policy direction to Civil Defence. The White Paper on Defence, which charts the future development of Civil Defence, states that the primary role of Civil Defence is, as Deputy Burke outlined, to support the principal response agencies. Civil Defence supports An Garda Síochána, the HSE and the local authorities in a variety of emergency and non-emergency situations. The Department of Defence manages and develops Civil Defence at national level. The Civil Defence branch of the Department provides centralised training, administrative support and guidance and centralised procurement of major items of uniform and equipment in support of local authority Civil Defence efforts.

At local level, Civil Defence units are based in each local authority area under the operational control of the relevant local authority. These units operate on a day-to-day basis under the control of a Civil Defence officer, who is a full-time employee of the local authority. Civil Defence is a key element of each local authority's emergency response arrangements. Volunteers from Civil Defence have responded effectively when required over recent years, most recently during the flooding events that occurred in the latter part of 2015 and lasted well into 2016. Volunteer members of Civil Defence under the management of Civil Defence officers contributed significantly to the alleviation of hardship and supported their communities. I am aware that Westmeath Civil Defence and other units throughout the country were very active during this period.

Civil Defence units provide other critical supports to the principal response agencies on an ongoing basis. For example, Civil Defence volunteers frequently undertake search and rescue operations in support of An Garda Síochána. Civil Defence volunteers provide ongoing community supports in their local authority areas and contribute to the safe management of events that attract large crowds. Civil Defence volunteers deserve the support of the Department of Defence and the local authorities for which they respond. Civil Defence units in each county are generally funded on a 70-30 basis. Most of their funding comes through an annual grant from the Department of Defence, with the balance coming from the local authority. The provision of accommodation for local Civil Defence units is the responsibility of the relevant local authority. This long-standing position was reaffirmed in the 2015 White Paper on Defence.

I am aware of the situation regarding accommodation for Westmeath Civil Defence. I recently met a number of volunteers from Westmeath Civil Defence who outlined their concerns with the existing accommodation arrangements. I understand this matter has been raised at a meeting of Westmeath County Council. Along with Deputy Burke, who organised the meeting, and Councillor Tom Farrell, I met volunteers Tom Martin and Joe O'Reilly. I advised them that although accommodation for local Civil Defence units is a matter for each local authority, the Department of Defence will continue to work proactively with Westmeath County Council to encourage it to provide appropriate accommodation for its Civil Defence unit. Senior officials from the Department of Defence met senior officials from Westmeath County Council earlier this year. This was in keeping with the Department's efforts since the closure of Columb Barracks in 2012 to explore a number of avenues to try to secure the long-term future of the former barracks for the benefit of the local community. To date, Westmeath County Council has declined the option of availing of Columb Barracks for use, including by Civil Defence. Most recently, Westmeath County Council advised officials in the Department of Defence that it is conducting a review of the accommodation for Civil Defence in Westmeath. While the provi-

sion of accommodation is a matter for Westmeath County Council, departmental officials have offered to provide any advice required by the council in developing its outline plan for accommodation for Westmeath Civil Defence.

Deputy Peter Burke: I thank the Minister of State for his response. The volunteers of Westmeath Civil Defence asked me a number of weeks ago to visit the facility at Culleen Beg. It would be an understatement to say that I was shocked to see the disgraceful facilities in which Westmeath Civil Defence is operating. The White Paper on Defence, which has been mentioned, clarifies the demarcation lines and provides that the capital budget must be provided for within the local authority. The Government cannot stand by and allow this to continue. We have to shout “Stop”. We should contact the local authority morning, noon and night in order to ensure that it puts a plan in place by January at the latest. I note what the Minister of State said about the Department’s ongoing dealings with Westmeath County Council in respect of Columb Barracks in Mullingar. I think every avenue should be explored. We need a plan. We cannot go forward after January with option after option. I could not tolerate that. We need action in this case.

Councillor Andrew Duncan has been driving this matter very hard within Westmeath County Council. I mentioned the motion he has tabled. He is trying to get a clear plan in place. This problem has existed since 2007. It is not good enough that the local authority is not making progress with this more quickly. We need to ensure that it is resolved. When Councillor Tom Farrell and I met the Minister of State, we showed him a number of photographs of the facility. There is no way we can expect volunteers to operate in such shocking conditions. If we continue like this, we will find one day that there are no volunteers. If we respect people, we should treat them with dignity rather than expecting them to operate in a facility of this standard. I guarantee the Minister of State and the people of County Westmeath that I will follow up this issue to the best of my ability.

Deputy Paul Kehoe: During the summer, I sent an official from the Department of Defence to a public meeting regarding Columb Barracks in Mullingar to listen to the concerns of the local community. I understood at that time that a feasibility study was to be carried out. I have not yet received such a study from the local community. I am waiting on it. The involvement of Westmeath County Council would be required in that context. If no feasibility study has been received by the first quarter of next year, I will proceed with the sale of the barracks in Athlone. I have to say in response to the concerns expressed by the Deputy that I do not believe the barracks in Athlone is an option. Westmeath County Council has to become very proactive here in order to solve what I believe is a real and live issue. The Deputy is right when he says he showed me photographs of the Civil Defence facilities in Westmeath. The wooden structure is not suitable because the roof has fallen in. I understand the seriousness of the situation.

I assure Deputy Burke that I am proactive in this regard. I want the strong and active membership of Westmeath Civil Defence to be accommodated. That is why I have made an appeal to the local authority. I have written to my colleague, the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, who shares responsibility for this issue with the local authorities, to appeal to him to engage with the chief executive officer of Westmeath County Council and the senior officials in the council to ensure suitable accommodation is found for the members of Westmeath Civil Defence. The Deputy spoke about the equipment, etc., that is stored at the Westmeath Civil Defence facility. The Department of Defence has made a financial commitment to all Civil Defence units across the country so that they will have the best equipment. It is time for Westmeath County Council and other relevant parties to find

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a suitable location where Westmeath Civil Defence can be accommodated. I assure the Deputy that I will continue to follow up on this issue.

Acting Chairman (Deputy Eugene Murphy): I am sure the Minister of State will do so. That brings today's rather lively Topical Issue debates to a conclusion. I thank the Deputies who participated in it.

Courts Bill 2016: Order for Report Stage

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I move: "That Report Stage be taken now."

Question put and agreed to.

Courts Bill 2016: Report and Final Stages

Acting Chairman (Deputy Eugene Murphy): Amendments Nos. 1 to 3, inclusive, are related and may be taken together.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I move amendment No. 1:

In page 4, line 6, to delete "passing of this Act" and substitute "commencement of this section".

The Minister has tabled these amendments as a consequence of the deletion of sections 1 to 3, inclusive. These sections had been drafted to deal with the implications of the Court of Appeal ruling in the Langan case. The Bill, as initiated, was intended to come into effect on enactment and, therefore, there was no commencement provision. As I indicated on Second Stage, it was intended that enactment of the Bill would coincide with commencement by the Minister of the market value provisions in the Civil Liability and Courts Act 2004. However, following deletion of sections 1 to 3, inclusive, there is no longer a pressing need for the 2004 Act provisions to come into effect at the same time as this legislation. The purpose of amendment No. 3 is to insert a commencement provision in section 2. The Minister's intention is to allow a short interval between enactment of the legislation and the commencement of section 2 together with the relevant provisions of the 2004 Act. This will facilitate notification of the courts and practitioners of the new market value thresholds before they come into effect. Amendments Nos. 1 and 2 are consequential amendments which replace references to "passing of this Act" with "commencement of this section".

Amendment agreed to.

Deputy David Stanton: I move amendment No. 2:

In page 4, line 32, to delete "passing of this Act" and substitute "commencement of this section".

Amendment agreed to.

Deputy David Stanton: I move amendment No. 3:

In page 5, between lines 8 and 9, to insert the following:

“(4) This section shall come into operation on such day as the Minister for Justice and Equality may by order appoint.”.

Amendment agreed to.

Acting Chairman (Deputy Eugene Murphy): Amendments Nos. 4 to 6, inclusive, are also related and may be taken together.

Deputy Bríd Smith: I move amendment No. 4:

In page 5, line 34, to delete “in.” and substitute the following:

“in.

(2B) In any proceedings brought by a mortgagee seeking an order for repossession of land which is the principal private residence of a mortgagor or principal primary residence of a tenant of the mortgagor, the court shall—

- (a) adjourn proceedings for a period of at least 12 months,
- (b) arrange for the mortgagor to consult with a Personal Insolvency practitioner if they have not already done so,
- (c) allow the mortgagor produce a proposal for a personal insolvency arrangement under the Personal Insolvency Act 2012, with the explicit purpose of insuring the viability of remaining in the principal primary residence,
- (d) instruct the mortgagee to abide by the full terms of any tenancy agreement in place with respect to the property and for the mortgagee to assume the full responsibility of the landlord as stipulated in that tenancy agreement.”.

This is not just a technical Bill that contains an interim measure to permit cases involving land disputes to be taken in the Circuit Court. Currently, the law is that the rateable value of land determines which court a dispute goes to. I do not accept this is a technical Bill, which has no implications for evictions down the road. Some people argue this is the wrong place for the amendments I have tabled. It would be wrong of us not to use any legislation that comes before the House to deal with the most pressing issue we, as a country, face, which is the housing crisis and the threat that lies over the heads of many of our citizens of an uncertain future in respect of a basic human need and a basic human right, which is the right to a home and to shelter. It is entirely appropriate that any legislation that deals with the mechanisms of court proceedings should address the tsunami of repossession orders and subsequent evictions that are before the courts and that will come before the courts in the short term.

My amendments seek, with no apology to legal niceties, to delay institutions from evicting families. They place a command on the courts to follow a procedure that would keep people in their homes until other measures can be taken to stop evictions and the threat of homelessness that hangs over them just before Christmas and beyond. They seek to stop vulture funds and those who have acquired bad debts from evicting tenants who may have never missed a rent payment in their lives but who find themselves caught in the crossfire of big finance and corpo-

rate greed. We have to do more and use every opportunity that we can to throw roadblocks and delays in the way of evictions.

The response of the Government to the unfolding crisis has been absolutely pathetic. The measures it has brought in are aimed only at incentivising developers and facilitating corporate landlords. Curiously, while our amendments have been attacked for being inappropriate to a Bill that is just “a technical Bill to ensure efficiency in the courts”, the Minister has inserted a provision relating to the Planning and Development Act, which is the subject of two or more amending Bills, with the primary purpose of boosting developers’ profits and ensuring landlords continue to reap the benefits of the rental crisis. This is another provision proposed to ease the burden on developers by ensuring changes to strategic development zone, SDZ, planning are not hindered or delayed by subsequent alterations to the SDZ. It is telling that while nothing should get in the way of feeding frenzy for developers, the Government is slow to adopt anything that might help those facing evictions or homelessness.

I refer to the figures. More than 33,000 home owners are in arrears on buy-to-let dwellings while more than 104,000 people are in arrears on their principal private residence. Most evictions are taking place in the private rental sector and more than 30,000 people in mortgage arrears of more than two years could also be evicted. A total of 1,135 possession orders were made by the courts in the first nine months of 2015, a dramatic 70% increase on the number in 2014. Although this is described as a technical Bill mostly related to land valuation, the amendments provide an opportunity to address the most serious issue the country faces. All Members should take the opportunity to table amendments that will halt, slow down or stop evictions faced by thousands of families. If the Government wants to do anything for our citizens coming up to Christmas, this is the least it could do. I reiterate it is curious that a provision has been inserted to ensure SDZs do not have to go through the planning process, even though this is supposed to be a technical Bill relating to land valuation. I commend the amendments to the House.

Deputy Seamus Healy: I have tabled amendment No. 5, the first paragraph of which encapsulates its intent. It states, “Dáil Éireann formally declares that a housing emergency exists in the State and while this emergency continues the right of any person to remain in the dwelling in which the person currently resides will take precedence over any property right of any other person”, and there are actions flowing from that. Fundamentally, the greatest issue facing the country now and for some time to come is the housing emergency. The Minister for Housing, Planning, Community and Local Government told the *Irish Examiner* last May that he accepted there is a housing emergency. This is clear to the thousands of people who are homeless currently. A total of 6,847 people are homeless, of whom 2,470 are children. According to figures published yesterday, 420 families lost their homes over the past three months, which equates to four a day. Many of them are forced by banks and building societies to hand back their homes, the homes of others are being repossessed. The Minister for Housing, Planning, Community and Local Government accepts, and is quoted publicly as saying, that there is a housing emergency. I heard the Tánaiste acknowledge that in the House a fortnight ago. We need to take real action to ensure that those people who face the ultimate trauma of losing the roof over their heads are protected. It is essential and urgent that this Dáil formally declare a housing emergency in order to ensure a halt to evictions, to impose a rent freeze, to ensure that private property rights are made subject to the common good and to see to it that the right of individuals and families to remain in their homes supersedes the right to private property.

This Government declared a financial emergency and introduced legislation to cut the pay

and pensions of public servants. It renewed that emergency on 30 June last. There is major trauma and daily evictions. We need to ensure that families facing homelessness, through no fault of their own, are protected and have a roof over their heads this Christmas. The formal declaration of a housing emergency is an absolute necessity. The Taoiseach has written to the European Commission on this issue. While we have not declared a housing emergency, the Commission will not take that request seriously. There has been no response to the request. The Commission needs to know the problems in this country with people living in tents, hostels and hotels. Focus Ireland tells us that 20 families and 40 children are made homeless per month. Recent figures from the Central Statistics Office, CSO, show that there are more than 14,500 buy-to-let properties in arrears of more than two years. Unfortunately, whether the tenants in those properties know it or not they face eviction. Most of the families made homeless in the past 12 months were renting buy-to-let properties whose landlords were forced to sell by the banks. That practice needs to be stopped.

This situation developed as a result of the privatisation of the public housing programme in the early 2000s by a Fianna Fáil Government. I was a member of South Tipperary County Council at the time and when that was announced at our housing meeting, I said it would give rise to huge problems. We need a large quantity of local authority public housing for our citizens. In the 1970s we were able to build up to 10,000 local authority houses each year and we need to get back to that level. The Minister and the Government are simply tinkering around the edges. We need to declare a housing emergency in order to ensure that every citizen and family has the right to a roof over their heads this Christmas. The repossessions, which remind us of the battering rams used down the centuries in this country, need to be stopped.

Deputy Mattie McGrath: I, too, believe that the Government is making continual efforts to untangle the blockages in the courts. Those blockages are there because many people have been fighting lone battles against the might of the banks and not getting a fair hearing in many courts. They have experienced terrible trauma. I and other Oireachtas Members have attended many court hearings with families. I was in the court in Waterford where there was a huge Garda presence to stop people attending. Those families who could not afford the legal eagles had advocates with them who were sometimes disallowed and removed. We saw some very ugly scenes.

We must be reflective. We must realise where we have come from and the mess we have got into. We must see how the banks have been bailed out and how we were led up the garden path. I certainly was and so was the former Minister for Finance, the late Brian Lenihan Jnr. Our grandchildren will be paying back the banks' debts while the bondholders got off scot free. Some legislation, including the land and conveyancing legislation, allowed the lending institutions to do what they liked with people and families. Each day, the Oireachtas Joint Committee on Housing, Planning, Community and Local Government considers various actions but the basic problem is the inaction of this Legislature in respect of the banks and the courts. Sadly, the courts do not serve the people. When the Circuit Court in South Tipperary handed down judgments that treated people mercilessly, it was held up by the good activities of certain people, including those involved with the modern Land League. Now we are trying to circumvent that again to let them carry on with their merciless campaign of evictions. Such evictions create homelessness. No matter what we do in this House or what the Minister for Housing, Planning, Community and Local Government announces or what rent caps he brings in for Dublin, Cork and other places, we are playing catch-up. The real problem is the 200,000 homes that are lined up for the families in them to be evicted. The buy-to-lets are also a problem. I do not under-

stand why the Government cannot see the problems and deal with them.

I support amendments Nos. 4, 5 and 6 because they are very good amendments and I compliment the proposers on tabling them. They are very necessary, though I know they will probably not succeed. We must stand up for our people. After the past we have had in this country with the horrors of the Famine and all the different situations after that, we now have a modern democracy, or so we are told, in which the banks control us and twist us by the tail. It is quite hollow, shallow and very wrong. There is trauma, distress, sickness and fear inflicted on families. It is divide and conquer. It is a case of our people being downtrodden.

There are attempts being made in some cases to provide some legal fees to help families. It does not matter whether a person can pay legal fees after he or she has been evicted because it is often difficult to get lawyers and legal people to represent the evicted parties. In some courts, a person cannot even hear what is going on. I was in a court when a woman was taken from Cork Prison to the Four Courts to sit in the front row. An advocate was disallowed to speak on her behalf, though she was not able to stand not to mind speak with the fear, terror and trauma of being incarcerated and put out of her home. We should all take trips to the courts to see what is going on. I know that my honourable colleague beside me, Deputy Jim O'Callaghan, is probably used to the courts but many ordinary people are not. Justice has to be seen to be done as well as be done. Justice has to be heard, but it is not. On that particular occasion, I had to go right from the back of the court towards the front, seat by seat. We appealed to the eminent justice to speak up, as well as the lawyers for the prosecution, but to no avail. It may as well have been carried on inside a confessional. Nobody could hear a word. It was all mumblings, utterings and legal jargon.

This is the kind of torture that is being perpetrated. It is no different from what went on in the days of the Black and Tans that our good ancestors fought to get rid of. Our own system is supposed to be serving the people. We are public servants and Teachtaí Dála; we are messenger boys to the people. However, the system is not serving the people. We must cry halt to this. We cannot have subverted ways of allowing financial institutions and vulture funds that have bought up these properties to make a killing. It is bad enough to leave all the bondholders off scot free, even though they had insurance at the time, let alone to allow this continue to be perpetrated. As I said, we will never deal with the housing crisis while this is going on in tandem. It is like a three-legged race. They are both intertwined. We keep evicting people and threatening them with eviction and serious trauma comes from that. That trauma inflicted on families is a very big factor in our suicide and mental health rates.

There is merciless treatment in courts, even in my own courthouse in Tipperary in which people are not getting a fair hearing or fair treatment. When the county registrar left and went on to Wicklow, she was brought back again because there were not enough evictions happening in Tipperary. That is what I was told. Where are we going in this modern democracy as we come to the close of a year of celebration in 2016? The men of 1916 would turn in their graves if they saw what is being done in the country that they fought so nobly for and gave their lives and sacrifices for in the name of freedom. For no good reason of their own, people who tried to house themselves by building their own houses or by paying for it in rented accommodation with some assistance from the State now find themselves in a perilous situation. We in this Chamber are oblivious to what has been going and what continues to go on in the reign of terror being visited on these people. I compliment the proposers of these amendments and I support them 100%.

Deputy Jim O’Callaghan: It is important to remember that the Courts Bill was introduced last month, November, for a particular reason. The House was told that it was being introduced to deal with the unintended consequences of a Court of Appeal decision on a case called Permanent TSB *v.* Langan. That decision was given in July of this year. The Government said it was introducing the Bill to deal with some of the consequences of that court case. In particular, the Government stated it was introducing the legislation because the Circuit Court may not now have jurisdiction in respect of a certain type of case. Those cases in which it would not have jurisdiction related to buy-to-let properties in respect of which a mortgage had been granted prior to December 2009. On the basis of what the Government said in the House, it received agreement or main support on Second Stage.

When it came to Committee Stage, in light of concerns that were expressed to me by parliamentary colleagues in Fianna Fáil, I tabled an amendment to the legislation. That amendment was amendment No. 10 that was due to be considered on Committee Stage. What it sought to do was protect tenants on repossessed land. The reason I refer to it is because the amendment that I tabled on Committee Stage is relatively similar to the amendment being put forward now on Report Stage by Deputy Smith. The amendment being put forward by Deputy Healy is a much broader amendment. I particularly want to address the amendment being tabled by Deputy Smith.

When it came to Committee Stage, I brought to the attention of the Government that in fact the Court of Appeal decision in PTSB *v.* Langan was being appealed to the Supreme Court. That was something that this House did not know at the time of the Second Stage debate. In fairness, it could not have known as the decision to allow the appeal to the Supreme Court was only given two days after the hearing of the Second Stage debate in the House. As a result of bringing this information to the attention of the Government, on foot of the fact that the Committee on Justice and Equality indicated that it would not support it, the Government decided to drop the first three sections in the Courts Bill, which dealt with giving jurisdiction to the Circuit Court in the particular type of case that I outlined earlier. As a result of the Government dropping sections 1 to 3, inclusive, I did not proceed with or pursue amendment No. 10 because I did not think it was appropriate in light of the fact that the jurisdiction of the Circuit Court was not going to be changed by the legislation. There was no reason to introduce legislation because there was a matter before the courts. It may not be necessary to introduce legislation in the long run.

I wanted to give that as an explanation as to why Fianna Fáil will not be supporting Deputy Smith’s amendment, though I have a lot of sympathy for it. The reason we will not be supporting it is, due to the first three sections of the Bill being gone, it does not fit within the legislation we are drafting as a Courts Bill. However, I agree with a lot of what was said by Deputies Healy, Smith and McGrath about there being a housing crisis within this problem. That crisis is not going to be resolved by a Courts Bill or by amendments to it. It will only be resolved through the Government putting in place a coherent and sensible plan that will result in greater supply being provided in the development of houses and apartments in the country. It is also the case, however, that further consideration needs to be given to greater protection for tenants, including tenants of buy-to-let properties. That is a matter that Fianna Fáil will consider in due course. However, we do not believe that including this particular amendment is appropriate in the context of this Courts Bill. We will keep ourselves open to including a similar clause in subsequent landlord and land and conveyancing legislation that comes to be amended.

Deputy David Stanton: I thank the Deputies for tabling these amendments and for their

initial contributions on the first three amendments. I am afraid I cannot accept any of these amendments and I wish to give reasons.

Amendment No. 4 proposes to insert a new subsection (2B) into section 67 of the Valuation Act 2001. The proposal appears to be based on a misunderstanding of the purpose of that Act and the function of section 67. The 2001 Act revised the law relating to the valuation of property for rating purposes. It contains detailed provisions for the rating system, including appeals to the Valuation Tribunal. Some properties are designated as non-rateable under Schedule 4 to the Act, including domestic premises. However, section 67 allows the Commissioner of Valuation to issue a certificate of rateable valuation in respect of non-rateable property in certain cases in which it is necessary to demonstrate the rateable valuation of a property to benefit from a statutory entitlement or right. For example, one of the grounds on which eligibility to purchase the ground rent of a domestic premises can be established is where that rent is lower than the rateable valuation. For this purpose, a section 67 certificate can be obtained from the Commissioner of Valuation. It would be entirely inappropriate, therefore, to insert text along the lines of that contained in amendment No. 4, which deals with court repossession proceedings, into section 67 of the Valuation Act 2001. In any event, the content of the amendment cuts across provisions in the Land and Conveyancing Law Reform Act 2013, which was specifically targeted at repossession proceedings involving principal private residences. Section 2 of the 2013 Act already provides that in any repossession proceedings in respect of a borrower's principal private residence, the Circuit Court may adjourn proceedings so that a proposal for a personal insolvency arrangement, PIA, under the Personal Insolvency Act 2012, may be fully explored as an alternative to repossession. The Act also provides for an initial adjournment period not exceeding two months with the possibility of further adjournments where the court considers that progress has been made on preparing a PIA. This is without prejudice to the court's discretionary powers in this regard.

The 2013 Act already establishes an important link between repossession proceedings and the insolvency provisions of the Personal Insolvency Act 2012. In effect, this means that lending institutions cannot now proceed to the repossession stage without engaging with the borrower in good faith under the Personal Insolvency Act 2012. The 2013 Act also already provides the courts with a very broad margin of flexibility and allows them to take full account of the circumstances of each individual borrower when considering an application for repossession. In short and as Deputy O'Callaghan also pointed out, inserting the proposed provision in the Valuation Act would be entirely inappropriate. Moreover, to the extent that it seeks to restrict the independence and marginal discretion of the courts, it is likely that it would be challenged on constitutional grounds.

While I appreciate Deputy Healy's genuine concerns, I cannot accept amendment No 5. We are all aware of the difficulties being faced by some of our citizens in respect of housing and homelessness. It is a priority concern of this Government and we are acting with urgency and determination. Some support measures are already in place while others are in the pipeline. In particular, I draw Deputies' attention to the new innovative mortgage arrears resolution service, Abhaile, which the Ministers for Justice and Equality and Social Protection launched recently. This new nationwide service marks a new departure by providing free, independent, expert advice and support on financial and legal issues. Deputy Mattie McGrath made reference to the service earlier.

Deputy Mattie McGrath: Cá bhfuil mo bhaile?

Deputy David Stanton: The objective of the scheme is to ensure that persons at risk of losing their homes due to mortgage arrears can access independent expert financial and legal advice that will help them to identify the best options for returning to solvency, with priority given to remaining in their homes where that is a sustainable option. It aims, in particular, to reach those in arrears of more than two years. The scheme started in late July and is already proving very effective. Eligible clients are given vouchers to obtain expert advice from financial and legal advisers in order to resolve their debt issues. In addition, they can get assistance in court where needed, have access to solicitors and get help obtaining legal aid. Since the establishment of the scheme in July, over 2,100 home owners have received assistance. Other initiatives including the establishment of a dedicated new court to handle mortgage arrears and other personal insolvency cases and a review of the Central Bank's code of conduct on mortgage arrears will come on stream in the coming months.

Regarding the rights of tenants, a matter that falls outside the scope of the Bill we are discussing, Deputies may be aware that the Planning and Development (Housing) and Residential Tenancies Bill 2016, which is expected to be enacted shortly, contains two provisions relating to security of tenure. It provides that a landlord may not terminate a tenancy on the grounds that he or she wishes to sell a dwelling in circumstances where the landlord is selling more than 20 dwellings at the same time in the same development. In addition, the Bill provides for the repeal of section 42 of the 2004 Act, thereby extinguishing the landlord's right to terminate a further Part 4 tenancy in the first six months of that tenancy for no stated ground. I should add that action No. 5 of the rental strategy published earlier today by the Minister for Housing, Planning, Community and Local Government commits to the establishment of a working group to examine the scope for transferring the obligations of landlords to receivers where receivers have been appointed. The group will report to the Minister by the end of March 2017. Finally, in so far as it seeks to infringe on property rights safeguarded by the Constitution, Deputy Healy's amendment cannot be accepted.

On amendment No. 6, the intention appears to be to protect tenants in the event of repossession of dwellings by a mortgagee or the appointment of a receiver. I note at the outset that the scope of the proposal is not defined and that it would, therefore, appear to be intended to apply to all categories of tenants, including tenants of commercial premises and office blocks. Adoption of such a broad measure would be likely to have far reaching and unintended consequences. It is highly unlikely, therefore, that the proposed amendment would, because of its breadth and the fact that it is not limited to some class of tenant or some type of requirement of what could reasonably be regarded as social justice within the meaning of Article 43 of the Constitution, withstand a constitutional challenge. In the absence of some established social necessity or other similar justification and the proportionate limitation of the proposed amendment to what could reasonably be regarded as necessary for the purposes of such a justification, it does not seem likely that the constitutionality of the proposed restriction on the right of mortgagees could be successfully defended if there were a challenge alleging the proposed restriction constituted an unjust attack within the meaning of Article 43.2 of the Constitution. I cannot, therefore, accept amendment No. 6.

Deputy Bríd Smith: I accept that amendment No. 6 is flawed in that it does not specifically state, as amendment No. 4 does, that it relates to a principle private residence rather than an office block or an hotel. I accept that those few words are missing but the amendment is intended in the same context and spirit as the previous amendment. It also dovetails with Deputy Healy's amendment.

The Minister of State has argued that this amendment is not relevant to this Bill, which is concerned with land valuation. Having read the Bill, I am aware that most of the amendments relate to the valuation of land and to changes to the Valuation Acts. I understand the purpose of the Bill. The Minister of State has argued that, technically, this amendment is not relevant to the Bill but he does not explain how section 5, which amends section 170A of the Planning and Development Act which relates to the strategic development zones, SDZs, is relevant. The section begins thus:

Section 170A (inserted by the Planning and Development (Amendment) Act 2015) of the Planning and Development Act 2000 is amended—

(a) in subsection (3)(a), by the substitution, for “satisfies”, of “fails to satisfy”, and the deletion of “and may satisfy the criteria referred to in subparagraph (v) of that paragraph”,

This section deals with a measure which will allow developers to easily change an SDZ should an alteration or amendment be required. Why has an amendment to the Planning and Development Act 2000 been stuck into this Bill? We will be discussing both the Planning and Development (Amendment) Bill and the Planning and Development (Housing) and Residential Tenancies Bill this week and surely that amendment would be more appropriate in one of those.

Given everything that has been said about the urgency of stopping evictions and helping the tens of thousands of families who are stressed, worried and, in some cases, distraught, what is the problem with inserting an amendment that enables ordinary families to stay in their homes as against a provision which enables developers to bypass planning laws? Why is it appropriate for an amendment to the Planning and Development Act to be included in this Bill, while an amendment that deals with the current crisis for tens of thousands of families is deemed inappropriate?

Deputy Seamus Healy: The Minister of State, in responding to Deputy Bríd Smith’s amendment, made my case for me. He referred on a number of occasions to the question of a constitutional challenge but that is exactly what my amendment is designed to ensure cannot occur. If there is a formal declaration of a housing emergency, then that puts the right of a family to a home above the right to private property.

This is not something new, as I said earlier. A previous Government declared a financial and this Government renewed that declaration on 20 June last. This is not something that the Government does not know anything about. The Government has done this previously and as recently as 30 June.

7 o’clock

That was to cut pay and pensions. As the Minister of State knows, pensions have been declared by the Supreme Court and the courts system generally as private property. The Government has already declared a financial emergency, the addressing of which interferes with the private property of public servants, namely, their pensions. This is effectively no different.

The Minister refers to various supports but the figures we got yesterday show that, however well-meaning and well-intentioned they are, they are not working. A total of 420 families lost their homes in the past three months, which amounts to four per day. What we are doing is adding to the existing housing emergency. It is time that we stopped. The only way to absolutely ensure that we can protect families from the trauma, ill-health and mental distress arising from

homelessness and the pressure of eviction is by declaring a housing emergency. We should do that immediately.

Deputy Mattie McGrath: I, too, am disappointed. The previous Government had a massive majority and bulldozed everything through, including the land and conveyancing legislation. We are now supposed to have new politics and a new Government. In drafting the amendments, Deputies made a genuine effort to have empathy and to understand the trauma and stress. They are trying to deal with what the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, is calling an emergency. Reams of paper and all the announcements in the world will not deal with it if the Government does not do so.

Deputy Healy stated that over 400 families - four per day - lost their homes in the past three months. That is not to mention at all the many self-employed people with small enterprises who took out business loans in good faith. Many secured loans using their own homes, which they had paid for through hard work and toil. Now they are in trouble and facing the problem also. There is silence on this. The figure of four per day is not accurate at all. There are many more affected and they are suffering from the associated trauma. I would have believed Fine Gael would have been chastened somewhat by the result it got in the election. Now I see Fianna Fáil is lining up with it to ensure that these amendments are not accepted or given a hearing. We await the outcome. The public is watching, however. It is downright unbelievable that a housing emergency cannot be declared. The Government knows what is happening. Most of the Deputies know in any event. My colleague, Deputy O’Callaghan, might not because he is on the other side in his other job. He is entitled to that job but he is an elected Member of this House now. What goes on in the courts is lucrative business. There is a service called Abhaile. It is the case that many people will be saying, “Cá bhfuil mo bhaile? Tá mo bhaile imithe.” The service is appropriately named. It is a scheme to put money in lawyers’ and solicitors’ pockets; it is not to support families. Affected people must pay the costs in court when facing the high road. They face no other road but the high road. In court, they could not be heard or have advocates. Now they are told they can have legal eagles who will come to support them. The latter will get paid, yet those affected will be losing their homes, thus adding to a growing housing list. Despite this, we cannot see the correlation between the two. We are very slow. Junior infants would see what is going on. Anybody who is blindfolded would see what is going on, but this Government cannot see it and neither could that which preceded it. The contagion is now spreading to this side of the House.

Amendment put:

<i>The Dáil divided: Tá, 39; Níl, 83; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Brassil, John.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	
<i>Collins, Michael.</i>	<i>Browne, James.</i>	
<i>Coppinger, Ruth.</i>	<i>Bruton, Richard.</i>	
<i>Crowe, Seán.</i>	<i>Burke, Peter.</i>	
<i>Cullinane, David.</i>	<i>Butler, Mary.</i>	

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<i>Daly, Clare.</i>	<i>Byrne, Thomas.</i>	
<i>Doherty, Pearse.</i>	<i>Cahill, Jackie.</i>	
<i>Ferris, Martin.</i>	<i>Calleary, Dara.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Canney, Seán.</i>	
<i>Funchion, Kathleen.</i>	<i>Cannon, Ciarán.</i>	
<i>Healy-Rae, Danny.</i>	<i>Carey, Joe.</i>	
<i>Healy, Seamus.</i>	<i>Casey, Pat.</i>	
<i>Kenny, Gino.</i>	<i>Cassells, Shane.</i>	
<i>Kenny, Martin.</i>	<i>Chambers, Jack.</i>	
<i>McGrath, Mattie.</i>	<i>Chambers, Lisa.</i>	
<i>Martin, Catherine.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Mitchell, Denise.</i>	<i>Coveney, Simon.</i>	
<i>Munster, Imelda.</i>	<i>Cowen, Barry.</i>	
<i>Murphy, Catherine.</i>	<i>Curran, John.</i>	
<i>Murphy, Paul.</i>	<i>D'Arcy, Michael.</i>	
<i>Nolan, Carol.</i>	<i>Daly, Jim.</i>	
<i>Ó Broin, Eoin.</i>	<i>Deasy, John.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Deering, Pat.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Doherty, Regina.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Donohoe, Paschal.</i>	
<i>O'Brien, Jonathan.</i>	<i>Doyle, Andrew.</i>	
<i>O'Reilly, Louise.</i>	<i>Durkan, Bernard J.</i>	
<i>Pringle, Thomas.</i>	<i>English, Damien.</i>	
<i>Quinlivan, Maurice.</i>	<i>Farrell, Alan.</i>	
<i>Ryan, Brendan.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Ryan, Eamon.</i>	<i>Flanagan, Charles.</i>	
<i>Sherlock, Sean.</i>	<i>Fleming, Sean.</i>	
<i>Smith, Bríd.</i>	<i>Harris, Simon.</i>	
<i>Stanley, Brian.</i>	<i>Haughey, Seán.</i>	
<i>Tóibín, Peadar.</i>	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kenny, Enda.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	

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	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Bríd Smith and Seamus Healy; Níl, Deputies Regina Doherty and Tony McLoughlin.

Amendment declared lost.

Deputy Seamus Healy: I move amendment No. 5:

In page 8, between lines 26 and 27, to insert the following:

“9. Dáil Éireann formally declares that a housing emergency exists in the State and while this emergency continues the right of any person to remain in the dwelling in which the person currently resides will take precedence over any property right of any other person—

(a) accordingly no court or other authority shall order the removal of the current occupant of a dwelling, or by its decisions enable such removal notwithstanding the provisions of any Act currently in force including the provisions of the Land and Conveyancing Law Reform Act 2013,

(b) the housing emergency declared in this section can only be terminated by a vote of Dáil Éireann, and the Government including any Minister of the Government are precluded from annulling the housing emergency without approval in such a vote,

(c) in view of the Housing Emergency declared here, the power of any Minister of Government to raise the market value threshold of €75,000 for single or multiple dwellings for consideration of possession of dwellings cases by the Circuit Court by activating or commencing sections of existing Acts without approval by a vote of Dáil Éireann, is cancelled.”.

Amendment put:

<i>The Dáil divided: Tá, 37; Níl, 84; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Brassil, John.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	
<i>Collins, Michael.</i>	<i>Browne, James.</i>	
<i>Coppinger, Ruth.</i>	<i>Burke, Peter.</i>	
<i>Crowe, Seán.</i>	<i>Butler, Mary.</i>	
<i>Cullinane, David.</i>	<i>Byrne, Thomas.</i>	
<i>Daly, Clare.</i>	<i>Cahill, Jackie.</i>	
<i>Doherty, Pearse.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Cannon, Ciarán.</i>	
<i>Funchion, Kathleen.</i>	<i>Carey, Joe.</i>	
<i>Healy, Seamus.</i>	<i>Casey, Pat.</i>	
<i>Healy-Rae, Danny.</i>	<i>Cassells, Shane.</i>	
<i>Kenny, Gino.</i>	<i>Chambers, Jack.</i>	
<i>Kenny, Martin.</i>	<i>Chambers, Lisa.</i>	
<i>McGrath, Mattie.</i>	<i>Corcoran Kennedy, Marcella.</i>	

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<i>Martin, Catherine.</i>	<i>Coveney, Simon.</i>	
<i>Mitchell, Denise.</i>	<i>Cowen, Barry.</i>	
<i>Munster, Imelda.</i>	<i>Curran, John.</i>	
<i>Murphy, Catherine.</i>	<i>Daly, Jim.</i>	
<i>Murphy, Paul.</i>	<i>D'Arcy, Michael.</i>	
<i>Nolan, Carol.</i>	<i>Deasy, John.</i>	
<i>Ó Broin, Eoin.</i>	<i>Deering, Pat.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doherty, Regina.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Donohoe, Paschal.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Doyle, Andrew.</i>	
<i>O'Brien, Jonathan.</i>	<i>Durkan, Bernard J.</i>	
<i>O'Reilly, Louise.</i>	<i>English, Damien.</i>	
<i>Pringle, Thomas.</i>	<i>Farrell, Alan.</i>	
<i>Quinlivan, Maurice.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Ryan, Eamon.</i>	<i>Flanagan, Charles.</i>	
<i>Smith, Bríd.</i>	<i>Fleming, Sean.</i>	
<i>Stanley, Brian.</i>	<i>Griffin, Brendan.</i>	
<i>Tóibín, Peadar.</i>	<i>Harris, Simon.</i>	
	<i>Haughey, Seán.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kenny, Enda.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	

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	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Seamus Healy and Bríd Smith; Níl, Deputies Regina Doherty and Tony McLoughlin.

Amendment declared lost.

Deputy Bríd Smith: I move amendment No. 6:

In page 8, between lines 26 and 27, to insert the following:

“Amendment of Land and Conveyancing Law Reform Act 2013

9. The Land and Conveyancing Law Reform Act 2013 is amended by the insertion, after section 4, of the following:

“Protection of tenants on repossessed land

4A.(1) Where a mortgagee goes into possession of land of a mortgagor, or appoints a receiver to land pursuant to its rights as mortgagee, no right shall be granted to terminate any tenancy on that land that may then exist in favour of a

third party for a period of 24 months from the date of the appointment of a receiver.

(2) Where a mortgagee goes into possession of land of a mortgagor, or appoints a receiver to land pursuant to its rights as mortgagee, any tenancy on that land that exist in favour of a third party shall continue to enjoy any protections afforded to that tenancy under the Residential Tenancies Act 2004 notwithstanding the provision of any other statute.””.

Amendment put:

<i>The Dáil divided: Tá, 37; Níl, 86; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Brassil, John.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	
<i>Collins, Michael.</i>	<i>Browne, James.</i>	
<i>Coppinger, Ruth.</i>	<i>Burke, Peter.</i>	
<i>Crowe, Seán.</i>	<i>Butler, Mary.</i>	
<i>Cullinane, David.</i>	<i>Byrne, Thomas.</i>	
<i>Daly, Clare.</i>	<i>Cahill, Jackie.</i>	
<i>Doherty, Pearse.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Cannon, Ciarán.</i>	
<i>Funchion, Kathleen.</i>	<i>Carey, Joe.</i>	
<i>Healy, Seamus.</i>	<i>Casey, Pat.</i>	
<i>Healy-Rae, Danny.</i>	<i>Cassells, Shane.</i>	
<i>Kenny, Gino.</i>	<i>Chambers, Jack.</i>	
<i>Kenny, Martin.</i>	<i>Chambers, Lisa.</i>	
<i>McGrath, Mattie.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Martin, Catherine.</i>	<i>Coveney, Simon.</i>	
<i>Mitchell, Denise.</i>	<i>Cowen, Barry.</i>	
<i>Munster, Imelda.</i>	<i>Curran, John.</i>	
<i>Murphy, Catherine.</i>	<i>Daly, Jim.</i>	
<i>Murphy, Paul.</i>	<i>D'Arcy, Michael.</i>	
<i>Nolan, Carol.</i>	<i>Deasy, John.</i>	
<i>Ó Broin, Eoin.</i>	<i>Deering, Pat.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doherty, Regina.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Donohoe, Paschal.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Doyle, Andrew.</i>	
<i>O'Brien, Jonathan.</i>	<i>Durkan, Bernard J.</i>	
<i>O'Reilly, Louise.</i>	<i>English, Damien.</i>	

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<i>Pringle, Thomas.</i>	<i>Farrell, Alan.</i>	
<i>Quinlivan, Maurice.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Shortall, Róisín.</i>	<i>Flanagan, Charles.</i>	
<i>Smith, Bríd.</i>	<i>Fleming, Sean.</i>	
<i>Stanley, Brian.</i>	<i>Griffin, Brendan.</i>	
<i>Tóibín, Peadar.</i>	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Haughey, Seán.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kenny, Enda.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	

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	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Gino Kenny and Bríd Smith; Níl, Deputies Regina Doherty and Tony McLoughlin.

Amendment declared lost.

Bill, as amended, received for final consideration.

Question put: "That the Bill do now pass."

<i>The Dáil divided: Tá, 86; Staon, 0; Níl, 38.</i>		
<i>Tá</i>	<i>Staon</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>		<i>Adams, Gerry.</i>
<i>Bailey, Maria.</i>		<i>Barry, Mick.</i>
<i>Barrett, Seán.</i>		<i>Brady, John.</i>
<i>Brassil, John.</i>		<i>Broughan, Thomas P.</i>
<i>Brophy, Colm.</i>		<i>Buckley, Pat.</i>
<i>Browne, James.</i>		<i>Collins, Michael.</i>
<i>Burke, Peter.</i>		<i>Connolly, Catherine.</i>
<i>Butler, Mary.</i>		<i>Coppinger, Ruth.</i>
<i>Byrne, Thomas.</i>		<i>Crowe, Seán.</i>
<i>Cahill, Jackie.</i>		<i>Cullinane, David.</i>
<i>Calleary, Dara.</i>		<i>Daly, Clare.</i>
<i>Canney, Seán.</i>		<i>Doherty, Pearse.</i>
<i>Cannon, Ciarán.</i>		<i>Ferris, Martin.</i>
<i>Carey, Joe.</i>		<i>Fitzmaurice, Michael.</i>
<i>Casey, Pat.</i>		<i>Funchion, Kathleen.</i>
<i>Cassells, Shane.</i>		<i>Healy-Rae, Danny.</i>

<i>Chambers, Jack.</i>		<i>Healy, Seamus.</i>
<i>Chambers, Lisa.</i>		<i>Kenny, Gino.</i>
<i>Corcoran Kennedy, Marcella.</i>		<i>Kenny, Martin.</i>
<i>Coveney, Simon.</i>		<i>McGrath, Mattie.</i>
<i>Cowen, Barry.</i>		<i>Martin, Catherine.</i>
<i>Curran, John.</i>		<i>Mitchell, Denise.</i>
<i>D'Arcy, Michael.</i>		<i>Munster, Imelda.</i>
<i>Daly, Jim.</i>		<i>Murphy, Catherine.</i>
<i>Deasy, John.</i>		<i>Murphy, Paul.</i>
<i>Deering, Pat.</i>		<i>Nolan, Carol.</i>
<i>Doherty, Regina.</i>		<i>Ó Broin, Eoin.</i>
<i>Donohoe, Paschal.</i>		<i>Ó Caoláin, Caoimhghín.</i>
<i>Doyle, Andrew.</i>		<i>Ó Laoghaire, Donnchadh.</i>
<i>Durkan, Bernard J.</i>		<i>Ó Snodaigh, Aengus.</i>
<i>English, Damien.</i>		<i>O'Brien, Jonathan.</i>
<i>Farrell, Alan.</i>		<i>O'Reilly, Louise.</i>
<i>Fitzpatrick, Peter.</i>		<i>Pringle, Thomas.</i>
<i>Flanagan, Charles.</i>		<i>Quinlivan, Maurice.</i>
<i>Fleming, Sean.</i>		<i>Shortall, Róisín.</i>
<i>Griffin, Brendan.</i>		<i>Smith, Bríd.</i>
<i>Halligan, John.</i>		<i>Stanley, Brian.</i>
<i>Harris, Simon.</i>		<i>Tóibín, Peadar.</i>
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kenny, Enda.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		

<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Smith, Brendan.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Aengus Ó Snodaigh and Seamus Healy.

Question declared carried.

An Leas-Cheann Comhairle: A message shall be sent to the Seanad acquainting it accordingly.

13 December 2016

Road Traffic Bill 2016 [Seanad]: Order for Report Stage

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I move: “That Report Stage be taken now.”

Question put and agreed to.

Road Traffic Bill 2016 [Seanad]: Report Stage

An Leas-Cheann Comhairle: Amendments Nos. 1 to 3, inclusive, are related and may be taken together.

Deputy Brendan Ryan: Before we commence, I want to raise an issue about the groupings of Report Stage amendments. Amendments Nos. 7 and 10 to 12, inclusive, are grouped together but I do not believe it is appropriate to discuss them together. While they relate to learner drivers, amendments Nos. 7 and 12 relate to insurance matters and amendments Nos. 10 and 11 relate to the consequences for owners of cars driven by learner drivers. It would be more appropriate that amendments Nos. 7 and 12 be taken together while amendments Nos. 10 and 11 be taken separately.

An Leas-Cheann Comhairle: Having reviewed this, I am of the view that amendments Nos. 7 and 10 to 12, inclusive, can be discussed together. Of course, they will be moved separately.

Deputy Brendan Ryan: I accept they can be taken together but I am arguing they ought not to be taken together, given the separate issues they relate to.

An Leas-Cheann Comhairle: I have decided they will be taken together. It is a matter for the Chair. They will be voted on separately.

Deputy Robert Troy: I move amendment No. 1:

In page 8, between lines 34 and 35, to insert the following:

“(1C) Subsection (1A) does not apply to a person in respect of a drug specified at reference number 6 in column (1) of the Schedule where the person is the holder of a medical exemption certificate which indicates that at the time at which that drug was found to be present in his or her blood it had been lawfully prescribed for him or her and which is signed by the doctor who prescribed it.

(1D) The Minister will, upon commencement of this Act, in conjunction with the Garda Commissioner, make regulations specifying the minimum Levels (units in whole blood) in respect of each drug specified at reference number 6 in column (1) of the Schedule.””.

I welcome the fact we are finally on Report Stage of this important Bill. When I was driving to Leinster House this morning, I heard an effective advertisement by the chair of the Road Safety Authority, Liz O’Donnell, speaking poignantly and factually as to where we are with road safety. Unfortunately, the trend in good figures in this regard obtained over recent years is in reverse. I hate to refer to figures and statistics when we are actually talking about lives

tragically lost through road traffic accidents. So far this year, 32 more lives have been lost on the roads than in 2015. That is regrettable and a movement in the wrong direction. With every one of those fatalities, a family and a community is devastated.

The purpose of this Bill is to improve road safety for everybody and militate against further fatalities on our roads. It is regrettable that it has taken until the end of the year to bring forward the Bill. I know it was meant to have been brought forward last week and Fianna Fáil facilitated the Government when it wanted to kick it forward for a week. That is okay as it is only one week. This Bill, however, was before the previous Seanad and it has taken the guts of ten months to bring it to where it is today. That is regrettable and leads me to question the priority road safety is given by the Department under the Minister's leadership.

Amendment No. 1 aims to extend to the list of drugs which can be tested for on the roadside because we believe the original listing in the Bill is too restrictive. Our amendment will give greater scope for what can be tested on the roadside. The Bill will allow the Garda to use a mouth swab or other detection kits in the same way it uses breathalysers for alcohol. This is a welcome proposal which is long overdue. Driver impairment, including as a result of the misuse of alcohol and drugs, is still a very large contributory factor in road traffic accidents. The Schedule list of banned substances in section 4(1A) and 5(1A) seems very limited. It only lists the main illegal drugs in Ireland, namely cannabis, cocaine and heroin. Based on the current national and international prevalence data, the drugs to be targeted initially in the roadside chemical drug testing, RCDT, are cannabis, cocaine, opiates and benzodiazepines. The House will have to excuse my pronunciation on some drugs. I do not take them so I do not have cause for using the pronunciation on a regular basis.

However, the Medical Bureau of Road Safety, MBRS, study, on whose recommendation the Bill is based, relies on a 16-year old study, *Driving Under the Influence of Drugs in Ireland: Results of a Nationwide Survey 2000-2001*. The study indicates that cannabis and benzodiazepines are currently the most prevalent drugs in driving under the influence of drugs cases, followed by opiates, methadone and cocaine. While it might be the case that these drugs remain the most widely used in Ireland, it is certainly also the case that over the past 15 to 16 years, drugs use in Ireland and internationally has evolved significantly. In particular, the use of psychoactive drugs has become much more prevalent in that period. According to the EU drug markets report 2015, Irish young people are the biggest users of illegal psychoactive drugs in the EU. According to the survey of people aged 15 to 24, the highest level of use in the past year was in Ireland. Spain, France and Slovenia followed after. Such psychoactive substances are not included in the Schedule of banned substances in the Bill.

Another limitation in the Bill, and one which we tried to improve by the amendments we tabled, is that it ignores the possible misuse of legal prescription drugs which can be worse than alcohol for impairing driving. In particular, the misuse of prescription benzodiazepines such as Valium and Xanax has risen significantly over the past 15 years. According to the HSE, the number of people seeking treatment for addiction to benzodiazepines has more than doubled since 2009. While benzodiazepines are often prescribed sedatives used for the treatment of anxiety disorders and insomnia, they have also become increasingly common as recreational drugs. Recent statistics show that these drugs were the main problem drug of 547 people who sought treatment for substance abuse in 2012. While it is acknowledged the Bill cannot take a zero tolerance approach to individuals driving after consuming such prescription drugs, the inclusion of a provision to address drivers caught abusing such a drug would strengthen the Bill significantly.

That is the context in which we are bringing forward this amendment. We are doing so in the interest of being constructive and in the interest of improving the Bill. In that context, I hope the Minister will take on board the amendments.

Deputy Imelda Munster: Amendment No. 2 proposes to increase the number of drugs included in the Bill. The Bill is restrictive because it only includes heroin, cocaine and cannabis. There are many other drugs and the inclusion of other substances would strengthen the Bill. The Minister said on Committee Stage that he guaranteed the drugs raised in this and Deputy Troy's amendment would be considered for inclusion. He agreed to come back with a timeframe for the expansion of the drugs included in the legislation. Has the Minister given consideration to that? Will he give us a commitment that he will include some sort of timeframe for that?

Deputy Thomas P. Broughan: I support the amendments tabled by Deputy Troy and Deputy Munster. I did not get a chance to attend Committee Stage but on Second Stage we had discussion on this and the Minister came back on it. Quite clearly, the drugs in the existing Schedule are some of the most widely used. Given the crisis at the moment, the increased casualties on the roads, what we know has been happening and the fact we could have begun the process of drug driving testing a decade ago, the wider amendments are the right way to go.

Deputy Brendan Ryan: It seems to me that the reference to subsection (1D) in amendment No. 1 gives the Minister reasonable options in terms of dealing with this. It does not prescribe anything at this point in time but provides for a commitment to make regulations in conjunction with the Garda Commissioner on the commencement of the Act. It seems a reasonable amendment which we would be happy to support.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Deputies for the contributions they made this evening and throughout the debate on the Bill, which has been addressed in a pretty non-partisan way, which is healthy. People realise the importance and urgency of this. Deputy Troy referred to it quite rightly when he said this is a matter of saving lives. All it is about is saving lives and saving people from injuries and collision.

Deputy Troy asked if we take this seriously since it has been delayed so long. That is a fair point. In preparing to bring a road traffic Bill to this House, one is to some extent always chasing the Bill. There are always new measures that are urgent and which have to go in so the Bill is delayed for the next measure. We were preparing drafts on issues such as speeding and written-off vehicles. We were waiting over the summer period when the Dáil was not sitting for them to be drafted and they were included. We produced our own amendments as a result of that and they are included in the Bill. We could go on like that forever but we cannot do that. There are several other measures that are now necessary and which will have to be introduced in a forthcoming Bill. They have been suggested in the House, but for various reasons they cannot be included in the Bill. Some are in the wrong Bill and some will just take a lot longer to include because of various complications and we have to call a stop at some stage. I agree with the impatience over the delay. It was considered urgent to include one or two of these things in this Bill, which we are bringing through now and which we hope to now bring into law before Christmas.

Both Deputies Troy and Munster had again proposed amendments to the new drug driving offences in the Bill which they introduced on Committee Stage. In both cases, though in different ways, they are proposing the extension of the drugs referred to in the Bill beyond the

three drugs - cannabis, cocaine and heroin - which are already referred to. I will re-emphasise what it is we are doing in this Bill. It is already an offence to be driving or in charge of a mechanically propelled vehicle while under the influence of any intoxicant to such an extent as to be incapable of controlling the vehicle. This offence requires the Garda Síochána to prove the presence of a drug and that the driver is impaired.

Debate adjourned.

8 o'clock

Flood Prevention Measures: Motion [Private Members]

An Leas-Cheann Comhairle: Deputy Eugene Murphy has 20 minutes and I understand he is sharing time with Deputies Aylward, Rabbitte and Troy. Is that agreed? Agreed.

Deputy Eugene Murphy: Is the Minister of State at the Department of Jobs, Enterprise and Innovation, Deputy John Halligan, taking the motion?

Deputy John Halligan: Yes, I will table an amendment.

Deputy Eugene Murphy: I move:

“That Dáil Éireann:

notes:

- the unprecedented scale and intensity of flooding in 2015;
- the fact that some 500 homes and 400 businesses were flooded over the winter months, with an estimated €100 million in damages over a series of storms;
- the escalating extreme weather events globally and in Ireland, with data from reinsurance group Munich RE showing a near nine-fold rise since 1980 in losses to the insurance industry arising from weather-related catastrophes, after adjusting for inflation;
- the Met Éireann projections for the Irish climate that winters are expected to become wetter, with increases of up to 14 per cent in precipitation under the high emission scenarios by mid-century; and
- that these trends and projections point towards a heightened likelihood of major flood events into the future;

further notes:

- the ongoing implementation of the Catchment Flood Risk Assessment and Management programme;
- the planned €430 million six year programme of capital investment on flood defence measures as part of the Government’s overall Capital Investment Plan 2016 – 2021; and
- the series of specific actions outlined by the Government on 5 and 26 January 2016,

to address and alleviate flooding concerns, namely:

- the establishment of a Shannon Flood Risk State Agency Co-ordination Working Group;

- the once off temporary scheme, in December 2015, administered by the Irish Red Cross for businesses which was extended to include community, voluntary and sporting organisations and remained open for people to apply for assistance until 21 February 2016;

- targeted support for farmers affected by the flooding;

- the Office of Public Works (OPW) overseeing two pilot ‘individual home protection schemes’;

- the meeting between the Taoiseach and relevant Ministers with insurance industry representatives on 12 January 2016; and

- the establishment of a National Flood Forecasting and Warning Service;

condemns the:

- ongoing underspend in flood defence schemes as part of capital expenditure plans;

- failure to fully implement the flood alleviation announcements of January 2016;

- continued delays and denials of insurance for home owners and businesses across the country; and

- administrative and structural issues hindering the effective management of water levels along the River Shannon; and calls on the Government to:

- ensure there are no statutory impediments to regulating the water levels on the River Shannon and the implementation of dredging where required;

- establish a single River Shannon agency on a statutory basis;

- ensure households and businesses are given adequate flood insurance, in particular those in areas where the OPW has invested in standard 1 in 100 year flood defence structures; and

- address capital underspend in the roll out of investment in flood defences.”

We are all here because this time last year and throughout much of 2016 in many parts of the country, particularly in the midlands and west, people suffered in a way I have never seen before. We all know flooding has affected thousands of people across the country, and last winter’s storms have left some communities absolutely devastated. Lessons must be learned from these catastrophic flooding events, which may increase in frequency and strength as our climate continues to change. Unless we start implementing a co-ordinated flood prevention and insurance strategy, homes and businesses in Cork, Kerry, Dublin and across the country, not just along the Shannon, will be forced to suffer for years.

Despite numerous announcements from the Government, action on flooding has been less forthcoming. Some €480 million has been earmarked for flood defence schemes between now

and 2021. That is good news but this money must be fully used and all planning obstacles and delays must be addressed without delay. The Government has not fully implemented its specific pledges, made in January 2016 in such areas as pilot home protection projects and a national flood forecasting and warning service, following serious flooding across the country. The Minister told me that it will take five years to put the national flood forecasting and warning service in place.

My colleagues and I have put forward a suite of measures to alleviate flooding over the past year and this is the only way to proceed. It includes an electricity supply (amendment) Bill, an insurance Bill which has been brought forward already by Deputy McGrath, and the Shannon River Agency Bill which will come forward shortly. These measures must be taken to ensure this matter is dealt with without delay. This is a completely different situation and the goalposts have changed, even from 15, 20 or 25 years ago when we did not have such flooding, the flash flooding we have seen or the deprivation caused throughout the region.

I welcome the announcement by the Minister of State at the Department of Public Expenditure and Reform, Deputy Seán Canney, that a new dredging scheme will be implemented but this must be backed up with action, and fast. I acknowledge that the Minister is sincere and is doing his best in this issue but saying it is being implemented and doing it are two different things. The River Shannon has been neglected for too long and needs extensive work to ensure the free flow of water. This is not rocket science and if the river is not cleaned and the channels not maintained the water will just expand. More and more farmers and others will lose their land to water and more flooding will occur before the promised flood defences are completed.

We have the CFRAM report but floods and rain do not wait for anybody. The report expects people to wait and there will be a list of who gets priority. However, nobody can wait for this to be dealt with. We must put people first and the people who have endured so much trauma and devastation over the past year must never again go through what they have had to go through. We need the cleaning of rivers and drains and a drainage system for farmers. We need to be proactive and many farmers would be very good at cleaning major drains on their land. The drains are all blocked but there is no system or grant aid for them at all.

The electricity supply Bill 2016, which we will move shortly, will allow the control of the levels in Lough Derg, Lough Allen and Lough Ree, which is crucial. We are dealing with an amendment Act of 1934 which gave total power to the ESB to support the level of water on those loughs. Time and time again pleas were made to the ESB to let the water downstream. That has to be monitored and done in a certain way but we must take power away from the agency and the Bill will do that.

I have witnessed the most heartbreaking cases of families left virtually homeless because of flooding. The stories come from people I know in Longford, Galway and Clare. One of my constituents left her home with her child on 18 December 2015 as the water continued to rise around her. She did not get back into her home until May of this year. The trauma of having to leave all behind you, including presents under the Christmas tree, was bad enough but along with paying a mortgage on her home that she had to get a boat out of, she did not get one penny from the Government to help with the cost of renting a house for six months. That is disgraceful and must never happen again. Like so many others she will be left paying for the flooding for many years to come. Nothing has been done to date to help with the turloughs that have flooded main roads for months on end in Galway, Roscommon, parts of Longford and in Clare. Putting in place plans for a survey that will last years will not bring any relief to people in the

short term. The farmers that I have walked lands with, and in some cases across whose lands I have sailed in a boat, have also been left out in the cold when it comes to being able to draw down their grants. In one case a farmer was penalised by the Department of Agriculture, Food and the Marine for the fact that his stone walls had not been maintained and he is losing some of his payments. However, his stone walls were under water for six months and were flattened when the waters receded.

There are a lot of simple things that can be done to alleviate the financial burden on the farmers and families that are still affected by flooding one year on from storm Desmond. I do not doubt the sincerity of the Minister and know that he has engaged with lots of people but we must put legislation in place to deal with this. We must never allow any of our people to be dictated to by any agency. We have to work together but we must never again allow people to suffer in the way they have suffered.

Deputy Bobby Aylward: This motion serves as a stark reminder of the utter devastation many Deputies of this House witnessed this time last year. Nationwide, we saw 500 homes and 400 businesses flooded over the winter months with an estimated €100 million in damages from a series of storms. Locally, 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. These three rivers, the Three Sisters as they are known, flow through my constituency like the primary arteries of a circulatory system. As with the arteries of a circulatory system it is extremely important that they flow well and without blockage. In this vein of thinking, the continuous dredging and maintenance of our waterways can be very effective in the process of flood prevention. However, we always seem to have issues as the EU directives and environmentalists will butt heads with those who call for more dredging as a practical solution. I am calling on the Minister to ensure that the lines of communication between the Department of Communications, Climate Action and Environment, the Office of Public Works and Brussels facilitate clear and constructive communication. I also ask him to consider establishing a formal task force consisting of representatives from each of these offices to ensure positive engagement to maximise the effectiveness of our dredging and maintenance systems nationwide. I would appreciate his thoughts on this matter.

I also ask the Minister of State to ensure we do not see tillage farmers who harvest winter crops such as winter barley discriminated against in the future. Crop losses were not eligible under the emergency flood damage relief measure introduced by the Minister, Deputy Coveney, last year. While it might not be under the Minister of State's direct remit, I ask that he raise this matter with his colleague, the Minister, Deputy Creed.

I am delighted that the Fianna Fáil Flood Insurance Bill 2016 is due to undergo pre-legislative scrutiny in the new year after initial reluctance from the Government side. I ask that this process be conducted promptly and efficiently.

Deputy Anne Rabbitte: I thank the Minister of State, Deputy Canney, for being here and I thank Deputy Eugene Murphy for introducing this motion. It is greatly appreciated. Fianna Fáil has introduced the motion to highlight the pressing need for further work across a wide range of areas related to flooding. We cannot allow the memories of last year simply to fade away without learning from them and implementing the lessons. From flood insurance and operational management of the River Shannon to ensuring full investment in capital flood defences, the Government must step up to the mark. The full commitment of €430 million through a six-year programme of capital investment in flood defence measures announced as part of the

Government's overall capital investment plan for 2016 to 2021 should be realised.

This week last year, Storm Desmond arrived in this country and brought with it a toll of destruction. We are still talking about it and picking up the cost of it. It impacted home owners, business owners, farmers and commuters. As Deputy Eugene Murphy said, home owners had to leave their homes and business owners did not have commuters coming through their towns. I refer in this regard to Portumna, where I live, on the N65. In Carrigahorig, in north Tipperary, the road was closed from 9 December until the middle of January. We lost all the Christmas trade because, with the diversions in place and attempts to find a suitable road, people had the chance to go to Birr instead of Portumna. When I talk about commuters, I refer to the N18 at Ardrahan and Laban, the road by which people had to travel from Galway to Limerick. On 28 December, the road closed and it did not open again until the middle of February. People were discommoded, were financially at a loss and suffered. They still live in fear.

Talk is not a solution. Building up roads and giving permission to the county councils to deal with the matter are not solutions. We need real solutions. Thanks to the Minister of State, Deputy Canney, the OPW has moved from a seven-year work schedule to a five-year schedule. However, people need to know very clearly the plans for the future. They need to know through proper consultation where they are going with their plans. The people who live in Carrigahorig are still waiting to hear what will happen in north Tipperary. The people in Portumna are still waiting to hear when we will get approval for our floodgate. The people in Laban and Ardrahan are wondering what will happen to the swallow holes. We have had the success of the Dunkellan flood relief works, which have been ongoing for a significant number of years, but we should not have to wait another 40 years for the problems of south Galway to be sorted.

It was regrettable this time last year when the rain fell on us that we did not call it a state of emergency. If a state emergency had been called then, many of the works might have been completed. We could have worked as the waters receded and marked the water levels going back. While the diggers were in Cahermore, maybe they could have followed the river all the way to Coole and we could have eventually got the water to the sea, which is what was required. Yet these people must live wondering when it will happen again.

We have been lucky so far. We have got to 13 December and we have passed the magic date of 9 December. However, it is only a matter of time before the rain comes again, and the floods will rise more quickly this time than ever. Unfortunately, although some of the works were carried out, we built roads and dams but we did not deliver solutions. This is not what the people deserve. This is not how taxpayers' money should be spent. We should deliver solutions. As Deputy Eugene Murphy said, the Minister of State is from my constituency. He understands the issue all too well. He was very involved in flood relief last year. We need to see delivery of solutions out of the €32 million spent on CFRAM. There is no point in having money and reports unless we are prepared to put them into action. Taking the Athlone flood defence plan out of the CFRAM process and leaving the other areas in is not good enough for the other people living along the banks of the Shannon. I ask the Minister of State to review this.

Deputy Robert Troy: I welcome the opportunity to speak on this very important topic. We do so in a spirit of being constructive in ensuring this important topic is kept on the floor of the Dáil. We can thank the man above that we are where we are and that October and November have been unprecedented historically dry months. If a fraction of the rain that fell last year had fallen during these months this year, Deputy Rabbitte might not be looking over at her constituency colleague here because I have no doubt but that he would be in Athlone with his waders.

We are where we are because of the good grace of the man above.

Unfortunately, in spite of many announcements, there has been very little physical work on the ground. A public meeting was called recently in Athlone by the local authority, and there was a sense of frustration among the people leaving the meeting. I will be the first to acknowledge that there have been positive announcements regarding flood relief. I am aware of the role my colleague has played in ensuring there have been positive announcements. I have no doubt but that when he decided to support the Government, one of his top priorities was to ensure that money would be forthcoming in this area. However, there is a sense of frustration over the lack of physical work on the ground. We must acknowledge this. I compliment groups such as the Mid Shannon Flood Relief Group, which has been so proactive in working together as a community and bringing forward proposals as to what can be done to alleviate people's fears.

Last week, the Minister of State announced that dredging would be considered a possibility for the River Shannon. Deputy Barry Cowen was part of a cross-party delegation that went to Europe earlier this summer. At that stage they were informed that the European Commission was not prohibiting the dredging of the River Shannon. I went with two colleagues from Banager to Shannon and back up to Meelick in a boat. In certain areas along the River Shannon its width and depth have been halved because of overgrowth. There was a radar at the bottom of the boat, and one could see in some areas how low the river was and in other areas how high it was. I am slightly worried by the words used in the Minister of State's press release. I hope he will be able to alleviate these concerns when he rises to address the Chamber. He stated he will explore the possibility of dredging the River Shannon and, if needs be, go to the EU courts to seek permission to do so. I would have expected that one of the first things he would have done on assuming office was to explore this possibility. I would have expected, given that he has been in office since May, that he would be able to tell us whether it is possible. I hope it is. When will the works commence? Will we see a protracted period of negotiation and lobbying with the EU before the works can commence? Perhaps he can alleviate my fears and say that he has negotiated, that he has a start date, that the contract is going out to tender and that he knows when the works will commence, how much will be allocated for them and when he anticipates they will be completed.

My colleague, Deputy Eugene Murphy, will introduce a Bill this week in the Dáil as part of our suite of flood relief proposals. This will ensure that legislative changes will be introduced so that the ESB will no longer be able to use the 1934 Act to argue that it is inhibited from lowering water levels. Perhaps the Minister of State will give an indication as to whether he would be willing to accept this legislation. I believe it is necessary. I learned a funny thing from my constituency colleague, who was at the meeting. Representatives from the ESB met us in room in LH 2000. One of the questions I asked was whether they would do anything different with the benefit of hindsight. I was flabbergasted and amazed to learn that they would not. They took the view that they acted in the best interests of the people who live along the River Shannon. Anyone who is living, engaging or working with them knows that is simply inaccurate. The Bill my colleague is bringing forward is critical in terms of fixing this jigsaw.

Two other pledges were made. The first was the pilot home protection provision scheme. When will that be rolled out? When will people who went to the expense of protecting their own homes be able to avail of a grant to compensate them for the work they have done? When will the national flooding, forecasting and warning system be put in place? That is critical to allow the necessary work to be done in order that we will know when flooding is coming down the tracks.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Halligan): I move amendment No. 2:

(a) To delete all words from “the series of specific actions outlined” up to and including the words “State Agency Co-ordination Working Group” and substitute the following:

“— the progress with the delivery of the series of specific actions outlined by the Government on 5 and 26 January 2016, to address and alleviate flooding concerns, namely:

— the establishment of a Shannon Flood Risk State Agency Co-ordination Working Group that is ensuring the best possible level of co-ordination between all statutory bodies involved in flood management on the Shannon, including initiatives to pilot lowering lake levels, consider strategic maintenance programmes, and consider the benefits of piloting removal of pinch points;”

(b) To delete all words from “the meeting between the Taoiseach and relevant Ministers” up to and including the words “the effective management of water levels along the River Shannon” and substitute the following:

“— the meeting between the Taoiseach and relevant Ministers with insurance industry representatives on 12 January 2016 and the evidence that the current Government’s policy on flood insurance is delivering benefits including an agreement for the OPW to meet with Insurance Ireland on a quarterly basis from now on;

— the establishment of a National Flood Forecasting and Warning Service; and

— the implementation of a €2 million targeted voluntary home relocation scheme and further examination of a targeted farmyard relocation scheme;” and

(c) To delete the following after the words “dredging where required”:

“— establish a single River Shannon agency on a statutory basis”

I thank all who have contributed to this timely debate thus far. I welcome the opportunity to debate the issue of flooding and flood risk management. I look forward to a constructive discussion and debate.

Many parts of the country experienced severe flooding last winter. Rainfall over the period was 189% of normal, making it the wettest winter ever recorded. The Government is keenly aware of the devastating impact of flooding on those who suffered from the storms and floods of the last winter. In particular, the Government is mindful of those families whose homes have been flooded, marooned or evacuated as well as those whose livelihoods have been threatened. The Government’s response last winter involved almost every arm of the State. The response included the outstanding work and dedication of the staff of the local authorities, Met Éireann, the Office of Public Works, the Defence Forces, the Civil Defence, the Coast Guard and the Red Cross. These bodies worked endlessly and tirelessly throughout Christmas in the most difficult circumstances. Humanitarian and financial assistance was provided to householders, farmers and small businesses.

The Minister for Housing, Planning, Community and Local Government, Deputy Coveney, has completed a thorough review of the major emergency management framework response to

flooding events from 4 December 2015 to 13 January 2016. The lessons from this review have informed the preparations for a rapid and co-ordinated response for any future flooding event.

Ireland's national policy on flood risk includes a planned and strategic approach to how we manage flood risk to reduce the impact of flooding in future and how we ensure our priorities and resources are of most benefit.

Since last winter, Dutch experts have benchmarked our approach to flood risk management and concluded that it is in line with international best practice and is well on-track. Ireland is more prepared than ever to tackle flood risk. Since 1995, a total of 37 major flood defence schemes have been completed. As we witnessed last winter this infrastructure successfully provided protection to all 7,000 properties covered by the schemes. In total, 12 schemes are currently under construction, a threefold increase on a year ago. A further 5,000 properties are being protected from localised flooding through 400 projects completed by local authorities, with funding provided under the OPW minor works scheme. A further 200 projects have been approved for funding. In addition, 650,000 acres of agricultural land are protected through the programmed maintenance of 11,500 km of river channels by the OPW under the Arterial Drainage Acts.

Since 2009, planning guidelines relating to flood risk have prevented building on flood zones. Under the OPW catchment flood risk assessment and management programme, feasible flood relief structural measures have now been identified to provide protection to 95% of at-risk properties, and 300 risk areas have been assessed under the programme. The details are set out in the draft flood risk management plans that will be finalised in spring next year following consideration of the submissions from the statutory public consultation.

The Government commitment to continue support of flood relief is underlined in the provision of €430 million in flood risk management in the capital investment plan 2016 to 2021. This substantial allocation will build on the total investment of over €460 million in flood risk management undertaken since 1995. This is significant spending by any measure. The nature of capital works can impact capital spending in any particular year, for example, due to the timing of large payments at year end. This can give rise to variability in spending from year to year. Spending on the flood defence capital works programme has averaged €45 million per annum. The Government commitment represents more than a doubling in the capital allocation to €100 million by 2021.

An Ceann Comhairle: Is the Minister of State sharing with Deputy Daly?

Deputy John Halligan: Yes.

Given the breadth of functions served by the Shannon, including tourism, electricity generation and fisheries, the key recommendation from expert reports on how to manage the flood risk on the Shannon is to take a river basin approach and ensure plans and development are closely co-ordinated. Last winter, the Government took decisive action to establish the Shannon flood risk State agency co-ordination working group. Its extensive work programme, published on the OPW website, highlights the current proactive and co-ordinated approach by all State agencies to flood risk management on the Shannon catchment. The working group is building on the existing work and commitment of all the State agencies. The group is solutions-focused and designed to deliver the highest level of efficiencies to add value to the catchment flood risk assessment and management programme. The group has taken decisions to introduce initiatives

to pilot lowering lake levels on Lough Allen and consider a strategic maintenance programme as well as the benefits of piloting removal of pinch points for the River Shannon.

Under a memorandum of understanding between the OPW and Insurance Ireland, information is provided to the insurance industry on the flood relief schemes completed to the once-in-100-year standard. This is the standard of protection required by the insurance industry. All OPW schemes are now designed to this standard and make allowance for climate change. 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 now having up to 90% flood insurance cover. The industry is now working with the OPW to re-evaluate its risk assessment of demountable defences and to explore other means of sharing data to inform flood insurance cover better. I will conclude because I want to allow in my colleague.

Deputy Jim Daly: As a representative of the Cork South-West constituency, I am well aware of the flooding issue. I know what it is like to get a call from my wife at 2 a.m. to tell me that the fire brigade has contacted her to advise her to prepare to evacuate the house because of the threat of a flood. Indeed, my office in Bandon was flooded last year. I have to take issue with a number of points in this motion as a means of explaining why I do not support it. I had not planned to speak during this evening's debate, but I would like to say a few words now that I have an opportunity to do so. I have to remind my friends in Fianna Fáil that west Cork suffered flooding for 50 years. To the shame of Fianna Fáil and those who were in government for 14 years, absolutely nothing - I mean zero - was done to make progress with flooding schemes in west Cork over the period.

Deputy Eoghan Murphy: This is codology.

Deputy Jim Daly: I have to take issue with being lectured by Fianna Fáil now on what we should be doing. I do not want to be overly political on this issue because we should be trying to achieve consensus on it. I invite my friends opposite who have told us that actions speak louder than words to come to west Cork to see how €50 million is being spent on three significant flood schemes in that area. The schemes in the towns of Skibbereen and Bandon are in progress and the scheme in my home town of Clonakilty will start in January. All Deputies are welcome to come to west Cork to see the progress that is being made. While I would be the first to acknowledge that the last Government did not get everything right, I think it should be given credit where it is due in this instance. It did a great deal on the issue of flooding to help the people of west Cork at a time when money was very scarce.

I have to take issue with the approach of previous Fianna Fáil Administrations with regard to underspends in capital expenditure, which was "if we have got it, spend it". It is crazy to think that money should be spent just because it is there. I have railed against the system in many Departments that means money is lost if it is not used. Money has to be spent prudently and in a planned manner. What particular elements of these schemes should be cut out? Do we cut out the consultation with the public or the environmental impact assessment? I accept that it can be painful when these schemes take so much time. I know all about it. I have helped with the progress of three schemes in the last five years. Thankfully, they have come to fruition. While I understand the frustration that has been expressed with regard to delays, I caution against the urge to spend money for the sake of it.

Deputy David Cullinane: I would like to share time with Deputies Maurice Quinlivan, Martin Kenny and Donnchadh Ó Laoghaire.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy David Cullinane: I welcome the Fianna Fáil motion that has been tabled on the important issue of flooding. I am pleased that we have been given an opportunity to discuss this issue. I have some sympathy with Deputy Jim Daly's comments about Fianna Fáil's participation in government. When representatives of a party that has been in government for the best part of the past 50 years come to this Chamber to talk about a lack of short-term, medium-term and long-term strategies to deal with flooding, they should accept some responsibility for what their party did when it was in government. I am not suggesting that no work was done on flood relief over that time - of course some works were done - but I emphasise that serious problems exist in many parts of the country. It is okay to come in and talk about rivers like the Shannon, the Suir, the Barrow and the Nore and places like Thomastown, Banagher and Meelick, as Deputies have already done in this debate, but the time for putting our money where our mouths are is at budget time, when the capital funding is provided to make all of this happen. I remind the House that Fianna Fáil did not propose an alternative budget this year. As we know, the money that has been allocated this year is woefully inadequate. The money that was announced in January 2016 has not been fully spent. That is also to be condemned.

In its alternative budget earlier this year, my party proposed significant investment in flooding and road infrastructure. As the Minister of State will be aware, many secondary roads in villages and rural areas were washed away or subsided during the many floods of recent years and as a result are still not passable. Damage to businesses and homes is another consequence of flooding. We know that the levels of compensation and State support for victims of flooding are not what they should be. We had an opportunity in the recent budget to make a serious investment in capital infrastructure by taking advantage of one of the few flexibilities we have under the fiscal rules. I refer to the rules that allow us to smooth out capital expenditure over four years. For every €1 million that is spent on capital, just €250,000 has to be provided in the first year. The rest of the cost can be spread over the following years. This system gave the Government an opportunity to deal with issues like flooding and roads, but it did not take it.

We have heard examples of flood relief schemes that have been put in place and are working. We have to give credit where credit is due. We need to look at best practice. I invite the Minister of State, Deputy Canney, to come to Waterford city. The Minister of State, Deputy Halligan, will know about the investments that were made along the River Suir. The heavy investment in a flood relief programme along The Quay in Waterford city has worked. We also have flood relief and flood walls along the St. John's River. While we still have flooding in parts of the city - there has been some flooding in all towns and cities over recent years because of the heavy rainfall - we have been spared the type of flooding that was seen in previous years along The Quay in Waterford. Such flooding had a huge impact on many businesses over many years. Such examples of good practice show what can be done. I ask the Minister of State, Deputy Canney, to visit Waterford city to see for himself the flood relief measures that have been put in place.

Sinn Féin has not been alone in talking about the need to invest in capital infrastructure. The same call has been made by IBEC, the Economic and Social Research Institute, the Nevin Economic Research Institute, the Think-tank for Action on Social Change, the EU Commission, the Irish Fiscal Advisory Council and Social Justice Ireland. There are difficulties with the Government's approach to this issue. The Minister of State, Deputy Canney, will be aware that I am a member of the Committee of Public Accounts. He will recall that representatives of the Office of Public Works recently appeared before the committee to discuss the State's approach

to flooding. I was amazed to learn that the interdepartmental co-ordination working group and the steering group have not met very often and that there has been a lack of clarity and urgency regarding the level of action that should be taken. The committee also heard about mapping issues, the effectiveness of the memorandum of understanding with insurance companies and the question of whether we are seeing any real reductions in insurance costs. Many issues need to be dealt with.

I will conclude by saying it is really not good enough for Deputies to come into the Dáil, table a motion and go home feeling good about themselves and thinking they have done their jobs. The time to deal with these issues is when the funding is being provided to make that happen. The funding has not been provided by Fianna Fáil or Fine Gael. They have failed to invest in flood relief systems to the extent necessary to protect towns, villages and cities throughout the State. That is the reality. We should welcome the success stories, but there are far too many places where success has not been achieved because the necessary investment has not been made. We will not have success unless we invest the necessary moneys at the appropriate time, which is budget time.

Deputy Maurice Quinlivan: I thank Deputy Eugene Murphy for proposing this motion. I represent the city of Limerick, which has experienced a number of floods in recent years. As we discuss this issue this evening, families across the country are struggling to recover from the devastation caused by flooding. Many households and businesses remain unable to access flood insurance and others have not yet received any compensation. I believe the Government's response to flooding has been chaotic. Its plans for flood defences are woefully inadequate. Its dithering on the question of securing insurance has left homes and businesses vulnerable to further devastation this winter. The bottom line is that if insurance companies are not prepared to provide cover, the Government has a responsibility to fill the gap and support families and businesses.

I would like to speak about the structural and administrative issues relating to the effective management of water levels along the River Shannon. I agree with the call for the removal of statutory impediments to allow for the proper regulation of water levels. There are too many public bodies and authorities in charge of the river. This has resulted in a chaotic situation, particularly at times of emergency. A massive flood devastated the King's Island area of Limerick in February 2014, and Castleconnell barely escaped massive flooding in 2015, but no flood defences exist in those areas at present. Today marks the first anniversary of the flood in the Richmond Park area of Corbally. Memories of the uncertainty regarding who was responsible for that flood are still fresh. In that instance, a gate needed to be opened but nobody seemed to know who was in charge. Bizarrely, no one knew who had the key to open the canal lock. One could not make this stuff up. It is clear that the 1934 legislation giving the ESB the right to set river levels is outdated and no longer fit for purpose. Just 2% of this country's power is now generated by the Ardnacrusha Dam. At the same time, mass urbanisation of the countryside has become the norm. After 92 years, it is long past time to introduce legislation that is fit for purpose in modern Ireland. Our aim must be to protect the river as an important natural resource while utilising its power and energy in a way that protects the environment, its hinterland and the homes and the livelihoods of the people living in its proximity.

Deputy Martin Kenny: I thank Deputy Murphy for tabling the motion. On the issue of flooding, I am most concerned about the River Shannon catchment and I have huge problems with the CFRAM proposal. Officials have gone around the country and consulted all the stakeholders but then have come back with a suggestion to build walls. Anyone looking at this

objectively would have to acknowledge that while there may be a case to build walls in some areas, it is absurd to offer that as the main solution. Somebody wrote a letter to the *Leitrim Observer* a few months ago in which he said the proposal was the same as filling a bath and saying the only way to stop it overflowing is to build walls around it rather than pull the plug. Every other country in Europe has river maintenance boats which travel up and down rivers and when they come to a logjam, the eyes of a bridge, or the narrow parts of a river where vegetation is growing and interfering with the flow of water, they clean them and cut back the vegetation. That is what needs to happen. The entire River Shannon does not need to be dredged but parts of it need to be dealt with adequately and the only way to do that is to put the funding in place not just for a once-off large scheme but for a continuous programme of maintenance. This should be done not only for the Shannon but for all our rivers. If that is done, flood risks will be removed.

The motion is primarily about insurance. Insurance companies have a perfect excuse for charging exorbitant prices or for offering no insurance if rivers are not cleaned. While some people will say this, that or the other cannot be done from an environmental point of view, rivers will recover quickly if they are properly cleaned. Bottlenecks and logjams need to be removed and I urge the Minister of State to put the funding in place to get that work done first before he starts building walls. The building of the walls will be grand for the builders and the large contractors who will make a fortune but that will not solve the problem. The problem will only be solved when bottlenecks are removed and the channel from the source of the river to the sea is as free flowing as possible. There has to be adequate management to ensure, particularly coming into the winter, that locks are at their lowest level to keep the water level as low as possible. This can be done but it will require investment. People who say it will cost a fortune are way off the mark. A long-term plan is needed to maintain all our rivers, including the Shannon and the Erne. If that is implemented properly, this problem can be resolved.

Deputy Donnchadh Ó Laoghaire: Ba mhaith liom buíochas a ghabháil leis an Teachta Eugene Murphy as ucht an rúin seo, a bhaineann le tuilte agus an gá atá ann déileáil le comhlachtaí árachais ionas go gcuirfidh siad clúdach árachais ar fáil, a chur os ár gcomhair.

The Minister of State visited Cork last Monday. I was struck by the first slide of the presentation in City Hall. It contained two pictures of Patrick Street taken from an almost identical angle. There was also almost an identical level of surface water in them but the Ford Cortinas had been replaced by Ford Mondeos. They were taken approximately 50 years apart, which is an illustration of how little has been done in Cork and of the neglect of flood defences throughout Ireland. It is something we have become familiar with in Cork over the past 15 to 20 years. The city centre is significantly affected by both tidal and alluvial flooding as are suburban areas. The 2009 flood was a significant event causing €100 million worth of damage to many businesses. There was a great deal of discussion at the time about the implications the flooding had for businesses on Oliver Plunkett Street, the South Mall and so on but it is sometimes forgotten that the flooding also affected some of the oldest residential communities in the city, including the Marsh, South Parish and Middle Parish. It caused a great deal of distress and concern.

The project that has been announced is welcome and I am glad the Government is prioritising it but the motion deals with insurance and it is vitally important that in advance of any project being delivered, the Government deals with the problems the insurance industry is presenting. We have previously debated the issues relating to motor insurance but there are also issues insuring domestic dwellings and businesses, even in terms of classification of areas. Douglas on the south side of Cork city was affected by a significant flooding event in 2009 but house-

holders in extremely elevated neighbourhoods cannot get insurance because their address is in Douglas, despite the fact that we would all be in major trouble if these neighbourhoods were flooded. The design of the Cork project will be crucial in preserving the central role the River Lee has in the life of the city and consultation with the community is necessary in that regard. Action is also needed on suburban projects because some suburbs have been as badly affected as the city centre. That tale is sometimes forgotten. Flood relief schemes are needed in Blackpool, Douglas, Togher and Curraheen. I wrote to the Minister of State about them recently and I hope he will have an opportunity to respond soon. The schemes were all part of the wider River Lee catchment study. If they are not dealt with in tandem with the larger project, these localities will continue to experience significant flooding problems. There was a major flood in Douglas and Togher again in 2012 causing significant damage. Those schemes are behind schedule. They were due to go to detailed design earlier this year but we are a long way from preferred option at this stage. They need to be prioritised and I look forward to hearing from the Minister of State in that regard.

I will support the motion but Deputy Cullinane is correct. These discussions need to be had at budget time when capital investment is provided. This is an investment for the future of our economy.

Deputy Sean Sherlock: I wish to share time with Deputy Moran. I am happy to cede to the great man, Moses himself, who held back the River Shannon this time last year. Thankfully, the weather gods are shining more favourably on him this year because I am not sure he could have held it back a second year in a row. I am happy to cede time to Moses Moran.

I wish to refer specifically to the issue of flood insurance and the memorandum of understanding signed in March 2014 between the chief executive officer of Insurance Ireland and the then Minister of State at the Department of Public Expenditure and Reform, Mr. Brian Hayes, MEP. I hail from Mallow in north Cork and, to be fair to the OPW, the programme of works commenced some years ago in the towns of Mallow and Fermoy have yielded benefits and success through the intervention of a number of Ministers of State. I do not seek to be overtly partisan on this because good work has been carried out down through the years, which has alleviated the flooding problems. However, it has not alleviated the issue faced by people who live on the flood plain and their ability to obtain flood insurance. The press release issued in 2014 regarding the memorandum of understanding states:

The Memorandum of Understanding outlines the principles of agreement between the OPW and Insurance Ireland on the information being provided and how it will be used by the insurance industry. The Office of Public Works will provide Insurance Ireland with data on all completed OPW flood defence schemes which will show the design, extent and nature of the protections offered by these works. Insurance Ireland members will then take into account all information provided by the OPW when assessing exposure to flood risk within these areas from 1 June 2014.

We are into December 2016 and somewhere along the line an election happened and since the election, that memorandum of understanding seems to carry no weight at all. I see my constituency colleague Deputy O’Keeffe is here and he will bear witness to the fact that there are people within the curtilage of the Munster Blackwater in towns and hamlets along that river who are being refused flood insurance, whether business or domestic. In spite of the fact that there were world-class engineering works signed off, the insurance companies are point-blank refusing to provide the risk cover for businesses and residents along that river. The memoran-

dum of understanding seems to have fallen by the wayside and does not have the weight that was given to it prior to this election or as far back as 2014. I know the Minister of State is committed to this issue and I hope he will revisit that memorandum of understanding and re-engage with Insurance Ireland with a view to ensuring we find solutions. Deputy Rabbitte said it is a question of finding solutions to these problems in an apolitical non-partisan way.

In that press release the chief executive of Insurance Ireland said: “Insurance Ireland is pleased to announce the signing of a Memorandum of Understanding (MoU) with the Office of Public Works (OPW) which will see the OPW sharing flood defence data with Insurance Ireland so that insurance companies can take this data into account when assessing flood risk.” The sector clearly has not taken the two significant projects in Fermoy and Mallow into account when assessing flood risks. The big international insurance companies in places such as Geneva, Bonn or Berlin that speak through Insurance Ireland have decided they do not want to do it. They have made a simple corporate decision. It is for us in this House working together to ensure that memorandum of understanding gets the status it deserves and that we try to work with Insurance Ireland. In the context of the Bill that will come before the finance committee, we should bring Insurance Ireland back into the Oireachtas to find some resolution of this issue.

The press release also states “This MOU is the start of a process which will help our members [this is Insurance Ireland] make flood insurance more widely available in areas benefitting from flood defences built to the desired standard of 1:100 years.” It has thrown that out the window and reneged on its own public utterances about providing cover. It is an absolute disgrace and it needs to be taken to task collectively by this House for dereliction of duty. There are genuine brokers and insurance houses which will provide cover in bespoke circumstances but it is unfair of anybody in the industry to expect a few players to cover the entire risk. That is why we have more work to do. I believe the Minister of State, Deputy Canney, will do everything he can on this but this Bill is a prism through which we can work together to provide a resolution.

Deputy Kevin Boxer Moran: In the past 20 years there have been three major historic floods in Ireland. Last year was the first time ever that we kept the water out of Athlone through hardship, volunteers, local authorities and the OPW. We proved and pushed a platform to show how we can protect homes around the country with sandbags and polythene. When I came into government in partnership with my good colleague, Deputy Canney, we looked for the job of responsibility for the OPW because we believe if we do not get it right, whoever comes after us will fail. I have heard everything discussed in this House tonight before and I have seen damn all happen to the people of this country.

People talk about the catchment flood risk assessment and management, CFRAM. It is a bible in urban areas. The announcement last Friday about the maintenance of the Shannon is for the rural areas. People never mentioned pinch points in this House until I put my foot inside the door. They did not know what I was talking about but now everybody seems to know. If we can remove 16 pinch points on the Shannon, two in particular, we can lower the level, prevent summer flooding and help lower the level of the water in winter flooding.

In respect of this Bill introduced by Deputy Eugene Murphy, I would rather see a collective approach than people playing politics with those who have suffered so greatly. Sinn Féin should get into government and see how hard it is to get decisions and to get people to work with them, instead of shouting and roaring and telling us everything we are doing wrong and everything that they may do right. It is not as easy on this side of the House. A total of €430 million, the biggest budget ever, has been put into flooding and defences this year.

Deputy Michael Fitzmaurice: Last Friday I read in the paper that finally all the bodies who for the past 20, 30 or 40 years told us we could not do something, acknowledged that one of the solutions would be dredging the areas of the Shannon that are blocked up with silt - I will not call them pinch points. There are areas along the Shannon around Jamestown, Termonbarry, Banagher and Limerick that are blocked up, making the water level rise. Those are the low-hanging fruits we need to act on first and the cruisers can still drive along. For the communities on the river the great advantage is that people can drive along at a lower level and see their fields, gardens and houses. While that may seem like a lot to some people it means that there is a recognition that as part of any solution the dredging of, or maintenance work on, a river or part of a river, not just the Shannon, is a solution or part of one. People who went to the conference in Ballinasloe said room had to be made for the river. Unfortunately, over the past 100 years everyone promised everything but nothing was delivered. Money was never put aside to take down the bushes that had fallen into the Shannon or to clear the silt in it. I was in a boat one day where the Little Brosna is nearly blocked with silt. Whatever responsibility Bord na Móna has, in addition to the money that will be laid out, it needs to row in and make sure its stuff is taken out because that will do good for the land around the Callows in all those places.

9 o'clock

This time last year, people were going through torture in every town from the top to the bottom of the Shannon. In south Galway, Mayo and indeed in many parts of Ireland, people did not know whether they would be able to stay in their house that night or the next. That is not the way to go on. In fairness to the Minister of State, we must be honest. I come from a background of moving water and, to be frank, we have plenty of bad land. It is like trying to tame a wild duck; we are at it all our lives. It is not done overnight. Let us be honest with people and tell it straight out. We need a ten-year plan for the likes of the Shannon for maintenance on a continuous basis. If people are given hope and see something being done, it is at least a beginning.

The other things that need to be maintained are the tributaries, such as the River Suck, the River Brosna, which I have mentioned already, and the Boyle River. All of those rivers need cleaning. When was it done? It was never done. One might have seen a dragline doing 100 m of a river every five or ten years, but that was the end of it. We have to make sure that is done. On behalf of the people in the likes of Lough Funshinagh, Lough Corry, in the turloughs, in his area in south Galway and by the River Deel, where there is a bypass to be built, the one thing I would say to the Minister of State is that the cost-benefit analysis needs changing. I know there is more information to come about it. Rural parts of the country will suffer if that is not done.

I note that the Minister of State spoke about Europe in his speech on Friday. I was out there and what they maintained to me and the group I was with was that if one has a management plan, one can work ahead. I have plenty of rows with the National Parks and Wildlife Service myself, but in fairness to it I believe it may be on board now. At the end of the day, having seen rivers done all over the country, we have to recognise that the trout will come back and the eel will come back-----

Deputy Kevin Boxer Moran: They will not.

Deputy Michael Fitzmaurice: -----and everything will come back if the river is kept clean. There are ways of solving the pearl mussel problem. We have seen in Mayo the expertise that was brought in, how it was done and how it can be successful. People need to make sure that

we find solutions and not keep creating problems.

In the line of insurance, there are serious problems around the country. I know the Minister of State has visited a guy who has put reinforcement in right the way around his house and has put an idea to use. It will be interesting to see whether the insurance company will insure that person. The insurance companies are coming out with their own palaver about what they are insuring and not insuring. I believe we need to go down the road of getting our own figures for the simple reason that I do not trust the insurance companies. They will tell us what they want to tell us because it suits them. It is another task that has to be done. It is another task that we have talked about for 20 years but have not tackled. Now it has to be tackled for once and for all.

I have seen maintenance machinery from America. If we put the likes of that in the Shannon, it is unbelievable the amount of work that could be done. No one is going to say that that one thing will solve everything. We may need to be able to park water in places. I know the people in Carrick-on-Shannon, Mr. John Dunne in particular, have produced their own plan for Lough Allen. In 1976, there was a beach on Lough Allen that had 300 people at it every day. Today, one would never think there was a beach on it because the levels of the water have risen. Anyone who understands any bit of digging work at all knows that we can have the beach, the cruiser and the environment, provided that we make way for it. If there is an area of rocks sticking up, unfortunately for the whole area around it, the navigational level will be affected by it. We have to make sure to take that out.

I know the previous Deputy spoke about how CFRAM is going to be one of the ways forward. When CFRAM representatives came to Athleague, the most important river that flooded the town in Athleague was left out of the CFRAM report. I spoke about this publicly before. I believe it is disgraceful that the Silver Stream was left out of the report on Athleague. That should not be tolerated.

There is a long way to go. Let us not cod people that tonight, in six months or in a year everything will be solved. It will not. We need different measures in different places. There are places that may have no solution but to get a big pump in and pump the water from one area to another. That may have to be done. At the end of the day, if we do not make room for the river, we are going nowhere. Where trees and bushes are growing, they need to be taken out and taken out rapidly.

In my opinion, we need one authority over the rivers. I was alarmed when I saw Irish Water going on about giving €1 million to the ESB when it was discussing bringing water to Dublin. Irish Water now has hardly enough money for itself, not to mind giving €1 million to the ESB. Water is rain that comes down from the sky. I do not see why anyone has the right to say that it is their water. We started like a car that would not start; we were slow to get going. In fairness, things are picking up. I urge the Minister of State to keep the pressure on. If the Minister of State can solve the likes of south Galway, Roscommon, Mayo and Cork, about which there was an announcement yesterday, before this Government's term finishes, then a good day's work will have been done.

Deputy Michael Collins: I start by commending Fianna Fáil on bringing this Private Members' motion forward. I have seen first hand time and again the trauma caused to businesses and families by flooding. In 2015, there were unprecedented amounts of flooding, with more than 30 towns and villages experiencing 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 in Cork. Bandon, Skibbereen, Clonakilty, Dunmanway, Ballylickey and Bantry were all hit badly, costing tens of thousands of euro of damage to property. Apart from the devastating physical damage which flooding wreaks on homes and businesses, it must be acknowledged that it also causes a threat to people's safety when emergency services fail to get through in the case of a medical emergency. The economic prospects of those towns are also significantly impaired as would-be businesses are reluctant to move to areas which could be affected by annual flooding.

While the OPW has done major work on flood defence schemes across the country, there needs to be an increase in investment in flood defences in order to ensure that every city, town and village in Ireland is free from the threat of flooding. I would also like to add that more county council workers should be employed to clean out drains and help prevent flooding. In severe weather, the capacity of the drainage system can be overwhelmed by the amount of water trying to run off from the road and flooding can occur. In April 2016, debris and household rubbish blocked a storm drain that was designed to protect property. It caused the flooding of 15 premises in Skibbereen town. Extensive damage was caused to these premises. This damage could have been avoided if the drains had been cleaned on a regular basis, particularly during the rainy season.

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 more than 50,000 people are still without flood insurance cover. 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 as 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. The Government needs to put pressure on insurance companies to provide adequate insurance for these people and businesses as a matter of urgency.

At the outset, I mentioned towns and communities destroyed by floods last year in west Cork: Bandon, Skibbereen, Clonakilty, Dunmanway, Ballylickey and Bantry. In Bandon and Skibbereen, major works have taken place. We must acknowledge success and progress being made. These works have been carried out and are being carried out, with works scheduled in Clonakilty, Ballylickey and Bantry to start soon. This has to be welcomed. I thank the Minister of State, Deputy Canney, who since taking office has been a Minister of the people and not a Minister for the party. I thank the Minister of State for that.

Deputy Danny Healy-Rae: I acknowledge that good work has started in some areas. However, many of the rivers and waterways for which the OPW claims it is not responsible are not being addressed. There should be one body responsible for ensuring that water can flow as freely as possible in all of the rivers. Every river in the country is blocked by both trees and silt. No farmer or land owner has been able to touch any river for the last 20 years because of cross compliance and the possibility of losing the single farm payment. The Flesk river runs through the Flesk valley and 22 houses and a community hall are constantly being flooded. The N22, the national primary route into Kerry has been flooded several times. The national CFRAM programme carried out studies for five years but has now withdrawn from the Flesk river and

will do nothing to help. Kerry County Council says it is not its responsibility. The National Roads Authority is carrying out a study but I cannot see that going anywhere. The college and the community hall in Castleisland have flooded several times. There are similar problems in Kenmare, while the Lake Hotel in Killarney has flooded three times because the Laune river coming out of the lake is blocked up and needs to be cleaned. Perhaps a grant could be given to farmers to assist them in clearing rivers on their own land. That is an option that could be explored. At the moment, farmers are afraid to go near the rivers in case they lose their single farm payment.

In England the authorities have ordered that every river in the country be cleaned as well as any other waterway that is causing trouble. Why can we not do the same here? Inland Fisheries Ireland has held people back. Indeed, it has called gardáí and threatened farmers, telling them to get out of the rivers. That is not fair, particularly as rivers that are overshadowed by trees are no use for fishing.

We must have one body in charge. I support the motion and ask that one body be put in place to oversee all of this. Otherwise, many places will be left behind. Every river in Kerry is blocked, including the Gweestin and the rivers coming out of places like Castleisland and Killarney. We are at a standstill. We need money in Kerry. There was an announcement of money for Cork but we need fair play in Kerry too.

Deputy Mattie McGrath: Ba mhaith liom buíochas a ghabháil leis an Teachta Ó Murchú as an tairiscint a chur síos. I thank Deputy Eugene Murphy for tabling this motion which gives us an opportunity to discuss and debate this very important issue. This time last year I was watching television over several nights and I saw Boxer Moran, who is now a Deputy, literally pushing back the water. He explained earlier how he kept the water back. If one wants to get work done, one asks people who know how to do it. We have such people here, in Deputy Moran and in the Minister of State, Deputy Canney, who is a quantity surveyor. He understands how this work is done. The problem is that the agencies that have been dealing with this do not understand it and do not want to know about it. All they want is cushy jobs, imposing fines.

Deputy Danny Healy-Rae referred to farmers being prosecuted. They are being prosecuted for going to the riverbank and taking scrub away. They have to pay on-the-spot fines to the Environmental Protection Agency, literally in their fields, without ever going to court. Is that justice? They are being told to pay up now or the fine will be doubled in court. Something is rotten in the state of Denmark as they say and it is rotten here too.

I hope that the work will continue. I compliment the Minister of State, Deputy Canney, for coming to Tipperary to see the areas that were flooded last year. He looked at the eight homes in Clonmel that were flooded, the 50 homes in Carrick-on-Suir, the GAA hall in Kilsheelan and one business in my own village. He saw and then he delivered. He went back to the Department and got the money. However, I want him or a senior official in his Department to pick up the telephone in the morning and ask Mr. Marcus O'Connor, the director of services for roads in Tipperary why he has not spent that money. The money was approved but the council is now pussy footing around and is afraid to invoke the 1993 Roads Act which is in place to direct water off roads. The Department gave them the money, the people are living in peril waiting for the floods to happen again but they will not do the work. They are like the dog in the manger. They want the bone and will not give it to another dog. Let some dog do it. I know the dogs that will and can do it.

Last year there was a massive landslide on the land of a farmer in Deputy Mary Butler's Waterford constituency, Mr. Michael Dunne. I thank Mr. Damien Tiernan from RTE who returned to the farm last week. Not one sod has been lifted. Mr. Dunne's cattle shed was flooded and his animals had to be removed. His house is in danger. I urge the Minister to visit the farm to see it for himself and to get Coillte or some other agency to take responsibility.

Insurance was referred to earlier. I also heard mention of an MOU. All we want is a big machine to remove the silt from the rivers, not a memorandum of understanding behind which the insurance companies can hide. They do not want to provide insurance. A job was done in Clonmel and only eight houses flooded last year but no company will provide insurance for anyone living within five miles of the place. They are coddling us. The only memorandum of understanding that is needed is for Deputy Moran and the Minister of State, Deputy Canney, to tell them that they must insure people once work is carried out to defend against a one in one hundred year flood event.

The Deputy and the Minister of State know how the work should be done. They must get the EPA to move aside. It should be sent out to pick weeds or something rather than going out and prosecuting farmers for taking timber out of rivers. The rivers must be cleaned to let the water flow.

Deputy Róisín Shortall: The Social Democrats is happy to support this motion. It is a good and comprehensive motion which we welcome in as far as it goes. However, it seems that some people speaking on this motion think the world started in 2011 but of course, like everything else in the country, there is a history to this. Some of those historical reasons have led to the situation where we are reaping the whirlwind of the failure to take proper, long term planning decisions. That must be borne in mind in this debate.

The reasons for much of our flooding difficulties are further up the food chain and are very much associated with global warming and our failure to play our part in that regard. It is quite clear that as a country we are going to miss most of our targets which will result in us having to pay very substantial fines. Again, that is a result of a lack of long term planning and a commitment to the future. Of course we are not alone in that, by any means. Global warming is the overall reason for what is happening. It is why we are seeing flooding much more frequently and experiencing much more precipitation than would be regarded as normal. The point has been made that Met Éireann is predicting a 14% increase in precipitation by the middle of the century which will pose major problems for this country.

Apart from our failure to play our part in terms of tackling climate change, there is a very serious problem in this country with a lack of any long term planning or adequate investment in the future. It is a little rich to hear some of the comments and contributions from the proposers of this motion given that Fianna Fáil was in power over a long number of years when there was no shortage of funding and the coffers were full but it did not make the investment in infrastructure that was required. Money was spent on lots of things. Money was provided for decentralisation and for this, that and the other - much of it wasted - but there was no proper investment in the key infrastructural areas which are so important.

Following the economic crash, there were severe cutbacks in investment in local authority services which is a major contributory factor to the problems of flooding that we are encountering at the moment. The drastic reduction in staff numbers in local authorities means that rivers and ditches are not being cleared and lots of other work that should be going on is not happen-

ing to the same extent as it did in the past and that is certainly contributing to the problem.

The other issue in the context of planning is the fact that there was so much building allowed on flood plains. There was much uncontrolled and unregulated building on flood plains against the advice and wishes of the planners. The two main parties in this House have to take their share of responsibility for allowing to continue circumstances in which their councillors in local authorities throughout the country are quite happy to propose rezoning in areas totally unsuited to house building. They ignored the professional advice available to them and we are now dealing with the downside. It was absolutely predictable at the time in question. The planners gave their views and said what would inevitably happen. This has come to pass in many areas in which we are now seeing serious flooding.

Another point on planning is that we are not strict enough in respect of one-off facilities in urban areas. We are seeing more and more land being covered by cobblelock and other hard surfaces. This means that areas in which there were previously very few problems with flooding are now experiencing it if there is heavy rain. This issue should be dealt with through planning. We should ensure there are soft surfaces and adequate soakage in gardens by way of lawns, flower beds and other such soft surfaces. Unfortunately, that has not been the case. There are entire housing estates in which there is hardly a blade of grass. They have hard surfaces everywhere, including on all paths and in all front gardens. Many of the back gardens also have hard surfaces. Again, we are paying the price for this. Flooding in urban areas is becoming much more common.

There are serious problems in getting insurance cover from any company. I hope this issue will be examined by the Government in a serious way because insurance costs have gone through the roof. They very much add to the cost of living. For people living in areas that have recently been prone to flooding, it is impossible to get insurance cover. This issue needs to be addressed by the Government.

In urban areas there can also be a problem in being insured against flooding. I have seen this in my constituency. There have been problems after heavy rain, with a run-off from hard surfaces in the main. Several dozen houses have been seriously damaged in recent years. In spite of the fact that the city council has taken remedial action in one area and built a very substantial swale which is expected to deal with the problem, the insurance companies are refusing to provide insurance cover. I pursued this issue with some of them. The Minister of State might take up the point that some insurance companies are stating they will not insure against flooding unless there is certification by the OPW that remedial action has been taken. In city areas it is very often the local authority that is responsible for taking ameliorative measures, but insurance companies will not accept certification from it. That issue needs to be addressed at ministerial level. I would appreciate it if the Minister of State gave it his attention.

An Ceann Comhairle: Deputy Dara Calleary is sharing his time with Deputies Brendan Smith, Mary Butler and Margaret Murphy O'Mahony.

Deputy Dara Calleary: I thank Deputy Eugene Murphy for giving us the chance once again to discuss flooding. I am always reluctant to fight with Deputy Róisín Shortall and do not want to do so, but it is only fair to point out that during our time in government, the CFRAM process was initiated. It now forms the basis of much of the investment being made. Schemes were started and completed in Clonmel, Fermoy and along the River Tolka during our time in government and under various Ministers of State responsible for the OPW. While we did not

get what we wanted done, which is a regret, it is wrong to say there was nothing done and that there were other priorities. Considerable progress was made, particularly in the CRFAM programme area.

The Minister of State, Deputy Seán Canney, and the Minister of State elect, Deputy Kevin Boxer Moran, have brought considerable changes to the OPW when it comes to dealing with flooding. It is welcome that it is to start dredging the River Shannon. What about the other rivers the dredging of which the OPW is blocking? There is local agreement from all the other relevant bodies, including Inland Fisheries Ireland and the National Parks and Wildlife Service, but it seems once again that the OPW is the organisation that will not allow this work to be advanced. It is afraid that it will end up in the European court. Let me give an example. There is agreement with all of the agencies on cleaning and dredging the River Deel at Crossmolina where unbelievable damage was done there this time last year. The OPW speaks of one-in-100-year events, but there were two such events in three weeks in Crossmolina in 2015. When one attempts to pursue solutions, they are blocked by the OPW. In fairness to the Minister of State, Deputy Seán Canney, he has been there, as has Deputy Kevin Boxer Moran.

We need a River Shannon agency, given its importance, but there is time for some vehicle allowing all of the agencies to be involved in river management. They spend their time blaming one another for the lack of progress; therefore, they should be brought under one roof when it comes to the management and control of rivers. Until that happens, the work that needs to be done in flood prevention will not happen as there will always be somebody else to blame. There will always be an animal in the river, a fish or a pearl muscle somewhere to block progress and which can be used in the apportioning of blame. While the Government can unveil plans worth millions of euro, money is not the problem; it is a matter of capacity, planning laws and a lack of will to take on these issues. I wish the Minister of State well in this effort.

There is no sense in doing all of this work if people will be left without insurance cover. They cannot get it, through no fault of their own. It is because we are not moving the schemes quickly enough. The insurance companies will not respect the democratic will of this Parliament. It is time that we, as Members of Parliament, stood up for our rights to legislate and defended those whom we represent.

Deputy Brendan Smith: I compliment my party colleague, Deputy Eugene Murphy, on moving the motion which is of great importance, particularly to those in rural areas that have experienced constant flooding in recent years. I wish to mention areas in Cavan. Although the River Shannon rises in County Cavan, it does not cause us flooding problems, but the River Erne does. Its source is in County Cavan, but it travels north to County Donegal. There are considerable flooding problems caused by the River Erne in areas quite close to Cavan town, as well as Blenacup, Crossdoney, Drumullen, Farnham, Bruskey, Loughduff and Killykeen. It is a considerable and constant problem.

The Minister of State will recall that I have constantly been asking parliamentary questions about the need for the Department and relevant authorities to collaborate constantly with the Northern Ireland authorities. It is only by working with the Northern river agencies that we will be able to address the issues and the core problem causing flooding from the River Erne in areas such as County Cavan. I have been highlighting, in particular, the need to ensure the Department's officials and the agencies that work on its behalf work constantly in unison with the authorities in Northern Ireland to ensure the appropriate drainage and remedial works are carried out to alleviate the serious flooding problems caused, in part, by the restrictions to water

flow through the River Erne at the channel between Upper Lough Erne and Lower Lough Erne and the channel between the lower lough and the cliff dam near Belleek. That is an issue that needs to be addressed. It will not be addressed tomorrow or the next day, but it is one that has to be put on the agenda.

I need to see more remedial work being done. Small, minor schemes carried out in County Cavan would help to alleviate the problem, but they do not represent the full answer we need. The dredging and opening of the channel between Upper Lough Erne and Lower Lough Erne is essential. I hope that, at sectoral level at the North-South Ministerial Council, this issue can be put clearly on the agenda. My neighbours in County Fermanagh suffer seriously from flooding also. An application will be submitted to the Minister of State's Department to have specific works carried out in the Drumullen area near Cavan town. The council is working with the local residents who are very anxious that the application be processed, finalised and approved early in the new year. I appeal to the Minister of State to support that project as it is essential.

Deputy Mary Butler: As the Minister of State, Deputy Canney, will be well aware, flooding has affected thousands of people across the country and last winter's storms have left some communities absolutely devastated. Lessons must be learned from these catastrophic flooding events, which may increase in frequency and strength as our climate continues to change. Unless we start implementing a co-ordinated flood prevention and insurance strategy, houses and businesses along the Shannon, in Cork and in Waterford will be forced to endure years of uncertainty and anxiety as the flood threat escalates.

As the House will be aware, €480 million has been earmarked for flood defence schemes between now and 2021. While it is welcome, this money must be fully used and all planning obstacles and delays must be addressed immediately.

I contacted the Minister of State's office in July in regard to an elderly couple who live in a home that has been flooded three times in the past 16 years. The Minister of State's office replied and forwarded the details to the OPW. It is now December and while I stress the Minister of State's office has been more than helpful and has liaised with the OPW, I am still waiting for a substantive answer from it. I reiterate that the Minister of State's office has been more than helpful and any time it gets on to the OPW, the OPW comes back to me, but that has happened three times. The Minister of State has said to me that in accordance with best practice, one would hope to respond in six to eight weeks.

With the winter fast approaching, the worry is there again. Constant waking during the night when rivers are in flood or there is a high tide, turning on the portable pumps and putting up the flood doors wear one down. One's home is eventually flooded and then the water recedes but that is only the beginning. The clean-up begins, the insurance forms are filled out and claims are made but one's home is never the same. The worry goes on and on. Will it happen again? Will one be able to get insurance?

Before I conclude, I would like to make an appeal to the Minister of State on behalf of those living in one-off houses, or stand-alone houses, who do not have a community to fight for them. They do not have a voice because they are worn out by the horrible cycle of events. Will the Minister of State place an emphasis on these stand-alone houses that flood because these people need a voice as well?

Deputy Margaret Murphy O'Mahony: I will start by taking issue with comments made

earlier by my constituency colleague, Deputy Jim Daly. I am disappointed the Deputy reduced this matter to political point scoring. I would point out that it was a Fianna Fáil Minister of State, Mr. Martin Mansergh, who ring-fenced the €9.6 million for the flood relief works in Bandon. I fully support this motion and I thank my colleague, Deputy Eugene Murphy, for bringing it before the House. Cork South-West is an area badly affected by flooding and in 2009, we were badly hit. At the time, we were told that it was a one in 100 year event. Unfortunately, this very month last year, west Cork was hit, not once but twice, by serious flooding. I commend the Minister of State on his proactive stance in regard to flood relief works being carried out at present across west Cork, and I thank him for that. I stress the importance of these works being completed as quickly as possible. Where works have not been started, we would be grateful if they could commence.

The issue of flood insurance remains a significant one in west Cork. I commend my colleague, Deputy Michael McGrath, for bringing that issue before the House and I hope it can be sorted. Climate change has changed the issue of flooding. In essence, there needs to be legislative change to go along with that and I urge the Minister of State to do this.

Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney): I thank Members for their contributions to this debate. I also endorse amendment No. 2 proposed by the Minister of State, Deputy Halligan, earlier in this constructive debate. The Government cannot solve all the flooding problems overnight, which we and the people would like to do, but more importantly, we cannot do it alone. Dutch experts have benchmarked our approach to flood risk management and concluded that it is in line with international best practice and is well on track.

It is important to place on the record the Government's investment, the actions taken and the measures implemented to date, together with plans and preparations to tackle future flooding. Since 1995, €370 million spent is yielding significant benefit in terms of protecting 12,000 properties in this country. The economic benefit to the State in terms of damage and losses avoided is estimated at €1.2 billion. Some 37 major flood defence schemes have been completed and, as witnessed last winter, successfully provided protection to 7,000 properties. A further 5,000 properties have been protected from localised flooding through 400 projects completed under the OPW's minor works scheme. A further 200 projects are approved for funding. Some 650,000 acres of agricultural land are protected through the programmed maintenance of 11,500 km of river channels by the OPW under the Arterial Drainage Acts. The OPW has an agreement with GSI and the Minister for Communications, Climate Action and Environment, Deputy Naughten, where GSI is undertaking modelling of the turlough flooding in Roscommon, Galway and Longford. This work is ongoing since August last and will inform the design of flood relief projects for these areas.

Since last winter, the OPW has accelerated its resources to complete major flood defence. This year, there are a record 12 major schemes under construction and a further 23 at design development stage. Those under construction include schemes in Bandon, Skibbereen, Claregalway and Dunkellin and schemes are planned for Crossmolina, which was spoken about earlier, Clonakilty, Templemore, Enniscorthy, south Galway and Athlone.

Yesterday, I announced a major investment in flood relief works for Cork city bringing protection to 2,100 properties at the official launch of the public exhibition stage for the lower Lee, Cork city, flood relief scheme. This scheme is the largest flood relief scheme ever to be undertaken in Ireland at an estimated cost of €140 million at current prices.

CFRAM was mentioned earlier. The catchment flood risk assessment and management, CFRAM, programme is the largest flood risk management planning programme ever undertaken by the State, and Members from all sides of the Houses are taking credit for it. It has now identified feasible flood relief measures to provide protection to 95% of at-risk properties in the 300 CFRAM at-risk areas. The details are set out in 29 draft flood risk management plans which I have published since July this year for public consultation.

The OPW is continuing to work with communities to ensure their views and concerns are taken into account. Nearly 500 public consultation days have been held on the CFRAM programme. At these events, the CFRAM teams have presented the maps, issues, options and proposed measures for discussion with people, face-to-face in their own communities. People's views have been listened to and have helped form what is now proposed in the draft flood risk management plans, and will inform the final plans that I expect to bring to the Minister for Public Expenditure and Reform for his approval in spring 2017.

These plans are a major step forward to help Government make informed investment decisions. The Government's commitment to continue support of flood relief is underlined in the provision of €430 million to flood risk management in the Capital Investment Plan 2016-2021. Annually, the allocation for flood defence works will more than double from €45 million to €100 million per annum. This year, we are on target to spend, for the first time, €52 million on flood risk schemes.

The structural measures in the plans have been taken to outline design and will reduce the time needed to implement these projects in the future. In some cases, we may reduce the time-frame from inception to construction by up to two years.

I am working with ministerial colleagues to accelerate the timeline for delivery of flood-related works across the areas of planning, procurement and construction. As a result, the recently published general scheme of the housing (miscellaneous provisions) Bill 2016 provides for new screening arrangements for environmental impact assessments, EIA, for flood related works and is aimed at streamlining the process of determining planning consent for the undertaking of such works. In tandem with the new EIA screening provisions in the general scheme, it is proposed to review the mandatory EIA thresholds for flood-related works. I am hoping that these measures will result in a further significant reduction in the time taken to bring the schemes to construction stage.

Since the introduction of the minor works scheme in 2009, funding of almost €38 million has been approved by the OPW for almost 600 minor works projects to enable local authorities to address localised flooding. Approximately 82 applications have been approved for funding so far this year with a combined value of €4.3 million. While the minor works scheme has been very successful to date, the OPW is currently reviewing its operation to see what changes may be appropriate to ensure that the scheme remains relevant to, and can continue to support, local authorities in their work to address smaller scale flooding problems in their areas.

In 2017, the OPW will be commencing work on the second cycle of the EU floods directive to report on and commence further assessment and planning to address further areas at potential risk from flooding. This next cycle will include a focus on further feasible measures to manage the flood risk in rural areas. This is something that has been discussed throughout this debate and it will be dealt with there. 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 group and the group's progress was reported to the Government on 8 November. The Government noted progress on the broad range of policies and measures being considered, including those announced by the Government in 2016, such as progress with the Government's pilots to inform Government measures to support individual property protection, another issue raised tonight, and the implementation plan for the establishment of the national flood forecasting service within Met Éireann over the coming five years, which has been agreed. Work to commence that service has begun.

The Government also recently agreed to introduce a one-off targeted voluntary homeowner relocation scheme for those primary residential properties that flooded during last winter and had flooded in previous years. This scheme will be a targeted humanitarian aid scheme to ensure the worst affected homeowners have a primary residence. Investment will be prioritised and targeted at those homeowners at greatest risk of future flooding and who would gain greatest benefit from State support to relocate. The Government has agreed that while the terms of funding for relocation will be in line with the previous scheme in 2009, I am finalising, in conjunction with local authorities and other State agencies, the administrative arrangements to appraise the Government and to ensure this one-off scheme is reflective of its targeted objective and all relevant circumstances. The Department of Agriculture, Food and the Marine is also working with my office towards evaluating, on an individual basis, if any alternative remedial works can be undertaken to protect the farm buildings that flooded last winter in order to inform any scheme for voluntary farm building relocation.

Regarding the River Shannon, last winter the Government took decisive action to support the existing plans in place to address flooding on the Shannon and established the Shannon flood risk State agency co-ordination working group to enhance ongoing co-operation of all State agencies involved with the River Shannon. The group is focused on ensuring the best possible level of co-ordination between all statutory bodies involved in flood risk management on the Shannon. It is solutions focused and through the course of its work the group has decided to trial the lowering of the lake levels in Lough Allen. That is under way. Most recently, on 2 December in Carrick-on-Shannon, the group took a major decision to consider developing a plan for a strategic maintenance programme on the River Shannon. This is an unprecedented decision. It intends to bring together all of the relevant stakeholders to discuss, initiate and manage the development of this programme. I am delighted that the group, which is chaired by the OPW, has taken the decision to develop a plan for strategic maintenance works on the River Shannon. There have been many calls for a maintenance programme to be put in place for the Shannon. A planned maintenance programme for the Shannon would complement the group's work programme and the specific measures that are identified in the CFRAM plan. In addition, the group has taken a decision to examine practical solutions that may help reduce flood risk on the Shannon, such as at the pinch points.

Before concluding I will recall the winter flooding in 2015-16. While the Office of Public Works has a co-ordination role in flood risk management generally, local authorities are designated as the lead agencies for responding to serious weather events. I take this opportunity to thank everybody involved, especially the local volunteers who gave up their own comfort and families at Christmas to give practical and emotional support to their neighbours and communities, as demonstrated by Deputy Kevin Boxer Moran last winter. In conclusion, we cannot solve all flooding problems overnight and, importantly, we cannot do it alone. The benefits will accelerate in line with the acceleration of construction and investment. We will do that. There are 29 flood risk management plans in place. Having regard to all I have said, I strongly com-

mend the amended Government motion to the House.

An Ceann Comhairle: Deputy Kevin O’Keeffe is sharing time with Deputy Eugene Murphy to conclude the debate.

Deputy Kevin O’Keeffe: I thank Deputy Eugene Murphy for bringing this motion before the House and for sharing time with me. We must acknowledge that the Flood Insurance Bill will go to Committee Stage, as well as the progress that has been made on flooding problems throughout the country. I respect the role of the Minister of State, Deputy Canney, and I acknowledge the demands being made of him. I am delighted that he has made many trips to County Cork and Cork city. Last Monday, he announced a €140 million flood relief scheme for Cork city, which is welcome.

However, there are still problems in Cork East, including in my area and the town of Middleton. Parts of it were flooded almost 12 months ago. I was there yesterday and I called to some houses in the Willowbank and Lauriston estates which were affected by a river that burst its banks. The people there asked me if they could have immediate small, ancillary works carried out. They made the point that the local authority had put a JCB into the river during the summer to carry out some cleaning at a pinch point but the JCB was given strict orders by the fisheries board that if it was not gone in half an hour, the operator would be brought to court. That is what we are dealing with. I hope minor flood works would incorporate some measures to alleviate that problem so rivers can be cleaned with immediate effect. It would give solace to these householders. It might not stop the overall flooding, but it could minimise it. I get telephone calls from people who ask how they can move forward. People who wish to buy houses in these estates inquire about whether they will be able to get insurance, so we should give them that comfort. I refer them to the Flood Insurance Bill coming to the House.

Property owners saw the prices of their properties diminish during the crisis, but now the prices have been further diminished because the properties cannot get insurance cover. That is the reason we must address all of these issues. Deputy Sherlock mentioned the memorandum of understanding between the OPW and Insurance Ireland on co-operation regarding insurance being provided in areas where flood defences have been put in place, but nothing is happening. I am delighted we are moving on this. It is important that we maintain the pressure. We are not attacking the Minister of State, Deputy Canney, but we are anxious that he maintains the pressure. He will be gone in a few months and I hope the incoming Minister of State, Deputy Kevin Boxer Moran, will be as good as Deputy Canney and will continue to visit Cork.

An Ceann Comhairle: He does not agree with all this praise he is getting.

Deputy Kevin O’Keeffe: We might get him back. The Taoiseach gave me assurances recently that progress is being made. I am delighted about that.

I wish to return to a question raised by a spokesperson earlier as to what Fianna Fáil did about it. When Fianna Fáil was in Government the regular flooding problem was in the Mallow and Fermoy areas. The money for that was ring-fenced during the financial crisis. The then Ministers of State, former Deputy Martin Mansergh, and former Deputy Tom Parlon, who was the Minister of State in the preceding Government, ring-fenced the money. As the Minister of State, Deputy Canney, said, there is a process to go through involving studies, structures and other issues. However, the works were completed. The flooding episodes occurred this time last year. We do not need more rainfall to reignite the argument about this issue because it is

still on people's minds from the flooding that occurred 12 months ago. My constituency was a good example at the time of where there was a good and bad side in terms of the flooding. It is like when Rome burned and Emperor Nero danced away. When most of County Cork was being flooded, my constituents in Cork East were able to relax and enjoy the two days of 30 and 31 December 2015.

I welcome this motion. I hope it pre-empts further development of the Flood Insurance Bill being brought into effect. I have premises along the catchment area of the River Blackwater and those businesses cannot get insurance at present, which leads to other difficulties for them.

Deputy Eugene Murphy: If one gives Deputy O'Keeffe an inch he takes a mile.

Deputy Kevin O'Keeffe: The Deputy is not in the Chair tonight.

Deputy Eugene Murphy: The Deputy means well.

I thank all those who contributed to the debate. I thank the Minister of State, Deputy Canney, for being here. He is open and frank and he is working hard. However, he must understand that Deputy Moran, who did a good deal of work in his own area last year as was mentioned, seemed to give us a little lecture about bringing forward this motion and making a political football out of this issue. This is our job. Every single week I still have constituents and people from as far away as Deputy Butler's constituency and other places e-mailing, phoning and texting me to ask what is happening, what will happen or whether anything will be done. While I acknowledge the Minister of State is engaging and getting work done and that he is concerned about people, we simply cannot wait. If we are sincere about new politics in this Chamber we cannot sit on this issue. That is why we as a party discuss this issue weekly at our parliamentary party meetings. We are adamant about bringing forward legislation. No agency in this State or no arm of Government can supersede this democratic Parliament and Dáil by not carrying out works - when there is an emergency - to ensure people will not have to go through again what they have gone through. We are in a completely different situation from where we were even 15 years ago. We now have flash flooding and more serious rainfall. The patterns of rainfall have changed. The situation is changing all the time. That is why the goalposts must change. With due respect, we talk about dredging the River Shannon and I know the Minister of State is sincere about that, but when will that be done? There is no timeframe for it. This is an emergency. This work must start as soon as possible. That is why we are adamant on this side of the House that there must be one single agency, one single authority, that takes charge of the running of the River Shannon. That is why the electricity Bill 2016 will be brought forward here in June. We will push for there to be a single agency in charge. These are the matters that are being raised with us by our constituents. We know where the problems are and they are all over the country, not only along the River Shannon. We have different situation climate-wise and we must deal with it.

I do not want to go into arguing about who did what and when they did it. I am not into that and neither is the Minister of State. I just want to correct one matter in regard to Fianna Fáil. In 2004 Fianna Fáil launched the flood risk policy and it set out a new national flood policy. That was the first move in that respect. We all talk about the catchment flood risk assessment and management, CFRAM, programme, with which I have some difficulties. I spoke to Jacobs, the engineers, who dealt with this issue. It was launched in 2010 and Fianna Fáil had a major say in it as well. There are good elements in it but there are other aspects of it about which I am concerned. For example, flood defences were put up in certain areas but will they push the

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water out into other areas and affect other people? The type of concrete flood defences that will be used should not be used now as they are not environmentally friendly. All those issues matter. We must change the laws and the legislation. We are living in a different era. If we do not, we will be in very serious trouble. I could not watch again what I watched and witnessed last year and neither could many other Deputies on all sides of the House. Last May and June people were suffering from the effects of flooding right up to their front doors. The Minister of State witnessed some of that only a few months ago in Rahara in County Roscommon.

The reality is that we must be on the ball. We must move and bring in legislation and insist that agencies co-operate fully. We must work with them but no longer can we have a situation where people will again suffer what they suffered with their homes and businesses being flooded. I know of a farmer and almost his whole farm has been destroyed by water. When the water receded, I could see that all the stone walls on that farm had been flattened. He cannot get any assistance to rebuild those walls and he will have issues in terms of his farm payments.

I will not labour the point further. I thank the Minister of State for his contribution and all the Deputies who contributed. I hope tonight's debate will ensure we focus on this issue, make the bold and brave decisions that are needed and do so quickly.

Amendment put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 15 December 2016.

Message from Seanad

An Ceann Comhairle: Seanad Éireann has passed the Social Welfare Bill 2016, without amendment.

The Dáil adjourned at 9.57 p.m. until 11 a.m. on Wednesday, 14 December 2016.