



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES  
**DÁIL ÉIREANN**

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

Leaders' Questions . . . . .	361
Visit of Delegation from the United Arab Emirates . . . . .	363
Leaders' Questions (Resumed) . . . . .	363
Questions on Promised Legislation . . . . .	370
Business of Dáil . . . . .	379
National Food Ombudsman Bill 2017: First Stage . . . . .	380
Sale of Tickets (Sporting and Cultural Events) Bill 2017: First Stage . . . . .	381
Electoral (Extension of Voting Rights to Non-Irish Citizens) Bill 2017: First Stage . . . . .	382
Protection of Employees (Collective Redundancies) Bill 2017: First Stage . . . . .	384
Ceisteanna - Questions . . . . .	385
Taoiseach's Meetings and Engagements . . . . .	385
Cabinet Committee Meetings . . . . .	391
Cabinet Committee Meetings . . . . .	396
Topical Issue Matters . . . . .	398
Ceisteanna - Questions (Resumed) . . . . .	399
Priority Questions . . . . .	399
Disadvantaged Status . . . . .	399
Disadvantaged Status . . . . .	401
Teacher Recruitment . . . . .	403
Disadvantaged Status . . . . .	406
Schools Building Projects . . . . .	408
Other Questions . . . . .	410
Apprenticeship Data . . . . .	410
Schools Building Projects . . . . .	411
School Enrolments . . . . .	413
Disadvantaged Status . . . . .	415
Junior Cycle Reform . . . . .	417
Pupil-Teacher Ratio . . . . .	419
Special Educational Needs Service Provision . . . . .	420
Schools Building Projects Status . . . . .	422
Topical Issue Debate . . . . .	423
Rape Crisis Network Funding . . . . .	423
Medicinal Products Reimbursement . . . . .	426
Wastewater Treatment . . . . .	428
Insurance Industry: Motion [Private Members] . . . . .	431
Traveller Ethnicity: Statements . . . . .	459
Knowledge Development Box (Certification of Inventions) Bill 2016 [Seanad]: Second Stage (Resumed) . . . . .	480
Knowledge Development Box (Certification of Inventions) Bill 2016 [Seanad]: Referral to Select Committee . . . . .	490
Estimates for Public Services 2017: Message from Select Committee . . . . .	490
Criminal Justice (Victims of Crime) Bill 2016: Order for Second Stage . . . . .	490
Criminal Justice (Victims of Crime) Bill 2016: Second Stage . . . . .	490

## DÁIL ÉIREANN

*Dé Céadaoin, 1 Márta 2017*

*Wednesday, 1 March 2017*

Chuaigh an Ceann Comhairle i gceannas ar 12 p.m.

*Paidir.*

*Prayer.*

---

### Leaders' Questions

**Deputy Micheál Martin:** The Taoiseach knows that cystic fibrosis is a very serious issue in Ireland. We have the largest cohort of people *per capita* who suffer from cystic fibrosis, and all the challenges that presents. We have had some great testimonies from people with cystic fibrosis in terms of how it affects their lives and, in particular, the impact of the latest and very effective medicine, Orkambi, which can have a transformative effect.

I ask the Taoiseach to read an article in the *Irish Independent* today by Jillian McNulty, who lives with cystic fibrosis. It is heart-rending, brilliantly written and conveys better than anybody else the impact of the illness and the transformative effect of Orkambi. She writes:

CF is a lonely, traumatising, unforgiving, frightening illness yet there's one thing that has made a difference to my life... Orkambi... Before Orkambi I was approximately eight months of the year in hospital, in the last three years I've spent just 12 weeks in hospital. Incredible.

There was an attempt to denigrate the drug, which we saw in leaks from the HSE and others. We now know that Orkambi has received the drug discovery of the year award from the British Pharmacological Society and the French Prix Galien award in 2016 for the most promising rare disease medicine.

The manufacturers of rare disease medicines and orphan drugs, as we call them, are challenging for countries all over the world and we need to change how we deal with cystic fibrosis in this country, something for which I have asked on previous occasions. The bottom line is that the drug has a significant impact on quality of life, the longevity of people living with cystic fibrosis, hospital admissions, lung function and so forth. There is no doubt about the effectiveness of the drug. Agreement has been reached in Germany, Austria and the United States so that people with cystic fibrosis in those countries can avail of the medicine.

There has been engagement with the company for more than a year and this was ramped up

in the past month or so. My understanding is that this has gone through the drugs committee and to the HSE directorate and that the new offer from Vertex to the HSE is far more significant, perhaps, but different from the previous offers in terms of reduced pricing and, more critically, covering future pipeline medications that would cover the cohort of people with cystic fibrosis who have the F508del mutation. In other words, future and better medications will be part of the deal, there is a long-term dimension to it and it covers Kalydeco as well.

I have a basic question for the Taoiseach. People have been patient and Cystic Fibrosis Ireland and its chief executive officer have been very reasonable. Will the Taoiseach let the House know when we can expect a decision on facilitating the availability of Orkambi to people in this country with CF who would benefit from it?

**The Taoiseach:** The article is well written. It is one of a series of articles written in recent years about the impact of drugs on the quality of life of cystic fibrosis sufferers. The Minister for Health, Deputy Simon Harris, met personnel dealing with cystic fibrosis during the week. Deputy Martin is accurate when he states that Orkambi is a drug that impacts on the quality of life of a patient with cystic fibrosis, but it is not the Minister who determines the value of that quality of life or how it is measured. In this case, it was done by Professor Barry, who has commented on this issue in the past. The Minister for Health has had to shift the emphasis to major pharmaceutical companies so that there is an understanding that there is a limit to how far one can go in getting the balance between having that quality of life for cystic fibrosis sufferers and having the taxpayer pay the exorbitant amounts of money being demanded in respect of the drug.

It is true that Vertex has made an offer. However, the Minister is trying to bring about a situation where we are not going from year to year uncertain about what the future holds for any category of patients. In this case, it is cystic fibrosis sufferers. That is why the Minister wants to do a deal with the companies in respect of Orkambi, Kalydeco and any other future drug that may be beneficial to the quality of life of cystic fibrosis sufferers. He is right in that regard because we do not want a situation where Orkambi, for instance, is being made available to patients at a certain price based on the improvement in their quality of life and find that the situation changes six months or 12 months down the line.

The Minister is putting together a future certainty for cystic fibrosis sufferers to deal with a pipeline of drugs, be those drugs Orkambi, Kalydeco or new drugs that come on the scene, which happens every year. I expect that the Minister will be able to conclude his deliberations inside a couple of weeks and bring about certainty for all the cystic fibrosis patients in the country of whom we have many of them, and more than most other countries. This will give a certainty to those cystic fibrosis sufferers, whether it is in terms of Orkambi, Kalydeco or new pipeline drugs that may come on the market to treat cystic fibrosis. It is a good thing to do and the right way to go and I hope that, when it is reached, the decision will provide certainty for those with cystic fibrosis in the country.

**Deputy Micheál Martin:** That essentially has already been done. A long-term deal has been proposed and has gone through the drugs committee but no one has heard anything from the HSE or any other authorised State personnel on this issue since 3 February. Vertex has not received any response to the deal, as outlined by the Taoiseach, that it put on the table. The offer is a long-term deal - I understand for ten years - covering Kalydeco and Orkambi and pipeline drugs that may be better than Orkambi. My point all along has been that, given the large number of people in Ireland with cystic fibrosis, we should be at the vanguard of this re-

1 March 2017

search and leading the charge on this issue. A month has passed since the offer was made. The Taoiseach described it in terms of what the Minister is seeking but it is what is being offered. Has the HSE directorate made a recommendation to the Government following the offer made more than a month ago? People have been waiting for too long and it is placing an intolerable strain on those who are living with cystic fibrosis and their families. The Taoiseach and every Member of the House knows that and there is an obligation to bring this matter to a conclusion.

**The Taoiseach:** Deputy Micheál Martin obviously has a great deal of detail on this issue.

**Deputy Micheál Martin:** Deputy Billy Kelleher tabled a good parliamentary question on it.

**The Taoiseach:** What the Minister wants to do is future proof the quality of life for patients who in this case have cystic fibrosis. That is the right path to follow. No other category of patients has ever been future proofed in this way. What needs to be dealt with now is the finalisation of the contractual and commercial details of the arrangements for Kalydeco, Orkambi and whatever other pipeline drugs come on the scene for cystic fibrosis sufferers. The Minister expects to conclude this process in a matter of weeks. It will not be concluded today or tomorrow. In respect of cystic fibrosis patients, the article today expresses very clearly the impact on their lives of both Kalydeco and Orkambi. It is very important that we have a pipeline for the future that will guarantee that those who suffer from cystic fibrosis have whatever degree of certainty we can give them for the future in respect of their treatment and, as a consequence, for the improvement in the quality of their lives. For this reason, the Minister is working very hard to finalise the commercial and contractual details for the future of cystic fibrosis patients.

### **Visit of Delegation from the United Arab Emirates**

**An Ceann Comhairle:** Before proceeding with business, on behalf of the Members of Dáil Éireann, I offer a most sincere welcome to Her Excellency Dr. Amal Abdullah Al Qubaisi, Speaker of the Federal National Council of the United Arab Emirates, who is accompanied by six distinguished members of the Federal National Council and joins us in the Distinguished Visitors Gallery. We wish them well in their visit to our country.

### **Leaders' Questions (Resumed)**

**Deputy Mary Lou McDonald:** Almost one year ago to the day, citizens went to the polls and voted in a general election. The majority of Deputies elected to this Dáil were elected clearly and comprehensively to end punitive water charging. That was the decision of the people. The Fianna Fáil Party, despite its ever shifting policy positions, also made this commitment. The expert commission on water services was dreamt up as a fig leaf to get Fianna Fáil off the hook of its commitments and secure its support for the Government. Since then, Fianna Fáil has tried everything to change its stance but the resolve of those involved in Right2Water has forced it to a point where it either puts up or shuts up.

I listened this morning to Deputy Willie O'Dea refusing to rule out water charges by the back door and peddling the myth surrounding excessive use for which there is absolutely no evidence. It remains to be seen what the Fianna Fáil position will be. Sinn Féin, on the other

hand, has been clear all along - no water charges-----

*(Interruptions).*

**Deputies:** Since the Dublin South-West by-election.

**An Ceann Comhairle:** Order, please.

**Deputy Mary Lou McDonald:** -----by the front door or the back door. That is now the emerging view of the Committee on the Future Funding of Domestic Water Services, which was set up to produce recommendations on this issue. The Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, established that process, which is drawing to a conclusion. At the time, the Minister stated he wanted to take the heat out of the water charges debate and let the Oireachtas have its say. The Government is losing the argument. Yesterday evening, the Minister, Deputy Coveney, intervened in a most inappropriate manner in an attempt to influence the committee's work before it concludes. Essentially, he is trying to shoehorn the committee with exaggerated claims of the supposed illegality of the abolition of water charges. The Minister should stop interfering in the work of this committee immediately. He should adhere to the process he set up and respect the outcome of it. One wonders whether the Minister's new tough guy stance has more to do with the leadership battle within Fine Gael than anything else.

**Deputy Maurice Quinlivan:** Hear, hear.

**Deputy Paschal Donohoe:** Deputy McDonald would know plenty about that.

**Deputy Mary Lou McDonald:** The coalition agreement of Fine Gael and Fianna Fáil, a copy of which I have here, states that the Government will legislate for the abolition of water charges if that is the position of the Oireachtas but the Minister, Deputy Coveney, it seems, has set his face against this. He said that he will breach the process he established and he will not - I emphasise he will not - legislate to scrap the water charges. Is that the Taoiseach's position also? Does he also refuse to accept the will of the Oireachtas and to legislate to abolish water charges?

**Deputy Bernard J. Durkan:** Well done Deputy Paul Murphy.

**Deputy Paul Murphy:** We did a lot while Deputy Durkan was away temporarily.

**The Taoiseach:** The Fine Gael Party is a democratic party. We are not in the position of being able to anoint or appoint people who we choose to be leaders.

**Deputy Billy Kelleher:** Or disappear.

**The Taoiseach:** The Deputy should bear that in mind. The Oireachtas established a special Oireachtas committee to deliberate on the recommendations of an expert commission on water. That is what the committee is doing. Essentially, it is considering the abolition of general water charges. The Minister, Deputy Coveney, set out a number of principles which reflect the Fine Gael Party's view and position on this issue, including that we should have a water metering capacity, a generous allowance and a charge for wilful and excessive use and waste of water. They are important principles. What is provided for in the Fine Gael Party agreement with Fi-

anna Fáil is that the Oireachtas committee would consider the recommendations of the expert commission and make recommendations to the Oireachtas, following which the Oireachtas would consider those recommendations and vote on the matter within one month of the conclusion of the deliberations.

I know that the Chairman circulated a paper yesterday. The committee continues its deliberations and will meet this afternoon to consider that paper. I am sure that even Deputy McDonald will understand that in this country it is not proper to allow the wilful wastage of water for which the taxpayer pays. The 2007 Act does not cover that, in my view. As stated by the Minister, Deputy Coveney, the committee is entitled to continue its deliberations on the recommendations of the expert commission and to bring forward its conclusions to the Oireachtas. We await its conclusions, on which we will have a discussion in the Oireachtas and then vote on the matter. The Minister was entitled to set out a number of principles yesterday.

**Deputy Mary Lou McDonald:** The wilful waste of water is the fault of the infrastructure and successive Governments, of which the Taoiseach's party and his partners, the Fianna Fáil Party, have been lead exponents, and not, as suggested by the Taoiseach, the result of the population with wild abandon wilfully wasting water. This matter was settled last year at the ballot box. The democratic view of the people was that water charges be abolished, not suspended. That is the considered view of the people. It is also a view mirrored in the Oireachtas. A commitment was given to respect that democratic view. Now it seems, however, that the Minister, Deputy Simon Coveney, knows better than the Oireachtas and the people who voted. In fact, he does not. It is imperative that the Minister and the Taoiseach respect the wishes of the people, as democratically expressed. I want an answer to the question I asked earlier and which I will repeat. Is the Taoiseach prepared to legislate for the abolition of water charges? Will he give a "Yes" or a "No" answer to indicate his position?

**The Taoiseach:** We have said in the agreement we have with the main Opposition party-----

*(Interruptions).*

**The Taoiseach:** -----that the Government will facilitate the legislation that is necessary following the deliberations of the Oireachtas arising from the report of the expert group. That is what we have agreed to do and what we will follow. As I said, the committee is considering the views of the commission. Clearly, a compromise is available and where we are is considering the issue of the wilful wastage of water. The Minister, Deputy Simon Coveney, has at his disposal legal advice that is very strong and clear. I realise the Deputy and her party colleagues have their eyes on power down here. I am sure that if she ever sits on these benches as Minister for whatever - although perhaps I cannot guarantee it in her party's case - she will not be putting through legislation where she has very strong legal advice that it is illegal to do so.

**Deputy Mary Lou McDonald:** Is that a "Yes" or a "No"? It sounds like a "No".

**The Taoiseach:** We set up an arrangement for an Oireachtas committee to deliberate on these matters. The committee is meeting again this afternoon to continue its work.

**Deputy Mary Lou McDonald:** Will the Taoiseach answer "Yes" or "No"?

**The Taoiseach:** I have a strong aversion, like most people in the country, to a situation

where there can be wilful wastage of water and an expectation that the general taxpayer will pay for it.

**Deputy Richard Boyd Barrett:** The Government does not even know how many private swimming pools there are.

**Deputy Finian McGrath:** They are all in Dún Laoghaire.

*(Interruptions).*

**An Ceann Comhairle:** Order, please.

**Deputy Brendan Howlin:** Does the Taoiseach have any idea of how anxious the hundreds of thousands people are around the country who depend on public transport? The Government seems to be marching blindly over the cliff edge on this matter. For weeks we have been listening to the Minister for Transport, Tourism and Sport, Deputy Shane Ross, saying it has nothing to do with him, but the fact is that Bus Éireann is fully owned by the Government on behalf of the people of Ireland, with ownership of the company being vested in the Minister. We have heard that Bus Éireann is facing possible insolvency and we know that its staff are standing on the brink of an all-out strike. Such a strike would make the already perilous financial position of the company even more acute. This has come about because management reneged on its existing deal with workers. We hear through the media that even some of the Taoiseach's colleagues are growing tired of the Minister abdicating his responsibility in the matter. He is a man with a title who will not take on the job he was given. I have asked repeatedly the Taoiseach to do something about this. We all know that these issues can be resolved but only through intervention and dialogue. I have asked the Taoiseach several times to ensure the Minister and the National Transport Authority, NTA, sit down with management and the trade unions in Bus Éireann to begin formulating a solution. Standing back is patently making matters worse and all the more difficult to reach the solution that has to be found.

The situation at Bus Éireann is another example of the Government's cack-handed approach to industrial relations. Nobody is saying a Minister should be involved in every meeting or intervene immediately in every industrial relations dispute. However, when matters are escalating, it is often the wise thing to do and has been the practice for decades. During the term of the last Government there were plenty of occasions when I, as Minister, was directly involved in meeting trade union representatives to defuse potentially damaging situations. It was about listening, hearing and responding - in a word, managing. The same was true of other Ministers.

The involvement of a Minister does not always bring matters to a conclusion, and certainly not straight away, but it helps to move matters in the proper direction. We now have a Minister for Transport, Tourism and Sport who simply will not engage. Apparently, he is waiting for a solution to fall from the sky. That will not happen. Will the Taoiseach direct the Minister to sit down with the NTA, Bus Éireann and the trade unions before this matter reaches the point of no return and significant damage is done not only to a valuable State company, but also to the hundreds of thousands of people who depend on Bus Éireann and other public transport companies to get to work and carry out their lives in a normal fashion?

**The Taoiseach:** I thank the Deputy. It is true that the Deputy met unions on many occasions and he had some serious matters to discuss in terms of public pay and the issues that the country

had to face in an even more challenging time than now.

Nobody wants to see this strike go ahead. The Minister, Deputy Ross, gave a full and thorough briefing to the Cabinet yesterday on the situation here. Clearly, today's media coverage carries a number of the issues that the NTA has come forward with in terms of its analysis of the services currently provided on a number of the routes that are suggested to be changed, with further facilities and access on one of those routes in the west.

It is true that a solution will not drop out of the sky. The Deputy is absolutely correct, but the Minister, Deputy Ross, has been very strongly in support of a situation where unions and management sit down together at the WRC and work out a solution for the nub of the issue where there is a loss of income to the company on a daily basis. I think an intervention by the Minister directly is not what is required now. There is still an opportunity for unions and management to get together. The Minister has been in touch with the Minister in the Department of Social Protection both in respect of the access and the assessment of the free travel scheme, about which there was a perception that it was going to be taken away, which is not true. Obviously, the NTA itself has spoken out and guaranteed connectivity for areas in rural Ireland that would be affected by any change in the Expressway service.

I appeal to unions and management to use the facility available to them now, with the full support of the Minister and the Government, to work out a solution and an outcome in respect of the issue here. Nobody wants to see this happen. Unemployment is down to 6.6%. Our country is facing a number of challenges both internationally and in respect of Brexit. We do not want to see hundreds of thousands of people discommoded next week. As I said yesterday, 81% of people who travel on the Bus Éireann services do so where the service is professional, competent and carried out by very dedicated workers.

There is an issue, in that the State cannot, as the Deputy knows, directly subsidise the commercial arm of Bus Éireann, and that is an issue that can be dealt with, and will be dealt with, through the industrial machinery of the State, provided that people take up that option. The Government is fully supportive of the public service transport entity. We want to see that continue. This is an issue that needs to be dealt with and that is the place to deal with it. The Minister, Deputy Ross, has the full support of Government in setting out the opportunities for a conclusion to this particular serious dispute.

**Deputy Brendan Howlin:** Change can be brought about, but not by standing away from the issues. It is for Ministers who own the company in the people's interest not to stand back and allow it to collapse. It is time for an intervention. If the Minister will not intervene, I will briefly raise the issue of funding. The Taoiseach will recall that, in the last budget while we were in office, we increased funding for the free travel scheme by €3 million. In this Government's budget in October, the Minister for Social Protection, Deputy Varadkar, failed to provide any increase in funding for the scheme. An increase would indirectly assist the company.

The Department of Social Protection will make savings from the point that the Taoiseach just made, namely, the thankfully declining unemployment rate. Will the Government deploy a modest part of those savings to increase the subvention to the free travel scheme so as to increase it to something like the actual cost of provision? That would ease the problem somewhat. If the Minister for Transport, Tourism and Sport will not do anything, will the rest of the Government try to assist in averting the destruction of an important company?

**The Taoiseach:** That is a valid point. The subvention, through the PSO, has been increased. This year it increased by 11% and last year it was 13%. Bus Éireann itself benefited from a 21% increase in the subvention in 2016. As Deputy Howlin is aware, that is provided for PSO services only and not for commercial services.

In relation to the free travel issue Deputy Howlin mentioned, the Minister, Deputy Ross, has had discussions and has written formally to the Minister for Social Protection, Deputy Varadkar. They have both instructed their officials to report back very quickly on their examination of the funding levels of that particular scheme. This is a very short, focused and prioritised piece of work and it is progressing very well. I understand that as soon as the officials report back, the Ministers expect to have discussions to resolve that particular issue satisfactorily. As I said yesterday, no amount of ministerial intervention will sort this out without the two sides having direct dialogue and the opportunity to do that lies with the WRC.

I am happy to note that the NTA has backed up what it said it would do in terms of assessing the connectivity and the requirements that might arise if the Expressway service is altered in any way. The PSO funding to Bus Éireann has been 24% for the rural transport programme. It is increasing. I am pleased the NTA has said we can cover connectivity for those areas that might be so affected. I appeal this morning to unions and management to get together, through the WRC, and see whether a solution can be reached. That will have the full support of Government. In respect to the analysis of the free travel scheme, both Ministers are working hard on the issue.

**Deputy Ruth Coppinger:** This day next week, 8 March, is International Women's Day. This year will be different because women all over the world will participate in co-ordinated actions against sexism and for reproductive rights. For the first time in history there has been a call for a global strike on International Women's Day. Participants are asked to strike, to either take a day off work or wear black, as I am doing today, and to assemble to demand rights that are being denied. There will be a huge focus on this country because the strike will centre on the need for repeal of one of the cruelest abortion bans in the world.

Three events will take place next week. On Monday, the Bus 4 Repeal will travel, providing access to safe medical abortion pills that are banned in this country but are considered essential medicine by the WHO. On Wednesday, the Strike 4 Repeal will assemble at 12.30 p.m. on O'Connell Bridge and a march for repeal will take place at 5.30 p.m., which is organised by the Coalition to Repeal the Eight Amendment. The coalition is made up of a huge number of groups, including the National Women's Council and others.

The Taoiseach's failure to hold a referendum to repeal the eighth amendment has been raised with him many times. It does not look like we will get anything different from his two potential replacements because there has been generational change in attitudes on abortion and while there will be generational change in the Fine Gael leadership it does not look like there will be generational change on abortion. The Taoiseach's two apprentices are old heads on young shoulders. They are still stuck in the past on this issue and neither of them believe in women's bodily autonomy, which means they are very divorced from the generation they represent. In Ireland, the movement's hashtag is "#wewontwait". The mantra from Fine Gael, Fianna Fáil and now the Independents is that women should just dutifully wait for the Citizens' Assembly to give its verdict but in the real world crisis pregnancies continue. Does the Taoiseach have advice for a young woman who sent a message to my Facebook page yesterday?

1 March 2017

Please help me with advice if u can. I'm in a really really bad situation. I can't sleep at night with worry... I've taken so much time off work because all I do is cry... every day... It's destroying me and I feel so trapped... I'm at a dead end with this pregnancy. My partner was so violent and he's completely abandoned me.

What is the Taoiseach's advice to that woman? Is it to suck it up and wait for the Citizens' Assembly? Women and young people are not prepared to wait any longer for bishops to pontificate at the Citizens' Assembly, as they will next week. Young people who will march next week will not be told and tone policed. Why did it take only two and half years for the so-called pro-life amendment campaign to get a referendum that nobody wanted and that was sectarian and mediaeval but five years after the death of Savita Halappanavar in October 2012, we still do not have a referendum to repeal the eighth amendment? Can the Taoiseach tell us why that is?

**The Taoiseach:** The Deputy has given a long news broadcast about events taking place and she is entitled to do that. She seems to know something I do not know about numbers contesting some vacancy at some time in the future. She seems to have more detail than I do.

In regard to the young woman the Deputy said wrote to her, there is no reason for that young woman not to have assistance made available to her in respect of domestic violence, something she mentioned in her letter to the Deputy. She can have that assistance and support today and the Deputy should advise her that this is immediately available to her. She should not have to live in a situation where her partner is violent in the way described by the Deputy.

The Citizens' Assembly continues to meet and it has received 13,000 submissions in respect of the issues it must consider. Ms Justice Laffoy will report before the end of June. That has been and is a very worthwhile exercise. Clearly, it is a sensitive issue. The Deputy has her point of view. Many others may have a different point of view. It is only right and proper that the Citizens' Assembly, which the House approved, is entitled to consider its work and make its presentation to us here. In due course, the Oireachtas will deliberate on that and vote on whether or not there should be a referendum and if so, what that should mean.

**Deputy Ruth Coppinger:** The woman does not want to be pregnant and is looking for access to an abortion. She is not entitled to do that in this country. I want to make that clear. That is her decision - not the Taoiseach's decision or the decision of any of the lads beside him. The Citizens' Assembly is proving itself to be a very conservative talking shop from which anybody with a view is eliminated and is not even discussing the central issue of health as cornerstone and basis for any change on abortion in this country. It has not even got around to discussing it, which is incredible five years on from the death of Savita Halappanavar. The other issue about the Citizens' Assembly is that next Monday, a load of people, including bishops, will line up to tell women how they should feel about what is really a personal decision. International Women's Day will be very different. It is good that it is returning to the tradition on which it was founded, namely, struggle and working-class and ordinary people demanding their rights. It is very clear that things are going backwards for women under capitalism. Look at Donald Trump, etc. The women who took the contraception train - the Taoiseach was 20 at the time so he should know something about it - were also told that they were being shrill. They were told to tone it down and that their tactics were deplorable. Who would say now that they did not make a historic change? That is what will happen with the women and young people who will be marching next Wednesday.

**The Taoiseach:** I hope that the global events that will take place on International Women's

Day will be significant in their own way. The agenda for the Citizens' Assembly is set by Ms Justice Laffoy together with the group. Obviously, it has taken into account a range of views. Those who appeared before the Citizens' Assembly have been invited to do so. People with different views have spoken and will speak to the assembly. I am quite sure it will discuss the question of health for women, which is so important, before it finishes its work. The Deputy indicated that the young woman who wrote to her cried every evening and night because of a domestic violence situation. In her second comment, the Deputy made the point that the young woman wants to end her pregnancy. Abortion is illegal in this country, except in very specific circumstances. I do not have the details and it is not my remit to adjudicate on that. There is a very precise issue there in the law.

I look forward to the conclusions of the Citizens' Assembly. The House will deliberate on those in due course and Members will vote according to their conscience.

### **Questions on Promised Legislation**

**An Ceann Comhairle:** I bring to the attention of Members that we will only be taking relevant questions on promised legislation or the programme for Government. Deputy Micheál Martin is first.

**Deputy Micheál Martin:** In the programme for Government there is a strong commitment to "Implement the new procedures to ensure more efficient and timely recruitment of nurses". As all Members are aware, there is a considerable shortage of nurses across the country's hospitals. There is a significant turnover of nurses, particularly theatre nurses and nurses working in emergency medicine, because of the absolute and abject failure of manpower and human resources policies in the health sector. The INMO represents nurses and midwives and, giving vent to its frustration at the failure to implement this commitment in the programme for Government, will commence a nationwide work-to-rule from Friday next. That will cause further challenges and difficulties to the health service, not least in terms of elective operations being cancelled and will make waiting lists etc., much worse. Can the Taoiseach indicate whether any moves have been made to ensure this gets dealt with by the labour relations machinery? Can he indicate whether the WRC has been invited to prevent this work-to-rule and what will the Government do about the overall issue of recruitment of nurses?

**The Taoiseach:** I will ask the Minister, Deputy Harris, to give Deputy Micheál Martin detail on that.

**Minister for Health (Deputy Simon Harris):** The Government has provided funding to take on 1,000 additional nurses this year.

The Government has had fruitful discussions on a range of issues in respect of recruitment and retention with the INMO. It was not possible to reach agreement on all issues. I note the comments of the Lansdowne Road agreement oversight group yesterday that both parties should now use the services of the WRC and I appeal to the INMO to enter talks at the WRC. Industrial action is not in the interests of anybody, nurses or patients, and the WRC is available. Health management is available to go to the WRC and I would urge the INMO to meet us there.

**Deputy Mary Lou McDonald:** My question is on promised legislation in respect of access to medicinal cannabis. Ms Vera Twomey is a mother from Cork who, as we speak, is walking

from Cork to Dublin. Vera has met the Minister, Deputy Harris, in the past. The reason Vera is taking this action is because her seven year old daughter, Ava, suffers from Dravet syndrome, a severe and debilitating form of epilepsy. Ava can suffer up to 20 seizures a day. The child is suffering and Vera and Paul, her parents, are suffering too. They set out their case clearly to the Minister. This child needs access to this medicine quickly.

**An Ceann Comhairle:** Is this a programme for Government commitment?

**Deputy Mary Lou McDonald:** This is promised legislation.

Vera tells me that she has had long frustrating discussions with the Minister, Deputy Harris. She feels she is being led up the garden path. She is petrified for the health and safety of her seven year old child. I want to know from both the Taoiseach and the Minister when the Government will make it happen. It is a seven year old girl, who is seizing up to 20 times a day and whose life is in jeopardy.

**An Ceann Comhairle:** The time is up now.

**Deputy Mary Lou McDonald:** Can the Taoiseach tell me when this legislation will be passed and when this child will get the medicine she needs?

**Deputy Donnchadh Ó Laoghaire:** On the same matter, Vera Twomey wants the best for her child who is suffering greatly from the particular condition. I spoke to the Minister, Deputy Harris, this morning. I urge the Minister to take whatever actions he can to ensure that she gets the medical care and the access to the product that she needs.

**An Ceann Comhairle:** On the same matter, Deputy Moynihan.

**Deputy Aindrias Moynihan:** Yesterday I questioned this also and I do not feel that I got a satisfactory answer on it. There are two legislative items on the cards here. There is the legislation initiated before Christmas that has completed Second Stage, and there is the commitment from the Minister to deliver his legislation. Will one of those pieces of legislation be advanced as quickly as possible to solve this problem for them?

**Deputy Pat Buckley:** The Minister received a report on medicinal cannabis from the Health Products Regulatory Authority, HPRA, on 31 January and at that time the Minister gave a commitment that he would move very quickly on this issue. I am in constant contact with Ava's mother, Vera, even up to last night when I spoke to her, and I reiterate what other Members are saying. This is an extremely sad case but it is not only affecting the child. It is affecting the parents and the extended family. I appeal to the Minister, on behalf of the family, please to make a decision very quickly on this issue.

**Deputy Anne Rabbitte:** My question is about the definition of paediatric neurologist. I attended the meeting last week with Vera and the Minister explained the role of the paediatric neurologist. We need clarification on that because there is confusion about it in that in the past a doctor may have signed off on it and looked for a licence. That may be where we need clarification on this matter.

**Deputy Billy Kelleher:** I seek clarity from the Minister with regard to a parliamentary reply I was given by his office last year which states that it can be made available on prescription of a doctor. Could we get clarity on that because this is an issue that is causing grave concern to Vera and her family? Will the Minister clarify who can actually prescribe?

**The Taoiseach:** I met with Vera and Paul in Cork recently to discuss their daughter Ava. There are two pieces of legislation from Deputy Gino Kenny and also what the Minister has spoken about. The legislation itself is not necessary to have medicinal cannabis made available but there are conditions under which that can apply, and I ask the Minister to clarify that for the House.

**Deputy Simon Harris:** I thank the Deputies for raising this matter. I met Vera and Paul on Thursday. It was my fourth meeting with them, and I was in further contact with Vera yesterday by e-mail. The advice available to me is very simple. The Chief Medical Officer has said to me that it requires the signature and support of a paediatric neurologist. I do not have an application with a paediatric neurologist's support. If I had one, without changing any law, we can make that available through the current system. I believe, however, that we should introduce the compassionate access programme but let me be very clear on that. The compassionate access programme as cited in the HPRA report still talks about the need for a consultant. What I ask all Deputies in the House to do is work with me through the Oireachtas health committee to bring forward this issue as quickly as possible. I wrote to the Oireachtas health committee yesterday. I see no reason why the Oireachtas health committee could not have the HPRA in before it as a matter of urgency to try to progress this issue. I will be happy to meet with the representatives of each of the political groupings in this House to see how we can progress it.

**Deputy Mary Lou McDonald:** Can the Minister assist with access to that consultant?

**Deputy Brendan Howlin:** I want to raise with the Taoiseach the issue of the assisted human reproduction Bill. He may have seen the stories of surrogate parents reported in *The Irish Times* over the weekend. It is a reality of modern Ireland that parents are pursuing this option.

In January of 2016, the Minister, Deputy Fitzgerald, commenced large portions of the Children and Family Relationships Act, which was passed in April 2015. However, Parts 2 and 3 of the Act that deal with donor assisted human reproduction still have not been commenced nearly two years after the Bill was passed by these Houses. Can the Taoiseach advise the House when those sections will be commenced? As he knows, cases have been litigated to the Supreme Court and the Chief Justice said that this was a matter for the Legislature to deal with. We have passed law but it has not been commenced. Can the Taoiseach also indicate when the assisted human reproduction Bill will be published? It has been promised for some considerable time.

**The Taoiseach:** The heads of the assisted human reproduction Bill are expected before Cabinet this month. I will ask the Minister, Deputy Harris, to give the Deputy a written update on the developments in respect of the issue he mentioned.

**Deputy Ruth Coppinger:** The Taoiseach was asked this question earlier but there has been a development since then. The confidence and supply agreement states that the Government will facilitate the passage of legislation for the implementation of the recommendations in regard to domestic water charges. Deputy Cowen from Fianna Fáil is out on the plinth saying that if the Government does not agree to implement the legislation needed following the recommendation of the committee and of the Dáil, there will be an election. The Taoiseach will still be the leader. I do not know what the people sitting beside him think about that. Are we into an election situation now because of the refusal of key people in Fine Gael to implement what was a democratic mandate that they were given, whether they like it or not, by the electorate, which is that most of the people in the Dáil were elected on a platform of being against water charges? It looks like a few stubborn heads over there are refusing to implement it. I would not fancy

my chances running a general election campaign on water charges if I were Fine Gael with the Taoiseach, Deputy Kenny, still as leader.

**The Taoiseach:** The agreement says what it says, which is that the Government will facilitate the passage of legislation. We also have an agreement in respect of the support of the major Opposition party in passing the budget, which is facilitating the budget without writing it. As I stated earlier, I would prefer to let the committee do its work and let it give its views on the findings of the commission. The agreement also states the Fine Gael and Fianna Fáil parties reserve their right to adopt different positions regarding any consequential legislation or resolutions being debated by the Oireachtas. This is what the agreement states and I am quite happy to allow the committee to do the work for which we established it. It allows for different points of view. Let us wait and see what recommendations it brings forward.

**Deputy Catherine Martin:** A commitment was made in the programme for Government to review the closure of Garda stations, and as part of the review there is a clear commitment to launch a pilot scheme to reopen six Garda stations, and it states this would be initiated within two months. That was ten months ago.

**Deputy Dara Calleary:** Get the bus.

**Deputy Catherine Martin:** Since the closure in my constituency of Stepside Garda station in 2012 the community lives in constant fear, with some residents having been the victims of burglary not just once or twice, but on three occasions. The community is living in hope its station will be identified as one of the six to be reopened. This is why over the past year I have submitted a number of questions to the Minister for Justice and Equality, the most recent being last week, seeking clarity as to when the six stations will be identified, but there is still no clarity or no date given. In the Minister's most recent reply to me last week, she stated she has not received a report on any aspect of this matter from the Garda authorities. Frankly, this admission from the Minister is unacceptable. I ask the Taoiseach to seek this report and shed some light on when the announcement will be made and demand an explanation for the delay and paralysis. At the very least, will he insist on a definite timeline for same?

**The Taoiseach:** I assure the Deputy that the Minister, Deputy Ross, and Deputy Madigan, along with Deputy Martin, have been very consistent and persistent-----

**Deputy Mattie McGrath:** Insistent.

**Deputy Dara Calleary:** The Minister, Deputy Ross, is persistent? That is a bit of an anomaly.

**The Taoiseach:** -----about one Garda station in the country, which is Stepside.

**Deputy Brendan Howlin:** Will it be one of the six?

**The Taoiseach:** As a result of the Deputy raising it here, I undertake to speak to the Minister for Justice and Equality to see what progress has been made on the report from the Garda Commissioner. The programme for Government is clear and it will be followed through.

**Deputy Mattie McGrath:** In the programme for Government with regard to the data-sharing and governance Bill, the Department of Public Expenditure and Reform's mission statement is to serve the country's people and the Government by delivering well managed and well targeted public spending through modernised, effective and accountable public services. In

light of this, will the Taoiseach clarify why, when I asked the Minister, Deputy Donohoe, to provide me with details of all moneys provided by the State since 2006 towards the development, design and delivery of a national paediatric hospital, he declined the question and I could not go through the Ceann Comhairle? Is this the new politics to which the programme for Government aspires, that we cannot get an answer from the line Minister in the House on a very important issue? We speak about sick children and the need for transparency and the need to stop this runaway train, which has gone from €404 million to almost €1 billion without fit-out or IT.

**The Taoiseach:** The Minister, Deputy Harris, will answer Deputy McGrath directly.

**Deputy Mattie McGrath:** Pass the parcel, is it?

**The Taoiseach:** He will answer completely and comprehensively.

**Deputy Mattie McGrath:** The Minister, Deputy Donohoe, is the man who keeps charge of all public expenditure.

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** I am happy to respond. With regard to the legislation on data sharing-----

**Deputy Brendan Howlin:** Collective government.

**Deputy Paschal Donohoe:** It is indeed, Deputy Howlin. The legislation on data sharing is being drafted. We are in contact with the relevant Oireachtas committee to see if we can secure the time for prelegislative scrutiny of the second matter Deputy Mattie McGrath raised, regarding the national children's hospital. The Minister for Health, Deputy Simon Harris, and I are committed to the delivery of that project.

**Deputy Mattie McGrath:** At any cost.

**Deputy Paschal Donohoe:** Deputy Mattie McGrath is commenting on figures that he has not seen.

**Deputy Mattie McGrath:** Tell us.

**Deputy Paschal Donohoe:** The Minister, Deputy Harris, will prepare a proposal, on which my own Department will engage, and when we have concluded an analysis of value for money and of what is the right thing for children in our country for the next 50 years, a proposal will be taken to Cabinet at which a decision will be made.

**Deputy Catherine Connolly:** Baineann mo cheist le cúrsaí mheabharshláinte agus an po-lasaí agus fíis A Vision for Change, 2006 go dtí 2016. Mar a léiríonn an tréimhse ama, tháinig sé chun deiridh breis is bliain ó shin. Go mion minic sa Dáil ó shin, tá sé geallta agus deimh-nithe go bhfuil athbhreithniú ar siúl. An freagra deireanach a fuair mé ar cheist a cuireadh i mí Feabhra ná go raibh an t-athbhreithniú nua le foilsiú ag cuireadh mhí Feabhra. Cá bhfuil sé? Táimid i mí an Mhárta anois, breis is bliain tar éis gur cuireadh stop leis an bhfíis iontach sin nár cuireadh i bhfeidhm. Cá bhfuil an t-athbhreithniú?

**The Taoiseach:** Tá an tAire Stáit, Teachta Helen Mac an tSaoi, ag déanamh an-obair ar an achoimre seo. Cuirfidh mé scéal chuig an Teachta faoi cé chomh fada is atá sí tagtha leis an achoimre sin. Tá súil agam nach mbeidh sé i bhfad uainn sula bhfoilseofar an fhís nua.

**Deputy Ciarán Cannon:** When is the Companies (Accounting) Bill 2016 due to come

1 March 2017

before the Houses? The Bill seeks to resolve anomalies in the Companies Act 2014 and would thus reduce the compliance burden and costs for SMEs. It is pretty urgent and the non-passage of the Bill would have serious consequences for our indigenous SMEs.

**The Taoiseach:** It is on Report Stage and this is expected to be taken in the week of 24 March.

**Deputy Joe Carey:** What is the status of the affordable childcare scheme Bill?

**The Taoiseach:** We have agreed that Bill and prelegislative scrutiny took place in February. We are moving ahead with it.

**Deputy Danny Healy-Rae:** In the programme for Government there was a promise that farmers who were struggling to survive would get assistance. A loan scheme was rolled out by the Minister for Agriculture, Food and the Marine in which banks would give loans at low interest rates to farmers who were under financial pressure. This scheme is not working. To avail of the scheme one must be in the black and a good customer of a bank. The people it was supposed to help, who are in trouble and cannot pay off their loans, will not get the loan at the cheap interest rate because they do not meet the requirements of the banks. I ask the Taoiseach and the Minister for Agriculture, Food and the Marine to intervene because many farmers are in serious financial trouble. The loan scheme was supposed to help them but it is not working.

**The Taoiseach:** The Minister made loans available under the scheme at 2.9%, with flexibility to help farmers in different sectors. We are aware of the loss in value of €500 million in six months because of currency fluctuations in the United Kingdom but I understand the scheme is working reasonably well. I do not know the details of the financial circumstances of the farmers to whom Deputy Healy-Rae refers, or whether they have been in difficult circumstances for some time. The weather, volatility in the market and currency fluctuations have impacted on different sectors, be they tillage, manufacturing, beef or dairy. If the Deputy wishes to send to the Minister for Agriculture, Food and the Marine some examples of where farmers were refused on the basis of the conditions of the scheme, I am sure he would be happy to assess them and look at the flexibility of the scheme.

*1 o'clock* It was not intended as a grant to farmers but as an opportunity to get them through a difficult period. It was a package for that. That is what it was about.

**Deputy Jackie Cahill:** The programme for Government contains various commitments for investment in our health services. At the weekend, there were announcements about Clonmel Hospital. The crisis there, including the shortage of acute beds in County Tipperary, has been well documented. We were told that the hospital will be equipped with pre-fabs to cater for the crisis situation. It is a totally inadequate response. Where will these pre-fabs be sourced from? What is the timeframe envisaged for their use, instead of the essential infrastructure that is needed in Clonmel Hospital?

**The Taoiseach:** I will ask the Minister for Health to deal with that question.

**Deputy Simon Harris:** As Deputy Cahill knows from my visit with him to Clonmel and Cashel, the HSE has now put in place a national framework for the provision of temporary alternative accommodation. This is just one of a range of measures. We know we need additional capacity in our health service, but it will take time to extend our hospitals. It is a question of what we can do in the short term to provide additional bed capacity and also more space to af-

ford dignity to patients and staff which, quite frankly, they do not currently have in Clonmel. I am eager to progress with temporary accommodation in Clonmel. I will arrange a briefing for all the Tipperary Oireachtas Members so that everybody can be up to speed on that. The national framework is now in place, however, and I expect the HSE to get on with it.

**Deputy Tony McLoughlin:** The programme for Government contains a commitment to develop a new Atlantic economic corridor with the aim of providing more balanced regional development in the west. On that basis, will the Taoiseach please advise the House on progress in developing this corridor? Can he also advise how this plan aims to bring infrastructure, multinational investment, jobs and wealth to local communities in areas like the constituency I represent in Sligo-Leitrim, as well as south Donegal and west Cavan?

**The Taoiseach:** This is a valid point. First, the Government is currently putting in place an analysis of the capital review programme. Second, the Government will follow that with the efforts we are making to provide alternative funding for many major pieces of infrastructure, for instance, in dealing with the European Investment Bank. Third, the Government has put together a programme for achieving the potential of rural Ireland, which draws together various programmes, including the Common Agricultural Policy.

Fourth, the Government is now in a consultation process looking at Ireland 20 years hence. There will be 1 million extra people and we will have a requirement for 500,000 houses and half a million extra jobs. Schools, hospitals and other infrastructure will also have to be provided.

The first meeting of the Atlantic economic corridor task force takes place on Monday, 6 March. There is an opportunity to tie all of these elements together so that regions and areas can draw from existing opportunities for their own development.

**Deputy Pearse Doherty:** The programme for Government recommends the establishment of a new court to handle mortgage arrears and other personal insolvency claims sensitively and expeditiously. It goes on to state that it would impose solutions, including those recommended by the new service. That was a year ago, yet four repossessions are happening every day. The situation has got out of control and people are losing their homes. They are being forced to surrender their homes voluntarily because they do not have enough support to take on the banks.

The Taoiseach may talk about Abhaile and other services, but as regards that specific commitment in the programme for Government, when will a dedicated new court be established? Is legislation being drafted and, if so, will we see it in the House this year? I am not talking about the Minister's answer yesterday which mentioned a repossessions court. The commitment is not about a court to fast-track repossessions, it is for a dedicated new court that can sensitively and expeditiously handle mortgage arrears. Will this commitment ever be delivered by the Government?

**The Taoiseach:** Yes, it will be delivered and work is proceeding on that legislation. The Attorney General's office advised about a number of difficulties with certain elements of it, but work is proceeding on it. I am glad the Deputy mentioned Abhaile. The other changes that have been brought about are helpful to people in mortgage distress. To answer the Deputy's question directly, the work on the provision of a court specifically dealing with this is under way. They are dealing with some of the observations that have been made.

**Deputy Carol Nolan:** The programme for Government makes a commitment to increase education spend by €500 million by 2021, including the recruitment of teachers. This week

we have heard reports that ASTI teachers potentially face forced redundancies. I would like to know how the prospect of these ASTI teachers facing redundancy fits in with the programme for Government commitment to increase teacher numbers. There seems to be a complete contradiction there. I would like the Taoiseach to make a commitment that no teacher, whether in the ASTI or any other union, will be forced into taking redundancy or forced into that dreadful situation.

**The Taoiseach:** The Government and the Department have been very clear about this. The Government wants to work with the ASTI to provide proper education for thousands of students. Government is not in the business of forcing redundancy. Government wants to continue to work with the ASTI and the other teacher unions.

**Deputy Eugene Murphy:** The programme for Government clearly states that its ambition is to create 135,000 jobs outside Dublin. That is very ambitious but it is good. The figures released last week, however, clearly show that there is a huge fall in our exports to Britain, €500 million. That has happened since Brexit. More alarmingly, all that fall is in the food and drinks sector. How are we going to protect those jobs? Jobs are already gone in the mushroom industry and many other smaller food outlets that export to Northern Ireland, Scotland, Wales and England are under serious pressure. We need some type of support from the Government. When will that be forthcoming?

**The Taoiseach:** Deputy Eugene Murphy should realise that the figures produced yesterday are the best in nine years. Unemployment is under 6.6% down from 15.2% and the deficit is to be eliminated next year. This is an astonishing performance based on the sacrifices and commitments made by so many people.

**Deputy Eugene Murphy:** The challenge of Brexit.

**The Taoiseach:** It is also true to say every sector and every region outside Dublin has shown increased growth in jobs in the last 12 months. The evidence is there before our eyes. Clearly there are challenges in respect of Brexit. We are down €500 million in value in the agrifood sector in six months. That is because of currency fluctuations but firms are managing and beginning to cope with this. Government has considered a range of options to help put together packages that will work with individual companies that operate in different sectors. It is not all about having a pot of money to help company X or company Y. There may be individual circumstances that are different in each case.

**Deputy Eugene Murphy:** They are in trouble.

**The Taoiseach:** The commitment stands. There will be 135,000 jobs outside the main Dublin region. Clearly the impact of that action plan is bearing fruit because every region is growing in employment.

**Deputy Eugene Murphy:** We need to protect ourselves.

**Deputy Martin Kenny:** In the programme for Government there is a commitment to the agrifood sector. Much of that is around Bord Bia, the issue of properly resourcing it and making sure we have proper marketing of our produce, particularly in the context of Brexit which was mentioned by the previous questioner. Yesterday and in the week ending 19 February, the average price for R3 grade heifers in Ireland was 384 cent per kilo. The EU average was 382 cent per kilo.

**An Ceann Comhairle:** Deputy, we cannot get into the price of cattle.

**Deputy Martin Kenny:** It is two cent per kilo above the average in Europe, yet we in Ireland are supposed to have the cream of the crop. We have the best agricultural sector in the world. We have free roaming cattle, grass fed cattle and the family farm, yet we find we are just about or, at times, below average in the price we receive for our produce.

**Deputy Danny Healy-Rae:** The Deputy is dead right.

**Deputy Martin Kenny:** We need to ensure we are marketing our cattle in line with the new model of marketing our beef and our meat exports across the world.

**An Ceann Comhairle:** The Deputy should table a Topical Issue on the matter.

**Deputy Martin Kenny:** Are we going to resource Bord Bia and our marketing people across Ireland to make sure that happens? Brexit is going to destroy our farming industry if we do not do something about it.

**An Ceann Comhairle:** Deputy Kenny, please. It is not relevant to the Order of Business.

**Deputy Martin Kenny:** It certainly is relevant.

**Deputy Danny Healy-Rae:** It is relevant.

**An Ceann Comhairle:** It is not. I will determine what is relevant. The Deputy will resume his seat. It is not relevant.

**Deputy Marc MacSharry:** This is relevant to pages 59 and 64 of the programme for Government. Deputy Micheál Martin raised the issue of Orkambi during Leaders' Questions. I raised it two weeks ago and again yesterday. The Taoiseach made fun of, giggled over and made comparisons with comments of a derogatory nature by other Deputies. As of 15 minutes ago, the office of the Minister, the HSE or the Department of Health had not made contact with Vertex since 3 February 2017.

The Taoiseach was correct yesterday when he said the Minister had arranged a meeting with the people associated with the cystic fibrosis campaign on Monday. The essence of that meeting was that the Minister asked them to cancel today's protest. As we speak, those people are assembling outside of the building. The clear message is that they are not going to go away.

Despite waffle about protracted and detailed contractual negotiations, Vertex confirmed to me that the last contact it had was on 3 February. We are dealing with children's health and, in effect, their lives. The Taoiseach and the Minister, Deputy Harris, are both gentlemen outside the ring. It is time they manned up, told people the truth and had the decency to tell them what is going on.

**The Taoiseach:** I wonder what Deputy MacSharry would say to Vertex. If he has all the answers perhaps he could provide it with a solution to this problem. I will ask the Minister, Deputy Harris, to deal with the Deputy's specific query.

**Deputy Marc MacSharry:** With respect to the Taoiseach, in his wisdom he did not make me Minister for Health. If he had, we would not be waiting around for six months to get answers.

1 March 2017

**An Ceann Comhairle:** Deputy MacSharry, resume your seat.

**The Taoiseach:** Perhaps Deputy MacSharry is jealous of his leader making some headway because he had accurate information during Leaders' Questions today. I will ask the Minister, Deputy Harris, to deal with Deputy MacSharry's specific query.

**Deputy Marc MacSharry:** No contact has been made since February.

**Deputy Simon Harris:** I recognise Deputy MacSharry's genuine interest in this matter, but I would recommend that it is best that Deputies in his company are not passing on messages from Vertex. His interests are the same as mine in making the drug available.

**Deputy Marc MacSharry:** The Minister does not seem to be talking to the company. Some of us have to.

**An Ceann Comhairle:** Order please.

**Deputy Micheál Martin:** It is the same information as that we received in response to a parliamentary question.

**Deputy Simon Harris:** The full and final offer that Vertex put on the table a number of months ago is now a hell of a lot better as a result of the efforts undertaken by the HSE and the people who have the legal power to negotiate. I am going to do something that the House has never done before, namely, make sure that whoever is the Minister for Health in the future does not find himself or herself sitting around another table to negotiate prices for the next cystic fibrosis drug. We need to future proof cystic fibrosis drugs for the next generation. It will take a few more weeks. We will get things done in the next few weeks and are in the final stages of commercial and contractual arrangements.

**Deputy Marc MacSharry:** Will it be one week, two weeks or 52 weeks?

### **Business of Dáil**

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** It is proposed, notwithstanding anything in Standing Orders, that the following arrangements shall apply in relation to the sitting today. The suspension of the sitting after the Topical Issue debate under Standing Order 25(1) shall be for 30 minutes only. A further suspension of the sitting will take place after Private Members' business for ten minutes, following which statements on Traveller ethnicity will be taken, to be brought to a conclusion, if not previously concluded, after 95 minutes and the following arrangements shall apply: the speeches of a Minister or Minister of State and the main spokespersons for parties and groups shall not exceed ten minutes. Following these speeches, the Chairman of the Joint Committee on Justice and Equality may make a speech which will not exceed ten minutes, and all Members may share time. A Minister or Minister of State shall be called upon to make a speech in reply which will not exceed five minutes.

**Deputy Ruth Coppinger:** I welcome the proposal, but I suggest that rather than having Travellers' groups ringing our offices yesterday to ask us whether statements would take place and not knowing whether that would be the case, it would be better to announce these things in advance and make provision for the groups for which it means so much to come into the Dáil

and be present in the Gallery rather than having to-----

**An Ceann Comhairle:** I understand over 200 people will be here. Some will be in the Gallery and ancillary space has had to be found to accommodate all those who wish to come to the House.

**Deputy Ruth Coppinger:** People rang our offices to ask-----

**An Ceann Comhairle:** They rang many people's offices.

**Deputy Brendan Howlin:** I ask that a copy of the revised schedule be circulated.

**An Ceann Comhairle:** Is the proposed change to the Order of Business agreed? Agreed.

### **National Food Ombudsman Bill 2017: First Stage**

**Deputy Charlie McConalogue:** I move:

That leave be granted to introduce a Bill entitled an Act to establish an office of National Food Ombudsman as part of the Competition and Consumer Protection Commission; to enable the holder of that office to mediate and investigate disputes between, on the one hand, relevant grocery goods undertakings engaged in the retail or wholesale of grocery goods in the State and, on the other hand, suppliers of those goods; and to provide for related matters.

I am delighted to introduce the National Food Ombudsman Bill 2017, thereby fulfilling a Fianna Fáil pledge in our manifesto for the 2016 general election. A fair return for primary producers is a central plank of the agricultural policy of Fianna Fáil and is vital to the long-term survival and success of the horticulture, beef, sheep, liquid milk, pig, tillage and poultry sectors. The Bill proposes to amend consumer law to provide for a food ombudsman and the protection of primary producers in national law. It also signals how my party is putting forward measures to safeguard the position of farmers in the food chain, in particular as we approach a hard Brexit.

Fianna Fáil is committed to protecting and developing agriculture for the 140,000 farming families in Ireland as the main driver of the rural economy and custodians of the Irish countryside. The agrifood sector is not only Ireland's most important indigenous industry, it also lies at the heart of social and economic life throughout much of our country. Clear imbalances are undermining its long-term sustainability. Especially important is the manner in which family farms are finding it increasingly difficult to receive fair prices for their produce. Action is now required to ensure that producers can earn a decent living as part of a dynamic and innovative sector. The future of the family farm unit and long-term food security is reliant on producing goods at a profit. Farmers are currently struggling to make a sustainable income in the face of ongoing price erosion by large multiple retailers.

The proposals in the Bill will give a legislative basis for the first time for an office of national food ombudsman. The Bill would establish an office of national food ombudsman as part of the Competition and Consumer Protection Commission, CCPC, to enable the holder of that office to mediate and investigate disputes between relevant grocery goods undertakings engaged in the retail or wholesale of grocery goods in the State and suppliers of those goods, and provide for related matters. This will ensure that suppliers that may be subject to any unfair

1 March 2017

trading practices by retailers or wholesalers would have direct recourse to an independent food ombudsman within the CCPC.

The office holder would retain the power of the CCPC, which would include investigating and resolving disputes relating to the grocery goods and undertaking regulations. Where the regulations are found to be breached, the ombudsman will be empowered to commence investigations which could result in fines and penalties. The National Food Ombudsman Bill 2017 will safeguard a fairer future for farmers, ensuring that primary producers' position is strengthened in the food chain with direct recourse to an independent ombudsman. Fianna Fáil will continue to fight to support our rural communities which are being left behind. I look forward to introducing the Bill in Private Members' time and encourage Deputies across the floor of the House to support this farmer focused Bill.

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

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

Question put and agreed to.

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

**Deputy Charlie McConalogue:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Sale of Tickets (Sporting and Cultural Events) Bill 2017: First Stage**

**Deputy Maurice Quinlivan:** I move:

That leave be granted to introduce a Bill entitled an Act to regulate the selling of tickets for certain sporting and cultural events; and to provide for related matters.

The aim of the Bill is to tackle ticket touting while at the same time protecting ordinary customers and charities. I am introducing the Bill because many people have been enraged by their inability to access tickets for events while seeing the same tickets on sale, often at the same prices or, in many cases, at prices that are multiples of the original ticket price.

The main concern I have in drafting the Bill is to ensure that those who buy tickets with the intention of attending events but who later find themselves unable to attend are protected, while at the same time ensuring that those who purchase tickets for events which they have no intention of attending but who want to resell tickets, often to generate significant profits - basically, ticket touts - are disincentivised and face substantial fines for so doing. Ticket touting and the secondary sale of tickets for events such as music concerts, sporting or cultural events has been a source of major concern and anger for many people.

People are perplexed as to why tickets for events which are supposedly sold out are for sale, in some cases by companies owned by the primary seller, for multiples of the initial cost. Clearly, people are very angry about this. There have been a number of attempts to regulate the resale of tickets over the years, but the problem has not been tackled and continues unabated. If enacted, the Bill will have the potential to make the resale of tickets unprofitable, which would,

therefore, have a major impact on the problem and make most ticket touting pointless.

The Bill will deal with designated events where 300 or more tickets would be sold and how they would be regulated. It will ensure that ordinary people who need to resell their tickets for genuine reasons will be facilitated but that those seeking to sell tickets at hugely exorbitant prices will have the profits from those sales eradicated, making their efforts pointless. Taking the profit away from secondary ticket sellers and ticket touts is the only way to address this problem. Therefore, the Bill will ensure that those who engage in the shameful business of ticket touting face fines of up to €5,000. The Bill will allow secondary sales of tickets to a maximum of 110% of the initial value of the ticket and it will also have a specific exemption for regulated charities. The Bill will also ensure that the relevant Minister consults with venue operators and ticket sellers to ensure that a voluntary code regarding ticket refunds to consumers is established.

That is the outline of the Bill. I hope that all Deputies will support it and commend the Bill to the Dáil.

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

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

Question put and agreed to.

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

**Deputy Maurice Quinlivan:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Electoral (Extension of Voting Rights to Non-Irish Citizens) Bill 2017: First Stage**

**Deputy Ruth Coppinger:** I move:

That leave be granted to introduce a Bill entitled an Act to extend voting rights in elections to Dáil Éireann and to the European Parliament to all adults ordinarily resident in the State.

This Bill will extend voting rights in Dáil and European elections to all people over the age of 18 who are ordinarily resident in the State, which is the same qualification that applies to local elections. We are proposing the Bill because there are 500,000 people living in this country who are not citizens. These people live and work in our communities and their children go to our schools. They pay taxes to the State and are affected by all of the national decisions taken in this House, yet most are not permitted to vote in elections to the national Parliament, which sets the taxes that they pay, the laws that they must live by and the policies around key issues such as employment rights, wage rates, education, health and housing.

The 2016 census data on nationality is not due to be published until later this year so I will refer to the 2011 figures. According to the 2011 census, almost 12% of the State's population is made up of people who are not citizens of the State. These people are not represented although their representation would be the equivalent of 18 Deputies. Most shocking, 26.4% of 25 year

1 March 2017

olds to 44 year olds are not citizens of this country, which means that one in four of people in that age bracket do not have full voting rights. This is the age group that is most affected by the issues such as those that I mentioned, including workers' rights, housing and the eighth amendment. Some 9.5% of our population does not have a vote in Dáil elections. For me in Dublin West, in particular, this has huge resonance because the constituency I represent is probably the most diverse in the country. According to the 2011 census, almost 23% of those living in my constituency were not born in the country, 18% of its population is made up of people who are not citizens and 16% of Africans and 9.3% of Asians in the State live in Fingal. We have a hugely diverse population. All of these people are living and working here long term and many are in relationships and are married, etc. Every time I canvass during an election or referendum campaign in Dublin West, it is evident that whole areas, such as Ongar and Tyrrelstown, are effectively disenfranchised. I have campaigned on many policies in Dublin West including the repeal the eighth and marriage equality campaigns. People are affected by those issues but they do not have a vote. Brexit will also have repercussions because it will remove the right of British citizens who live here to vote in European elections. Our Bill would retain that right.

It is often asked why people do not get citizenship or become naturalised so that they can vote. There are a couple of issues with it and the first is the cost involved. It is very expensive. For example, it costs Europeans who live here more than €1,100 to get citizenship just to vote. Further, people should have the right to keep their citizenship and, in my view, should not have to take on another citizenship to vote. We do not expect Irish people to become British citizens in order to vote there. There is another real problem that has not been tackled. Those who become citizens do not know that they must upgrade their entitlement to vote from an entitlement to vote in local elections to an entitlement to vote in Dáil and European elections. Therefore, they often do not do it and there seems to be no effort on the part of local or State authorities to ensure that they know how to do it. This means that these people are effectively being disenfranchised.

I am mindful that our Bill would not give people a right to vote in referendums, as this would require a constitutional change, but it should be considered. If we can point to countries that allow this such as New Zealand, where people who are resident there for a year are allowed to participate fully and to have full voting rights. We should do the same because we have a huge problem. When we look around the Chamber, we see that we have a very white, male and older representation. This will not change unless we give people the right to participate fully in this democracy. Huge interest has developed in this Bill and I suggest that it is something the Government should take on.

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

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

Question put and agreed to.

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

**Deputy Ruth Coppinger:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

## **Protection of Employees (Collective Redundancies) Bill 2017: First Stage**

**Deputy David Cullinane:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for protections for employees in collective redundancy situations in which the employer is insolvent and to provide for related matters.

As the Taoiseach is aware, I have proposed five Bills to enhance the rights of workers in the State. I have moved two of those on Second Stage during Private Members' time but both of them were rejected by the Taoiseach and his party. At some point in the future, I hope to move that this Bill be read a Second Time during Private Members' time and, for the sake of workers, I hope that it will be third time lucky and that the Taoiseach will support it.

We have lots of tea and sympathy for workers when they find themselves in difficult circumstances. On 12 June 2015, the 130-strong workforce of Clerys was sacked without notice and another 330 workers employed by the store's concession outlets were locked out of their jobs and left facing an equally uncertain future. At the time, those workers received an awful lot of tea and sympathy from the Taoiseach's side of the House and from the Taoiseach himself, but what they need is legislative solutions. We need to ensure that the type of tactical insolvency that we saw in Clerys does not happen again, which is what this Bill seeks to do. Clerys was bought by Natrium some time between midnight and 1.15 a.m. on that day and was declared insolvent that afternoon. The workers did not receive the statutory redundancy lump sum from the new owners and nor were they paid moneys owed *in lieu* of redundancy and holiday pay. In fact, many of them found out through social media that their jobs had been lost rather than hearing it from the company. The State was obliged to pay those debts under the insolvency payment scheme. A company that made tens of millions of euro was away on its toes and the workers and the State were left high and dry.

The problem, of course, was that none of this was illegal, but we can introduce legislation to prevent a similar situation happening again. It is our responsibility in this House to do just that and it is the Taoiseach's responsibility to ensure that there are sufficient protections in place to ensure that workers are not left high and dry. The Clerys workers were effectively locked out and the manner in which they were treated was appalling and unacceptable, which the Taoiseach has acknowledged. These people have families and dependants as well as mortgages, loans and bills to pay like everyone else. The Taoiseach is aware that we have been here before with Waterford Crystal, TalkTalk, La Senza, Lagan Brick and Vita Cortex. In many cases, workers have been frustrated, locked out of their jobs and denied their basic rights and redundancy entitlements. Public outrage ensued and the leaders of all the main parties in government and in opposition as well as Independents condemned the closures and stated that something needed to be done.

What has happened since? What legislation has the Government proposed in this area? The answer is "None". The then Minister of State at the Department of Jobs, Enterprise and Innovation commissioned a report into the closing of Clerys. The report was written by Ms Nessa Cahill, BL, and Mr. Kevin Duffy, chairman of the Labour Court, who presented their findings on 26 April 2016. I have drafted a Bill to give legislative support to the main recommendations in the Cahill-Duffy report. It would provide protection for employees in collective redundancy cases where the employer is insolvent, give power to the High Court to return assets which have been improperly transferred and give preferential status to employees. It would also require a

1 March 2017

30-day consultation period in cases where it is known that a company's liabilities are such that they will trigger redundancies.

The mandate given to Ms Cahill and Mr. Duffy was to focus on ways of ensuring that limited liability and corporate restructuring are not used to avoid a company's obligations to its employees. The phrase "a company's obligations to its employees" was used frequently in the report and it is these on which the Oireachtas must focus.

As I stated, this is the fifth Bill I have introduced in the area of workers' rights. I hope it will be supported by the Government. I note the Taoiseach offered support to the Clerys workers in the past and I hope he does not want a repeat of that case. We cannot have companies engaging in what are known as tactical insolvencies, whereby they break a company up into different components, sell off the parts that are profitable, walk away with the money and leave the operational parts intact and the State and workers having to shoulder all the liabilities. This is no way for workers to be treated or for companies to operate. If companies are allowed to operate in this fashion, some will do so and it is our job to address the issue.

I hope that on the third occasion that I move a Bill to enhance workers' rights, the Taoiseach and his party will see fit to support it.

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

**The Taoiseach:** No.

Question put and agreed to.

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

**Deputy David Cullinane:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

## **Ceisteanna - Questions**

### **Taoiseach's Meetings and Engagements**

1. **Deputy Micheál Martin** asked the Taoiseach if he or his officials have spoken to the Scottish First Minister since her last visit here in January 2017. [8463/17]

2. **Deputy Micheál Martin** asked the Taoiseach the economic assessments his Department or any other Department have or which are going to commission in relation to Brexit. [8523/17]

3. **Deputy Micheál Martin** asked the Taoiseach if he will report on his speech to the Institute of International and European Affairs on 15 February 2017, in particular the reference to the social dimension of the EU respect for human rights, workers' rights and equality; and the way in which he and his Department envisage that these will apply to citizens of the Republic and citizens in Northern Ireland after Article 50 is signed by Prime Minister May. [8771/17]

4. **Deputy Joan Burton** asked the Taoiseach when the Cabinet committee on Brexit last

met. [10024/17]

5. **Deputy Brendan Howlin** asked the Taoiseach if he has instructed his Department or has plans to prepare a White Paper on the Government's position and policy objectives on Brexit. [10033/17]

6. **Deputy Gerry Adams** asked the Taoiseach if he has had engagement with the First Minister of Scotland, Ms Nicola Sturgeon, since her visit to Dublin in January 2017. [10131/17]

7. **Deputy Gerry Adams** asked the Taoiseach if he will report on his recent address to the Institute of International and European Affairs at the Mansion House on 15 February 2017. [10133/17]

**The Taoiseach:** I propose to take Questions Nos. 1 to 7, inclusive, together.

The Government has identified its priorities for the negotiation process that lies ahead as our economic and trading arrangements, the Northern Ireland peace process, including Border issues, the common travel area and the future of the European Union. The Government's preparation is extensive. Important organisational changes have been implemented in Departments and agencies, with additional resources provided in key areas.

**Deputy Micheál Martin:** On a point of order, is Question No. 1 being taken in this group?

**The Taoiseach:** Yes, Questions Nos. 1 to 7, inclusive, are being taken together.

**Deputy Micheál Martin:** Question No. 1 relates to discussions with the First Minister of Scotland.

**The Taoiseach:** The questions relate to Brexit, the Cabinet committee on Brexit, the preparation of a White Paper and the Scottish First Minister, Ms Sturgeon.

**Deputy Brendan Howlin:** For Deputy Martin's information, Questions Nos. 1 and 6 are on the same issue.

**Deputy Micheál Martin:** My first question is on whether the Taoiseach or his officials have spoken to the Scottish First Minister since her recent visit.

**The Taoiseach:** That is correct. The second question refers to economic assessments, while the third relates to my speech at the Institute for International and European Affairs on 15 February. They all fit together.

Substantial work has been undertaken across government to identify the key strategic, policy and operational risks of Brexit. A framework of seven work group streams has been established to further deepen the Government's Brexit analysis across key themes and sectors, including the economy. Advice from all work groups will have an input in the Government's consideration of Brexit negotiation strategy and broader policy actions.

The First Minister of Scotland, Ms Nicola Sturgeon, and I held a meeting last November following the British-Irish Council Summit in Cardiff. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, also met the First Minister during her subsequent visit to Dublin. While I have not had direct contact with her recently, there is ongoing engagement at diplomatic and official levels with the Scottish Government, including through the Consul General's office in Edinburgh and our embassy in London.

1 March 2017

The Cabinet committee last met on 26 January and its next meeting is scheduled for 8 March.

In my keynote speech to the Institute of International and European Affairs on Wednesday, I set out in some detail my Government's position on key aspects of Brexit. I spoke of our history, culture, relationships and ability to endure and succeed. I spoke of the strong external forces at work and the major challenges posed by Brexit to our peace and prosperity. I spoke of our future at the heart of the European Union and how our EU membership had furthered social progress in Ireland through the social dimension of the EU. I commented that respect for human rights, workers' rights and equality reflects a distinctly European set of values which we in Ireland share.

The United Kingdom remains a member of the European Union until such time as it leaves. This means that even when Prime Minister May writes to the European Council to invoke Article 50, there will be no change to the rights and obligations on the UK as an EU member state, including with respect to employment and other rights for citizens, for the two years of the negotiations on the UK exit.

**Deputy Micheál Martin:** The three questions in this group in my name deal with separate issues. I will try to get through them as quickly as possible. On contact with the Scottish First Minister, while the British Government has established extensive consultation processes with the devolved administrations, there is so far no evidence that the concerns of these administrations are being listened to in any way. Representatives at the civic dialogue meeting on Friday last sent out a strong message that the collapse of the Northern Ireland Executive has left Northern Ireland without a coherent voice at a crucial time in Europe's history, in particular with regard to Brexit. Unlike the Northern Ireland Executive, the Scottish Executive has been very clear. While Ireland is not in a position to make demands on behalf of Scotland, when the United Kingdom Government refuses to seek any mitigation of a hard Brexit for its devolved administrations we can speak up for the principle that Scotland should be speedily admitted to the European Union if it seeks membership. Unlike some parties in Northern Ireland, there is nothing opportunistic about the Scottish National Party's long-term commitment to the European Union. The SNP has been a euro-positive party for more than four decades and Scotland has shown time and again that it values its European identity. Will the Taoiseach ensure that our formal contacts with Scotland will increase during the Brexit negotiations and in subsequent years?

On the economic assessment of Brexit, the Taoiseach stated at the all-Ireland dialogue on Friday that studies have been commissioned. Why has the Government not asked for input into the content of these studies? It would have been reasonable to request suggestions for specific scenarios and mitigation ideas. Have detailed sectoral assessments been completed and, if so, are they being used to shape our negotiating position on fiscal policy? Will the Taoiseach provide us with such sectoral analyses as may have been undertaken by his Department?

Will the Government publish a White Paper on Brexit? The Taoiseach appeared to suggest last week that a White Paper would be done. Will he detail the structure of any proposed White Paper?

**The Taoiseach:** On the Deputy's final question, we cannot answer all the questions that are being asked until the British Government issues its letter of intent to leave the European Union. As soon as the letter has been written, sent to the Commission and enters the public domain,

the Government will respond. We have done analysis on the 14 sectoral areas and a briefing on these is available to the Deputy at any time. We can also supply whatever information he wishes to have. The Government will respond clearly and directly once it becomes clear what relationship Britain is seeking in respect of trading relations with the European Union and, by implication, Ireland.

We have set out our priorities and outlined them on many occasions. I agree with Deputy Martin in the sense that business people from Northern Ireland who spoke to me at the civic forum in Dublin Castle were very pleased to make direct contact because they know what are the implications of negotiations being conducted from the side of the 27 EU member states. Some are very concerned about their future livelihood and income base. For example, farmers currently receive support through the Common Agricultural Policy and they are very concerned about what will happen in the meantime. Others made a case in respect of INTERREG and PEACE funding and cross-Border activities.

As we have already pointed out in respect of major infrastructure such as the A5, which is the road link to Derry, in the review of our capital programme we must make arrangements on an all-island basis. We have been discussing the possibility of some all-island solutions, for example, in areas such as water, energy and animal health.

While we clearly do not speak for Scotland, we have close connections with the First Minister of Scotland, Ms Sturgeon, and between the embassy here and our business location in Scotland. We will enhance those contacts. I have already made the case in Brussels in respect of Scotland's wish to remain a member of the European Union. A second vote on independence is a matter between the Scottish Parliament and Downing Street.

**Deputy Joan Burton:** I thank the Taoiseach for his reply but it did not clarify when the Cabinet Committee on Brexit last met.

**The Taoiseach:** The Cabinet committee last met on 26 January 2017 and the next meeting is scheduled for 8 March 2017.

**Deputy Joan Burton:** The Taoiseach is probably aware that as we speak Jean-Claude Juncker is presenting a White Paper on the future of Europe in the context of Brexit to the European Parliament and, I assume, given the details available on social media, also in the context of the advent of President Trump in the United States. In regard to the meeting which the Taoiseach has already indicated he will be attending at the end of May, as I understand it some of the headings which Mr. Juncker proposes to lay out for discussion at that meeting include: carrying on - not much change; nothing but the Single Market; those who want more do more; doing less more efficiently; and doing much more together. The Taoiseach has been batting the ball back and forward across the Chamber in regard to the Government's White Paper. Over the last two weeks, unless I totally misunderstood the tenor of the Taoiseach's comments, he indicated that he would produce and publish an Irish Water Paper. Yesterday, I asked the Taoiseach about strategy and he responded by telling me about his priorities. Strategy is about how one proposes to achieve objectives.

**An Ceann Comhairle:** Thank you, Deputy.

**Deputy Joan Burton:** When the Taoiseach met recently with Mr. Juncker did he discuss his proposed White Paper? Did he offer the Taoiseach a briefing on the likely contents of that paper and, if so, why has the Taoiseach not shared that with us?

1 March 2017

**An Ceann Comhairle:** The Deputy must conclude.

**Deputy Joan Burton:** The Taoiseach is famous for talking to people in the street. People are tremendously interested in Brexit.

**An Ceann Comhairle:** We are out of time, Deputy.

**Deputy Joan Burton:** Anybody who is out talking to people knows that Brexit is the key issue for them. People are worried and have doubts about their hopes and expectations for their future and that of their families. Perhaps the Taoiseach would level with us on the status of Mr. Juncker's White Paper and on whether Ireland has a ready response to it.

**An Ceann Comhairle:** The Deputy's time has expired. We are operating to a very tight timeline. If Members do not stick to the allocated time then not everybody who has a question will get in.

**The Taoiseach:** Let us not get our colours mixed up. A Green Paper is a statement of aspiration. A White Paper is a statement of intent, that is, how it is intended to implement what is set out in the Green Paper. I cannot draft a White Paper without knowing what it is that I am expected to do. I cannot know that until I have clarity on what the British Government is looking for in respect of its relationship with the European Union, nor can Mr. Juncker.

**Deputy Joan Burton:** He is apparently trotting into the Parliament with a White Paper as we speak.

**The Taoiseach:** We discussed this in Bratislava and Valletta and I discussed it with Mr. Juncker the other day. As of now, the European agenda is very clear: this Single Market, the digital single market, the capital markets and implementation over the next number of years of the report of the Presidents. That is the European agenda. In the meantime, Brexit has arisen. Article 50 has not been triggered and negotiations have not yet commenced. Mr. Barnier's task force is gathering information. In terms of Ireland, we have done an extraordinary amount of work in respect of options to be considered. I cannot present to the leader of the Labour Party, Deputy Howlin, a White Paper which sets out what we intend to do because the decision in respect of the trading relationship, which is crucial for the Border and the links we have with Northern Ireland and the United Kingdom, is also crucial in respect of our position as a member of the European Union into the future and how that will impact on that relationship.

As I said already, once Article 50 is triggered we can then respond with much greater clarity as to how we intend to achieve our priorities, which again are jobs, our citizens, our economy, our Border, our peace process, our common travel area and our future as a member of the European Union.

**Deputy Brendan Howlin:** It seems to me that there are two separate but vital issues for Ireland in this regard. We know that the United Kingdom is leaving the European Union. The first priority is a settlement in respect of that divorce that is in the best interests of the economic wellbeing of the island of Ireland and its people. The second issue is what will be the future of Europe of 27. In other words, what pathway are we going on after the exit of the United Kingdom? It is clear that President Juncker is putting out his blueprint in terms of options for the latter. What is Ireland's view? What is the future of the 27 that we envisage? When will we have that discussion and what is the view of the Taoiseach on this issue? In regard to mitigation of the settlement alluded to in relation to the first priority, I am sure the Taoiseach will be aware

of Vice President Timmerman's question around what is Ireland's ask so that it can be shaped in the negotiating position of the 27 remaining members.

**Deputy Aengus Ó Snodaigh:** Yesterday, the Scottish First Minister, Ms Nicola Sturgeon, warned that the sheer intransigence of the British Government over Brexit could lead to a second Scottish independence referendum. I hope that happens and that the result will reflect the Scottish desire for independence. The First Minister's comments are based on the dismissive attitude of the British Government in regard to devolved assemblies and administrations. In January, the Taoiseach met the First Minister. Has he spoken to her since and does he intend to speak to her prior to next week's Cabinet Committee on Brexit given the commonality between much of what is happening to the Scottish and will happen in the North?

I take this opportunity to correct a statement made earlier by the Fianna Fáil leader. The SNP did not always hold the same position in regard to the EU. In 1975, it sought to withdraw but now it seeks membership of the EU, but a substantially different EU to the current one, in respect of which it has major reform proposals.

In regard to the Taoiseach's comments regarding white papers, green papers and so on, the British Government has made its decision clear. It is withdrawing from Europe. Beyond that, it has stated on a number of occasions what exactly that withdrawal will mean. Is a White Paper being prepared to react to the already declared position of the British Government under Prime Minister, Theresa May? Not to do so would be a major failure.

**The Taoiseach:** Deputy Howlin raised an important point of the divorce proceedings that have to take place in the context of Brexit and what Britain wants. The Prime Minister has said, and I agree, that the retention of as close as possible a trading relationship as currently exists is in our best interests. Deputy Howlin spoke about Ireland continuing as a member of the European Union, which it will do. This has been endorsed on many occasions by the Irish people. We want to continue our membership of the EU, which has transformed the country into an outward looking, global orientated country with many opportunities for trade and so on. The Deputy also spoke about the future of the 27. The Deputy will be aware of the upcoming elections in The Netherlands, France, Germany and possible elections in Italy. These may well change the future of the European Union as we know it. We do not have any control over the electorates in those countries in terms of who they wish to elect or what form of government they intend to elect.

Ireland is committed to the euro and the future of the European Union and this means an expansion of the policies currently in place to ensure future opportunities for trade, investment, productive growth, output and jobs. I have not spoken to First Minister Nicola Sturgeon since January. It is my intention to speak to her before the next meeting in Brussels.

Deputy Ó Snodaigh is not entirely accurate when he says the British have been clear about their intentions. They have been clear on wanting to leave the European Union and the Single Market, but they are not quite so clear in respect of how they see their future trading relationships. In her Lancaster House speech, the Prime Minister said she did not have a predisposition in this regard. That is bound to have an acute bearing on what the relationship will be in future.

**Deputy Brendan Howlin:** They want to have their cake and eat it.

**The Taoiseach:** If a state is a full member of the customs union, it is not in a position to do bespoke trade deals with other countries, which is what the Prime Minister has said she would

like Britain to be able to do. Associate members of the customs union also have a difficulty in that Europe has made it perfectly clear there will not be any cherry-picking of criteria for inclusion. The British authorities have not yet made their position clear in this regard, but we expect that clarity to come when the Prime Minister issues the letter of intent to withdraw and triggers Article 50 of the treaty. There has been clarity from the UK in some areas but not in others. We will respond very clearly and directly once the picture of what it is we have to contend with becomes clear.

### **Cabinet Committee Meetings**

8. **Deputy Richard Boyd Barrett** asked the Taoiseach if the Cabinet committee on health has met recently. [8468/17]

9. **Deputy Joan Burton** asked the Taoiseach when the Cabinet committee on health last met. [10022/17]

10. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet committee on health last met; and when it is scheduled to meet again. [10132/17]

**The Taoiseach:** I propose to take Questions Nos. 8 to 10, inclusive, together.

The Cabinet committee on health last met on 2 February. It will meet again on 21 March.

**Deputy Richard Boyd Barrett:** If the Cabinet committee on health is worth anything at all, it should be concerned, as a priority, with the extreme suffering of people in this country who need urgent medical help. Has the committee discussed the situation of Sarah-Ann Mitchell and the promise made three weeks ago by the Minister for Health, Deputy Harris, to meet her mother, Karen? Sarah-Ann is suffering from scoliosis and her situation is deteriorating while she awaits an operation. Karen is now wondering whether the Government has simply decided to ignore her daughter's situation and her own plea that the Government not only help Sarah-Ann but go further by introducing a preventative programme of screening to avoid the same happening to other children in the future.

Another case of extreme suffering is that of Ms Vera Twomey and her daughter, Ava. Yesterday the Taoiseach misinformed the Dáil that no application had been submitted for the use of a medicinal cannabis product to alleviate Ava's suffering. That is not true, as I have double checked with Ms Twomey to confirm. An Irish-registered doctor submitted the application, which is what the Minister of State at the Department of Health, Deputy Finian McGrath, told us on 15 November was necessary to be done. Furthermore, the paediatric neurologists who are treating Ava wrote in support of that application, stating their opinion that the product being sought is alleviating Ava's suffering. Why has the Taoiseach moved the goalposts in this regard and why is he playing politics with Ava Barry's very serious condition? Why is he playing politics in terms of progressing the legislation which is clearly necessary given the chill factor that is preventing medical practitioners in this country from prescribing health products that could alleviate the suffering of people like Ava? All this is down to the refusal to lift the ban on those products. Will the Taoiseach ensure the Minister for Health issues a licence for Ava Barry to avail of the product her doctors have requested? Will he, in addition, allow Deputy Gino Kenny's Bill to go to Committee Stage?

**The Taoiseach:** It is Deputy Boyd Barrett who is playing politics here.

**Deputy Richard Boyd Barrett:** I most certainly am not.

**The Taoiseach:** He has chosen to raise individual cases, as is his right, in the Dáil.

**Deputy Richard Boyd Barrett:** I do so at the request of the parents whose children are suffering.

**The Taoiseach:** The Deputy is fully entitled to talk directly to the Minister for Health about any of these serious cases, some of which were raised in an RTE programme some weeks ago. I cannot give the Deputy details regarding Sarah-Ann Mitchell's case, but I will have the Minister respond to him. Reduction of waiting times for scoliosis patients is a major priority for the Minister and he recently met with representatives of the Health Service Executive, the National Treatment Purchase Fund, senior officials in the Department of Health, the CEO of Crumlin hospital and the CEO of the children's hospital group to discuss how it can be achieved. As a result, additional theatre capacity is being provided for scoliosis procedures at Crumlin from April and an orthopaedic post at the hospital will be filled by June. An action plan for scoliosis will be presented to the Minister shortly. In addition, the NTPF, at the Minister's request, will audit practices at each of the hospitals highlighted by the individual cases featured in the "RTE Investigates" programme and report directly to the Minister on its findings.

**Deputy Richard Boyd Barrett:** The Minister promised action would be taken three weeks ago.

**The Taoiseach:** In regard to the medicinal cannabis application, as I pointed out earlier, the Minister does not need legislation to approve an application provided there is a prescription request from a paediatric neurosurgeon.

**Deputy Richard Boyd Barrett:** The goalposts have been changed.

**The Taoiseach:** Deputy Boyd Barrett indicated that more than one neurosurgeon has stated in writing that the product in question is alleviating the child's condition. I do not have that clinical evidence here. The Minister confirmed this morning in answer to questions on legislation that, within the existing legal structure, he still requires a prescription to be directed by a paediatric neurosurgeon.

**Deputy Richard Boyd Barrett:** That is not what the Minister of State told us in November.

**The Taoiseach:** I am not speaking for whomever the Deputy is speaking for. I heard the Minister clarify this very clearly this morning. He further indicated his intention to introduce a compassionate structure for prescribing of medicinal cannabis but that this would still require its authorisation being approved by a paediatric neurosurgeon. These are issues that are outside the range of politicians, as the Deputy is well aware. While an application has been lodged by a doctor in the individual case to which he referred, it requires the sanction of a paediatric neurosurgeon to progress such an application.

**Deputy Richard Boyd Barrett:** The application was submitted by an Irish-registered doctor, which is what the Minister of State, Deputy Finian McGrath, told us last November is required.

**The Taoiseach:** The same applies in respect of any other application, but the doctor is not

the person who approves it in this instance. It is required to be approved by a paediatric neurosurgeon. The Deputy may speak to the Minister directly about this, but he clarified it here this morning.

**Deputy Joan Burton:** On the same point, both Deputy Boyd Barrett and I took part in the debate with the Taoiseach on these matters last November. In fairness to him, the Taoiseach responded quite sympathetically to the concerns we raised. I referred then to the case of a nine year old girl who has severe scoliosis and an intellectual disability and is a wheelchair user. One can only imagine the level of pain she is suffering and the difficulties for her family. The Taoiseach or the Minister must explain in detail precisely what is being done to tackle this issue. It is way beyond politics and concerns the welfare of children and families. We are not getting any answers from the Minister.

I wish to raise the issue of the children's hospital building project, which is very relevant to the issues referred to by Deputy Boyd Barrett. The management of the project has stated that one of the reasons the costs have escalated so dramatically is the rise in annual construction inflation from 3% to 9%. Apparently, the estimated cost increase, potentially from €1 million to closer to €2 million per bed, is because of this inflation. I have searched the available construction data and can find no evidence of an inflation rate of 9%. In fact, I cannot even find a reference to 3%. Will the Taoiseach indicate the construction workers who received a wage increase of 9% last year and this year? I do not know who they are.

Whether St. James's Hospital or Connolly Hospital is chosen as the location for the children's hospital - there has been expert advice to the effect that the latter would be much cheaper at this point - in both cases, the sites are free. I realise the people involved in the project are very well-meaning but we must have answers to these questions. If the Cabinet committee on health is to have any useful purpose, surely it will examine this issue? What is the reason for the massive increase in the cost of the project? Can we have clarity on the claim that there was a rise in construction costs inflation from 3% to 9%?

*2 o'clock*

There is no evidence for that anywhere that I can find.

**Deputy Aengus Ó Snodaigh:** I have a number of questions on the Cabinet sub-committee. Was there a discussion on the growing number of children on the waiting list for scoliosis treatment? The House has debated that matter, but action has not been taken. Is the Taoiseach satisfied that the new theatre in Our Lady's Children's Hospital, Crumlin, will be in operation in June and that sufficient nurses will be recruited to service it? The latter is the greater question, given that theatres in the hospital have lain unused because of a lack of staff.

Will the Taoiseach indicate whether he received an update at that meeting on the status of the bed capacity review which is supposedly under way and will he share that information with the House today? When will the review be completed and, more importantly, will it be published? December was the worst month on record for the number of citizens on trolleys and 2016 was the worst year.

Did the Cabinet sub-committee discuss the proposal of the Minister, Deputy Harris, to set up the equivalent of a modern field hospital, namely, prefabs in hospitals, at a time when many hospital wards are sitting vacant because there are not enough nurses?

Was the meeting informed, or is the Taoiseach aware, of the balloting for action by Dublin Fire Brigade? Were contingency plans to deal with the withdrawal of service by ambulance and

fire crews in this city discussed? Management is unwilling to negotiate directly with a service that has been up and running for 150 years and been of significant help not only to the population of Dublin but also the populations of nearby counties.

When is the next meeting of the sub-committee?

**The Taoiseach:** Well actually this is getting to the stage of utter ridiculousness, a Leas-Cheann Comhairle. I do not answer here for all of the details of the Ministry of health. In fact, I am always advised that I am not even supposed to mention what is being discussed at Cabinet sub-committees because they are sub-committees of the Cabinet and one does not discuss Cabinet business in an open forum, but they are valid questions and people have to have a facility to have them answered, and that is either by Topical Issue to the Minister for Health of the day or the Oireachtas committee that deals with health and all of the opportunities to ask these questions.

Deputy Ó Snodaigh asked me some detailed questions to which I simply could not have the answer. He asked me if the theatre was going to be ready by June. What I said in my reply was that the orthopaedic post would be filled by June. I expect that the theatre, which has been provided for for quite some time, should of course be ready to deal with children who come before the hospital for treatment in June.

The Deputy mentioned other issues there. He talked about field hospitals. What is he on about? The Minister for Health came down to Mayo general hospital and looked at the emergency department down there, not at his suggestion, but at the suggestion of the staff and the manager who run the place. They said they needed extra space there. They were very happy to say that we provided them with an expansion of space out the back adjoining the existing emergency department, which is not for overnight stays, but which will relieve the pressure and the stress and the distress upon people. To come in here and describe it as some kind of a field hospital is-----

**Deputy Aengus Ó Snodaigh:** Just build it. If it is a prefab-----

**The Taoiseach:** This is not-----

**Deputy Aengus Ó Snodaigh:** -----it is permanent. We have seen that over the years.

**The Taoiseach:** Field hospitals do not appear and are not provided within hospital structures. "Prefabs" goes back to the question-----

**Deputy Aengus Ó Snodaigh:** Neither should prefabs be.

**The Taoiseach:** -----that Deputy Ó Caoláin asked yesterday about the sort of prefab concept as something that one could put a finger through after five years 20 years ago when people built prefab dwellings or prefab school rooms.

**Deputy Aengus Ó Snodaigh:** Exactly and they stayed for 40 years.

**An Leas-Cheann Comhairle:** The Taoiseach without interruption, please.

**The Taoiseach:** They are all gone. The last Government eliminated all of the prefabricated school buildings. What is being provided in south Tipperary and in Mayo general is not that kind of prefab. It is a place where people will be able to go and have attention given to them

1 March 2017

- medical attention that they need - in very comfortable surroundings and they will not have to stay overnight on any trolley.

**Deputy Aengus Ó Snodaigh:** It is not a purpose-built hospital.

**An Leas-Cheann Comhairle:** Did the Taoiseach address Deputy Burton's question?

**The Taoiseach:** I might just say that, in respect of the children's hospital-----

**An Leas-Cheann Comhairle:** Will the Taoiseach address Deputy Burton's question now so that we can move on?

**The Taoiseach:** I will. The figure of €650 million relates to Exchequer funding that was approved when Deputy Burton was in government in 2014 for the core construction of the new national children's hospital, together with the two satellite centres. She was at the Cabinet table when that decision was made, and that does not include equipment, commercial spaces or educational facilities for students, as those elements were always to be funded and to be procured separately. That funding was approved following a cost estimate that commenced in 2013, which was completed early in 2014. At that time, construction inflation was estimated at 3%. The pricing proposed by the tenderers did take account of current construction inflation, which is now running higher than 9%.

**Deputy Joan Burton:** Where is the evidence of that?

**The Taoiseach:** That does not mean a 9% increase in wages. It takes into account the extended projected timeline to 2021 and the final market cost of that build. The costs set out, for Deputy Burton's information, in the final project brief consist of the design brief, the definitive business case and the project execution plan. They provide for the construction of the core hospital and the satellite centres. They include provision for VAT, risk provision, inflation provision, all fees, decant, external works, enabling costs and project management costs for a building that will cater for 25% of our population for the next 50 years. This also includes commercial spaces like the underground car park, retail space, higher education spaces, the children research and innovation centre and equipment.

**Deputy Aengus Ó Snodaigh:** I am sorry, but they were excluded.

**An Leas-Cheann Comhairle:** We must move on.

**The Taoiseach:** It also covers some shared infrastructure and services that will be used by both St. James's and the Coombe Women and Infants University Hospital when all three hospitals are on the one campus, thus avoiding duplication of services in the future.

The updated costs, finally, have been incorporated into the final project brief and were submitted to the HSE for review and the HSE has now submitted that final brief to the Department of Health. The Minister intends to bring a memo to Government very shortly - in the coming weeks - on the new children's hospital. This will be the major health building in this country of the last 100 years and it is in addition to the long discussions that have thankfully ended in respect of the moving of the National Maternity Hospital out to the site at St. Vincent's, but this will not be finished until 2021. It is really and truly a world-class piece of infrastructure and investment in the children of the nation. There is a very, very specific committee that will be looking at a fixed contract price for this out to 2021.

**An Leas-Cheann Comhairle:** We have taken four minutes-----

**Deputy Joan Burton:** Very briefly-----

**An Leas-Cheann Comhairle:** We are moving on to the next group of questions.

**Deputy Joan Burton:** The Taoiseach must be aware that-----

**An Leas-Cheann Comhairle:** Members got four minutes extra.

**Deputy Joan Burton:** -----in terms of the construction contracts-----

**An Leas-Cheann Comhairle:** We are out of time.

**Deputy Joan Burton:** -----variations and arbitration are resulting in post-build cost increases of up to 20%.

### **Cabinet Committee Meetings**

11. **Deputy Joan Burton** asked the Taoiseach when the Cabinet committee on social policy and public service reform last met. [8526/17]

12. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee on social policy and public service reform last met. [8776/17]

13. **Deputy Micheál Martin** asked the Taoiseach when the Cabinet committee on social policy and public service reform last met. [9999/17]

**The Taoiseach:** I propose to take Questions Nos. 11 to 13, inclusive, together.

The answer here is that the Cabinet committee on social policy and public service reform last met on 6 February. Sin an freagra.

**Deputy Joan Burton:** What is the situation regarding terms and conditions of employment in the public service or publicly owned companies? Specifically, has the Cabinet sub-committee met to discuss the deteriorating situation in the terms and conditions of employment at Bus Éireann and the threat that this poses to social services, given people's need, particularly in rural Ireland, to have a bus service on which they can rely? People who work in Bus Éireann should not be reduced to the minimum wage. Given the important job that they do throughout the country in providing what is not simply a bus service, but a quality public service, they should not be stripped of their rights, terms and conditions as workers. The Government should commit to maintaining a quality bus service, via Bus Éireann, for rural areas and the many people there who depend on the service. Has the Cabinet sub-committee met to discuss the matter? The Minister for Transport, Tourism and Sport, Deputy Ross, is rather hands off, and I understand the Taoiseach must cope with that, but this is just too important an issue for people in rural areas. The Taoiseach proudly represents the west, and as the first Taoiseach from there, he must be able to give us reassurance both on services and proper terms and conditions for workers and bus drivers.

**Deputy Richard Boyd Barrett:** Has the sub-committee discussed the contributory State pension? In 2012, when Deputy Burton was a Minister in the previous Government she made

1 March 2017

changes to the contributory pension scheme. At the time we were told the new system was fairer and would reward those with more contributions but in reality it has turned out to be a massive rip off with 36,000 pensioners - the number is rising all the time - 22,000 of whom are women, who have lost out very significantly in their pension entitlements. The loss is between €19 and €30 a week. They are devastated to find that out when they reach pension age. To add insult to injury, many contributory pensioners – again mostly women - also experience a further hit. If they brought up their family prior to 1994, and took time out of work, they are affected by the averaging system and lose even more of their pension. That is completely unacceptable. What I want to know is whether the sub-committee has discussed the matter and if it is the intention to reverse the unfair and draconian cuts that affect pensioners, in particular women?

**Deputy Micheál Martin:** I put it to the Taoiseach that the issue of social dialogue needs to be reflected on again in terms of the need for a proper framework within which public services generally can be debated and industrial strife adequately addressed in the sense of having someone who is looking ahead of the game. There seems to be a complete absence of any framework in terms of engagement with the social partners or considering how we retain standards in public services and enhance and improve them in the future.

The Bus Éireann dispute is one example of a breakdown in such a framework and dialogue. The absence of a proper manpower policy and the decline in human resource capacity in the health service is also reflective of the lack of social dialogue or engagement. The haemorrhaging of people from the health service has been quite dramatic, in particular in terms of nurses and doctors. In some cases it has been catastrophic. There has also been a high turnover of staff.

The Bus Éireann issue has given rise to the fundamental point facing public services in general. Notwithstanding the need for some reform and efficiencies is the fundamental point about getting bus drivers in the public sector down to very basic minimum wage-type conditions? That is the belief. It is not just about the Expressway service. The document that was issued two weeks ago refers to back offices being recentralised, for example. There was reference to eliminating entire tiers of supervisors and inspectors. The changes are much wider than to the Expressway service. There was also reference in the document to redundancies.

All that is happening in the absence of a proper vision or perspective on where we want public services to go. Taking globalisation into account, the big ticket item facing societies all over the world is the fact that incomes are going down. The number of people on low-level incomes is rising as an overall percentage of the working population. Some politicians do not understand the reason for the dissatisfaction and unhappiness that exists but it is basically because of the ongoing downward pressure. That seems to be what is now happening in Bus Éireann as well.

**An Leas-Cheann Comhairle:** The Taoiseach has three minutes to deal with all the questions.

**The Taoiseach:** That is most unsatisfactory, a Leas-Cheann Comhairle. It is impossible to answer all the questions in three minutes.

**An Leas-Cheann Comhairle:** I know it is but the Taoiseach should do his best.

**The Taoiseach:** I accept it is not your doing, a Leas-Cheann Comhairle.

**Deputy Micheál Martin:** The Taoiseach should not have taken seven minutes to answer the first question.

**The Taoiseach:** Deputy Boyd Barrett inquired about pensions. That is not dealt with directly by the sub-committee, but the Minister is working on a range of issues in so far as social welfare payments, rights and conditions are concerned. They are all part of the work that must be done in respect of the preparation for the 2018 budget.

Let me say in response to Deputy Micheál Martin that last night we had a meeting with a number of representatives from ICTU and IBEC to discuss the issues that arise both in respect of current situations and the necessity to have a much closer relationship in respect of Brexit and the challenges that exist in that regard. Out of that, for instance, came the requirement to have a detailed discussion on the housing figures in terms of output, skills and the necessity for training so that everybody is fully informed both on the union side and the employer side of the exact scale and where developments are taking place.

There is no intention on the part of the State to drive down public service bus drivers to minimum wage levels. In the Bus Éireann situation, the company has pointed out that it is going to become bankrupt unless some changes are made. That issue relates specifically to the commercial arm of Bus Éireann. The PSO has increased substantially both in respect of Bus Éireann itself and the rural transport scheme, which has increased by 26%. The Minister for Transport, Tourism and Sport is not a member of the committee in question. He is a member of the committee dealing with transport.

The Government progress which was discussed at the committee includes supporting preparations for the introduction of a second preschool year and the new single affordable child care scheme; the development of the new allocation model for resource teachers; the increase in special needs assistant, SNA, provision and supporting the implementation of the DEIS plan for 2017; the work that is under way in the north inner city under the ministerial task force; publication of the action plan for education; the establishment of the Irish refugee protection programme to take in 4,000 people; the introduction of the two-week period of paternity leave and the associated social welfare payments; the implementation of the McMahon report recommendations in respect of direct provision; and the establishment of a youth mental health task force. Those measures are all either completed or work is proceeding on them. Work is also proceeding in respect of a number of key national strategies covering disability inclusion; Traveller and Roma inclusion; the national women's strategy; the migration integration strategy; and the new national drugs strategy, among others. Those are all serious issues that would require committee meetings to give detailed answers to all the Deputies.

**An Leas-Cheann Comhairle:** There may be others who are interested in contributing but we must move on as we have exceeded the time for questions to the Taoiseach.

### **Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Catherine Murphy - the need for Tusla to access rape crisis centre information; (2) Deputies Joan Collins, Brian Stanley, Mattie McGrath and Bríd Smith - strike action in Bus Éireann; (3) Deputy Pearse Doherty - the appointment of a second consultant

1 March 2017

breast surgeon at Letterkenny University Hospital; (4) Deputy Brendan Griffin - the need for progress on cystic fibrosis, CF, drugs - Orkambi and Kalydco; (5) Deputy Carol Nolan - the *ex gratia* scheme of compensation for school sex abuse survivors; (6) Deputy Jackie Cahill - the closure of the Clonmel to Dublin bus route; (7) Deputy Aengus Ó Snodaigh - delays for patients waiting for orthopaedic operations in Dublin South Central; (8) Deputy Thomas Pringle - the south Donegal CAMHS consultant psychiatrist post; (9) Deputy Willie O'Dea - the increasing demand for incineration facilities; (10) Deputy Bernard J. Durkan - funding to the Moat Club, Naas, County Kildare; (11) Deputy Dessie Ellis - the impact of rising motor insurance on small business, especially the taxi industry; (12) Deputy Martin Kenny - payments under the GLAS and AEOS schemes; (13) Deputy James Lawless - local authorities' powers to extend planning permission for residential developments; (14) Deputies Donnchadh Ó Laoghaire, Michael Moynihan, Mick Barry, Pat Buckley and Jonathan O'Brien - the availability of CBD or cannabidiol products for medicinal use; (15) Deputy John Brassil - the NCPE decision on the Respreeza medication; (16) Deputy Margaret Murphy O'Mahony - the Grace foster care case; (17) Deputy Clare Daly - industrial action by Dublin Fire Brigade; (18) Deputy Martin Ferris - mental health facilities for children and adolescents in Kerry; (19) Deputy Mick Wallace - spending by An Garda Síochána on media training; and (20) Deputy Sean Sherlock - the issue of raw sewage being pumped into Irish rivers and seas.

The matters raised by Deputies Catherine Murphy, John Brassil and Sean Sherlock have been selected for discussion.

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

#### **Priority Questions**

#### **Disadvantaged Status**

19. **Deputy Thomas Byrne** asked the Minister for Education and Skills his plans to introduce a fair appeals system for schools not admitted to the DEIS programme; the reason the entry criteria for DEIS are not based on the latest census data; and if work is actually complete on the model for achieving DEIS status. [10618/17]

**Deputy Thomas Byrne:** I wish to ask the Minister about his plans to introduce a fair appeals system for schools that have not been admitted to the DEIS process, a process that seems to be fairly arbitrary. Can he also tell me why the entry criteria for DEIS are not based on the latest census results? Could he tell me whether work on the model for achieving DEIS has been completed because it must be said that it was very vague in all the parliamentary questions to which the Minister replied? It seems that there was a rush to get this out and that it was done on a flawed basis.

**Minister for Education and Skills (Deputy Richard Bruton):** A significant benefit of the new identification process for the DEIS plan for 2017 lies in its capacity as a uniform system adopting common criteria and a consistent application across all primary and post-primary schools so it is a completely independent process. The key data sources are the primary online,

POD, and post-primary online, PPOD, databases and CSO data from the national census of population as represented in the Pobal HP deprivation index for small areas. This data is combined with pupil data, anonymised and aggregated to small area level to provide information on the relative level of concentrated disadvantage present in the pupil cohort of individual schools.

The CSO small area population statistics used in this process are the most up-to-date available. CSO small area data based on the 2016 national census will be available on 20 July 2017 and will facilitate an update of the identification model from that data.

A further strength of the new identification process is its capacity to be regularly updated and to be responsive to significant change in pupil demographics which might impact on the level of concentrated disadvantage present in a particular school. My Department's primary and post-primary online databases are updated annually by schools and the relevant national census data is updated at five yearly intervals. In this respect, the identification process is subject to ongoing update and this is as it should be.

If any school considers that the outcome of the identification process is inaccurate, it may make an application for a review to verify the information used to assess the level of disadvantage of its pupil cohort to my Department. Information on how this can be done is available on the DEIS section of my Department's website. Verification will include a check of the school data supplied by individual schools and a check of the application of the data to ensure that no administrative error has occurred.

**Deputy Thomas Byrne:** The truth is that the Government did not have its act together on this project. This was rushed out and done without thought and clarity. It is not clear to schools what the criteria are. How many people must be from an area of disadvantage for the school to qualify for DEIS status? There is also a very obvious flaw in whatever the methodology is in that if there are two schools in one catchment area and one takes all the disadvantaged pupils or a large proportion of them and the other takes the other section of society, there is no provision in the criteria to allow for that, so that is an obvious flaw.

There are examples all across the country of different schemes that can look at where people live, which is what the Government purports to do, but that can also look at medical card information, social welfare information, Traveller status and other groups. One secondary school of which I am aware was granted DEIS status but all its feeder schools from the primary level were refused it. That is not logical. That is wrong and is just one of many examples around the country where there are so many anomalies, and I know the Leas-Cheann Comhairle has an interest in this. I put it to the House and the Minister that the anomalies exist because the Government rushed this out, did not wait for the up-to-date census figures and has not set out clearly exactly what the criteria are.

**Deputy Richard Bruton:** The criteria are published. This has been subject to very rigorous review based on best international practice. I can read out the criteria. They are age dependency within the area; demographic decline or rise; whether parents have primary, secondary or third level education; overcrowding within the families involved; occupational status; lone parent profile; and unemployment rates for males and females. It goes through best practice indicators of deprivation in an area that are available to us. They are far superior to medical card information that is not available on the same basis. We can use it on an anonymous basis so we have the pupil enrolment within the school and can trace back entirely independently without looking any individual's name or address, source the address and identify the small area. It is

1 March 2017

very rigorous and fair. Where a school has a catchment drawing some children from middle class areas and some from lower class areas, it takes that into account automatically. That is built into it. It is far superior to the sort of data suggested by the Deputy, such as medical cards which are income tested and determined for entirely purposes - in other words, for medical purposes. These are objective standards. We can update them from year to year so that we can see how a school is moving and progressing. Best international practice is being applied and it was in no way rushed. In fact, we took extra time to ensure it was fair and equitable and that people knew how it worked.

**Deputy Thomas Byrne:** It was rushed because, as the Minister said, the Government did not wait until the up-to-date census figures were published. What will happen in July? What the Minister described to me is not the entry criteria for DEIS but the criteria for the Pobal HP deprivation index for small areas. The Minister has not set out clearly for schools how the Department extrapolates that information and applies it to the schools. It is completely disingenuous to tell me how Pobal decides with regard to its small areas. That does not necessarily relate to who is in the schools. It just relates to where these children are from. There could be two schools in a relatively wealthy area but many disadvantaged students could go to one school and many advantaged students go to the other and that is not taken into account. Medical cards are not perfect but the Department uses them for the school transport scheme. They are also used for admitting and facilitating disadvantaged students into third level education so there are lots of examples within the Department where other criteria are used. The Minister has not set out how the Pobal HP deprivation index for small areas is actually applied, how it relates to the school and what percentage of children from particular disadvantaged small areas need to be in the school for it to qualify for DEIS status.

**Deputy Richard Bruton:** I have indicated very clearly that only schools that meet the highest disadvantaged criteria are being admitted on this occasion. It involves 79 schools and a number of schools have been upgraded so that is less than 2% of all schools in the population. This is based on the cases that are glaring examples of a scheme that has not been open since 2009 and where the indicators of disadvantage in those communities are huge. I deliberately brought them in early so that from next September, I can start to provide support to those schools that have not had the chance to get this support since 2009. That is why I am doing it in this way. Obviously, the new census data will provide us with new information and we will review this and look at other schools that perhaps should be included in the future. We will be refining the model as we go along and will look at other factors. There have been glaring examples of schools that have been left out. We have used an objective set of criteria that is internationally respected and based on the actual pupils in the school and their backgrounds so there could be nothing more rigorous available to conduct matters independently, as we have done.

### **Disadvantaged Status**

20. **Deputy Carol Nolan** asked the Minister for Education and Skills the details of the new DEIS plan, including the resources to be provided for the implementation of the new plan. [10504/17]

**Deputy Carol Nolan:** DEIS funding has been cut by almost €20 million from €193 million in 2008 to €174 million in 2015. Schools are trying to do more with less money. They are trying to give their students adequate supports in terms of encouraging them to complete their

schooling and progress to third level. It is a massive issue. Could the Minister give me the details of the resources that will be provided under this plan?

**Deputy Richard Bruton:** The new DEIS plan for 2017 sets out our vision for future intervention in the critical area of social inclusion in education policy. The overall aim of the DEIS plan for 2017 is to build on the experiences of existing DEIS schools to inform how the education system can help in breaking down cycles of disadvantage through improved identification of schools and allocation of resources to support pupils most at risk. It sets out new targets to improve literacy and numeracy, school completion rates and progression to further and higher education. The plan also has a particular focus on identifying and embedding good practice through the development of pilot projects supported by a school excellence fund, and on encouraging better inter-agency working in and around DEIS schools. To support the implementation of the actions contained in the plan, I have secured additional funding resources of €5 million under budget 2017 which amounts to €15 million in a full year, bringing the overall DEIS budget from the education sector to €112 million - Deputy Nolan quoted the DCYA and Department of Social Protection funding in her larger figure. In addition, DEIS schools have access to the home school community liaison service and the school completion programme under the Department of Children and Youth Affairs and the school meals programme operated by the Department of Social Protection. The Deputy will have read that they have also increased their budget to provide more from the Department of Social Protection.

A key element of the DEIS plan is the availability of a new identification process for the assessment of schools for inclusion in DEIS using centrally held CSO and DES data. As noted in the DEIS plan, the implementation of a new objective central data-based model of identifying levels of disadvantage within school populations will be followed by a further programme of work to create a more dynamic model for resource allocation where levels of resource more accurately follow the levels of need identified by the identification process.

The DEIS plan also provides for the establishment of a unit in my Department to facilitate the operation of pilots to promote the clustering of schools to develop innovative practice and for the development of a monitoring and evaluation framework to ensure effective evaluation of resource inputs and educational outcomes to provide feedback to schools and inform future policy.

**Deputy Carol Nolan:** I thank the Minister for his response. It is disappointing in terms of the continually growing numbers of children from disadvantaged households. The European Anti-Poverty Network shows that the level of children in consistent poverty in Ireland rose from 6.3% in 2008 to 11.5% in 2015.

Does the Minister intend to make provision in this year's budget for the full restoration of DEIS funding *per capita*? Can he indicate the allocation DEIS for the period up to budget 2018? Will the Minister consider the re-establishment of the rural co-ordination service?

There is little mention of the school completion programme. I would like more detail, both in that regard and in terms of the supports the Minister will put in there.

**Deputy Richard Bruton:** The Deputy will see from the reply that I have provided an increase with €15 million going into the budget, bringing it to €112 million. When one adds to that the home school community liaison service and the school completion programme, which are run through the Department of Children and Youth Affairs, and the increased allocation to

the Department of Social Protection, we are increasing funding on all fronts.

The Deputy will be aware of what I did initially. There are 79 new schools coming in for the first time ever and 30 schools are being upgraded from urban band two to urban band one. That will give them access to a greater range of resources. An urban band one school, as the Deputy will be aware, has a lower pupil-teacher ratio. Therefore, those schools - there are 45 of them in total - will get a lower pupil-teacher ratio. They are among the schools that have been identified as the most disadvantaged which were not properly evaluated historically. The old way, which depended on principals gathering information, was arbitrary and some schools completely missed out. Now, without any application, we are identifying the schools of greatest need and we are putting resources into them. This is a genuine effort to ensure that the resource is following the need. We will work with all the partners to refine this process as we go forward but there were glaring examples of 79 schools that deserved support and which we can start to provide from September.

**Deputy Carol Nolan:** Many cuts were made, including cuts to the guidance counsellor service which, I am sure the Minister will agree, were significant and harsh. I understand the Minister has provided for additional counsellors in the schools, but will he commit to guidance counselling in the ratio of one to 500 pupils for DEIS post-primary schools because the cut in that resource impacted on students? It is a valuable resource and the cut impacted on students' progression to third level. It even impacted on them completing their education at second level.

**Deputy Richard Bruton:** I need not tell the House that the country faced a crisis of enormous proportions which resulted in cuts in expenditure. The country was close to bankruptcy. As the Deputy saw in the statistics last week, 65,000 extra people are back at work in the past 12 months alone. That results in €1 billion extra for the State to invest in services and that is what we are doing. I got €450 million to put into education and I have tried to allocate that to the greatest needs.

I ensured that we will restore guidance counselling and I insisted that would be in DEIS schools. They will certainly get the DEIS resources. I will seek to invest the funding available to ensure the best impact, particularly for children coming with either special needs or disadvantage in the education system. That is the approach I am taking.

These changes are designed to ensure that the funding follows the areas of greatest need. The pilots and refinements are all trying to encourage innovation within these schools to ensure that where something new is happening, it is impacting on the learning environment for children with special needs who come to school or who are at a disadvantage. We want to ensure we learn from this and it is mainstreamed, and that we can look at it as a way of improving performance through clustering and other initiatives.

## Teacher Recruitment

21. **Deputy Thomas Byrne** asked the Minister for Education and Skills his plans regarding the issue of teacher supply; the reason the interim report on teacher supply has not been followed up; and if his attention has been drawn to the details of the secondary teachers who are qualifying and the subjects in which they are qualifying and the impact this inaction has on plans for the education sector. [10619/17]

**Deputy Thomas Byrne:** This question raises another crucially important issue in the field of education, and one that it is fair to say has been completely ignored by the Department over the past number of years. It is hardly mentioned in the various action plans. Indeed, any action the Minister wants to take within the schools field in the Department of Education and Skills is utterly predicated on this issue of teacher supply. Do we have enough teachers coming into the system? Do we have enough teachers in particular subjects? Does anybody in government know what subjects teachers are qualifying in?

**Deputy Richard Bruton:** Between last September and next September, we will have employed 4,600 extra teachers. We are putting teachers back into our school process and this means that teachers, who were emigrating and not able to find places, are finding places in our schools.

A technical working group was set up by the Teaching Council to formulate advice on teacher supply. The group produced an interim report which was published in July 2015. The interim report identified the significant challenges in developing a model of workforce planning for teachers in Ireland. Among the difficulties identified were gaps in data in the dispersed Irish model, the mixture of pathways into teaching and the significant levels of migration. The group also observed that it is a more complex task at post-primary because there is currently no central mechanism for matching the overall subject need requirements of schools with output from the education providers and, in addition, schools have significant autonomy in relation to the mix of subjects and choices they provide for students.

At that point the group indicated that it was too early to make recommendations. The technical working group continued its work and submitted a final report, which included 14 recommendations, together with some additional advice by the council, to my predecessor, Deputy Jan O'Sullivan, in December 2015. The report sets out an approach to planning which scopes out the work necessary to develop a model for teacher supply in the medium to longer term. The approach provides for the identification, collection and validation of data from a range of sources to be followed by a period in which a model for projecting demand and supply of teachers is developed and tested. This work will involve consultation so that there is buy in from relevant stakeholders, including teacher education providers.

The report recognises that the implementation of its recommendations will have significant resource implications, including staffing, and I will not be in a position to progress this aspect in the current year. In the Action Plan for Education for 2017, I have committed to the publication of the report in the first quarter together with the actions necessary for the implementation of its recommendations. This approach will provide further clarity for addressing this complex issue.

**Deputy Thomas Byrne:** The Minister is telling the House that not only his predecessor, Deputy Jan O'Sullivan, but he sat on this crucial issue and the Minister and the Department do not have a clue what subjects teachers are qualifying in. When the Minister comes out with his announcements, for example, coding will be the next big thing, languages are very important or we must emphasise STEM subjects, he has no way of knowing that there will be teachers to teach those subjects. Not only is that bad from a national point of view, but there are teachers who continue to be largely unemployed because there are too many teachers in their subject area. There are other subject areas where, as the Leas-Cheann Comhairle will be aware, i meán-scoileanna sa Ghaeltacht agus sna Gaelcholáistí, tá sé an-deacair múinteoirí a fháil a bhfuil in ann múineadh trí Ghaeilge. There is no planning whatsoever. The Minister has admitted he is sitting on a report which recommends action on this but he has not taken any action. That

1 March 2017

means that everything he has proposed or planned regarding second level in particular is nullified. He must take action and get to grips with this matter.

**Deputy Richard Bruton:** The Deputy is grossly exaggerating the position. The truth is that the Teaching Council, having looked at this issue, was unable to make a recommendation because of its complexity. It is now seeking to ensure that data sources are identified and that information not being collected is collected. It has indicated the difficulty that exists. There are genuine problems. There is not a database of subject choices. Some people who come into education do subjects and then decide later on to do a master's degree in education. Identifying what is supply and demand work planning is a difficult issue but it does not hold back the introduction of new initiatives.

In terms of new teachers and initial training, we are ensuring that new teachers are fully briefed in the area of new curriculum development. We have continuous professional development, which ensures that teachers who will be teaching a curriculum that is changing will have the support to implement those changes. As has always been the case, work will continue to be done with teachers to make sure they are upskilled to the maximum level possible. We need to examine this because it is not satisfactory that, for example, we do not have enough physics teachers to teach physics.

**Deputy Thomas Byrne:** That is my point. It is not satisfactory that we do not have enough physics teachers but the Minister is doing nothing about it. He is almost putting his hands up and saying he cannot do anything about it. Of course he can. The organisations responsible for training our secondary teachers must be given some directions. Let us be honest. A student with a 2.2 degree in a subject which very few teachers teach is more valuable than somebody with a first class honours degree in a subject that too many teachers teach. That is a fact. The Minister has to get to grips with this issue. It is not good enough to blame the colleges or the Teaching Council. The Minister is responsible for this, and he must get a grip on it because he is the one going around announcing plans to have children trained up in mathematics and coding.

The Minister referred to upskilling. He cannot upskill a teacher who does not exist. That is the problem. Some of these teachers simply are not available. The Minister appears to be sitting on an unpublished report. He tells me there are no recommendations regarding this but I am shocked that the report has been sitting on a shelf for the past year and a half. It is shocking, disgraceful and a shame on the administration of the education system. How will the young teachers who cannot get a job because there are too many of them in a particular subject feel about that, and also the schools that cannot get teachers for other subjects? There is a complete mismatch in that regard and it appears that nothing is being done about it.

**Deputy Richard Bruton:** We continue to train teachers. We have 1,250 teachers coming out of the colleges at primary level and 1,750 people completing training at post-primary level. We are continually training additional teachers to meet the needs in our schools, but the Deputy is right. We need to refine that model to try to match more closely, for example, the emergence of physics. We have never had enough physics graduates going into teaching. We have set that as an objective to try to get more physics graduates into teaching.

**Deputy Thomas Byrne:** There is no way of doing that.

**Deputy Richard Bruton:** What the Teaching Council has been asked to advise on is a

workforce planning model for the entire teaching profession. Clearly, the data from its analysis of this is simply not available. This is not a matter of an unwillingness to put one's hands on data. This is going back to the origination of data to find new data and then to try to put it into a system that will allow workforce planning. It says that will take years to complete. It is not something that can be done instantly. That is the-----

**Deputy Thomas Byrne:** It would simply be a matter of the Minister directing someone to train a certain number of physics teachers.

**Deputy Richard Bruton:** I think the Deputy is trying to shout me down.

### **Disadvantaged Status**

22. **Deputy Richard Boyd Barrett** asked the Minister for Education and Skills the way in which schools are judged for DEIS status; if he is satisfied that all schools in disadvantaged areas are receiving the support and resources they need; and if he will make a statement on the matter. [10503/17]

**Deputy Richard Boyd Barrett:** The shame and obscenity of child and family poverty, deprivation and now homelessness has increased dramatically and consistently in the years since Fine Gael has been in government. One way the Minister can try to address that is to give resources to pupils in disadvantaged schools but the criteria for allocating DEIS status are not doing that for schools in my area. Even where schools have DEIS status, they are not getting the resources they need to give decent conditions for the teaching of pupils in these deprived and disadvantaged areas.

**(Deputy Richard Bruton):** I wish to advise the Deputy that a key element of the DEIS plan for 2017 is the availability of a new identification process, as we have discussed, and which I outlined to the other Deputies.

In terms of the data sources, for example, they are using age dependency, levels of population decline, the education status of the families, overcrowding in the households, the occupations, unemployment levels and so on. They are using very objective data for identifying schools that are serving populations of greatest need. This is a best international practice model. As the data becomes available, it also allows us to track schools as they progress and allows for a more refined model responding to the need.

In the initial round, I was able to let through 79 schools that were at the highest level of disadvantage. There has not been an increase since 2009 of schools coming through that process. I am fully aware that there are other schools that have levels of disadvantage that need attention in the future and I will work to include those over time, but this is an area where we need to make improvements.

It is worth pointing out to the Deputy that it is complemented by the 900 extra teachers I am putting in for learning support and special need. All of those will be going to the schools with the greatest established need in terms of learning support or special need. There are two interventions that will help disadvantaged schools in the Deputy's area or in any area, namely, this new designation but also the work to make sure that resource teachers are following the areas of greatest need.

**Deputy Richard Boyd Barrett:** Gaelscoil Phádraig, in Loughlinstown, was refused DEIS status on its application. This is in an area where every other school in the area has DEIS status because it is an area of high disadvantage. The Minister's criteria are not fit for purpose in judging these matters. For example, because they take into account where the children live, children who are living in emergency accommodation - homeless children - but who happen to be living in emergency accommodation in Blackrock are not considered to be disadvantaged because the criteria do not take into account that they are in homeless accommodation. If someone is in homeless accommodation, it does not matter whether they are in Blackrock, Ballyfermot or Ballymun. They are homeless and disadvantaged and the school that has such children deserves DEIS status. Gaelscoil Phádraig has been given the run-around for two decades. It is in prefabs for the past decade. It was promised a school a decade ago. It never got it, and now it has been refused DEIS status. The Minister would want to get his criteria together. This particular school deserves DEIS status as well as a new school building.

**Deputy Richard Bruton:** The truth is that I was able to allow 30 schools move from urban band two to urban band one and to provide for 15 new urban band one schools. We identified 45 of the most deprived schools in the country to get the support of not only additional pupil-teacher ratios, access to the free meals scheme and access to the DEIS grant, but also access to a smaller class size. We used objective national criteria to pick the schools. Schools can seek a revision if they believe their pupils have not been properly judged under the system. They can indicate those children and that position will be reviewed in respect of each school but I hope the Deputy would agree that rather than have political criteria, we should use objective criteria generated by the CSO statisticians who can be relied on for their objectivity to make such choices. We then invest that resource in the areas where the greatest need is identified, and that is what I have done. On average, about two schools per constituency have been brought in. In every constituency I could name another school, as I am sure could the Deputy, that has not got in on this occasion but it is a first step. We will refine this process not only in terms of the choice of schools, but also what happens to support children within those schools.

**Deputy Richard Boyd Barrett:** I ask the Minister to review the decision on Gaelscoil Phádraig. It is in a disadvantaged area which nobody would doubt. The children in the school suffer disadvantage and have been shafted for 20 years. Even schools with DEIS status are not being resourced properly. The Holy Family school in Dunedin Park in Monkstown Farm applied for permission to undertake a summer works programme to put a fire alarm system in place and carry out emergency heating works. It was also looking to replace a water tank which was 50 years old, almost certainly unsafe and situated over a boiler. It received half of the money it needed to do all of these things; therefore, it cannot do them. It received half of the money it needed for the cheapest quote it could get. If even schools with DEIS status do not receive the resources they need, we have a problem. The school was also refused extra teachers to improve the pupil-teacher ratio. Will the Minister consider the Holy Family school in Dunedin Park and Gaelscoil Phádraig in Loughlinstown because they are in seriously disadvantaged areas and have been given a very raw deal on a number of fronts?

**Deputy Richard Bruton:** I assure the Deputy that Ministers do not look at schools and make a decision. It is based on fair and objective criteria, not political choices.

**Deputy Richard Boyd Barrett:** I am looking for fairness.

**Deputy Richard Bruton:** Urban schools in band one have a lower class size; on average, they have five pupils fewer per class. They receive a DEIS grant, a book grant and access to a

home-school-community liaison teacher. They have a school completion programme at second level, as well as a school meals programme. These funds are significant. A very disadvantaged urban school in band one could, on average, receive almost €1,500 per pupil. This is putting in place hard resources to support the education of children and it is being done fairly. What we are also trying to do - I believe the Deputy will support this - is to introduce pilot schemes and clusters to look at really good practice and how we can mainstream it and ensure that when children enter these schools, they are fully engaged and brought on a pathway that will privilege them and see them make progress. We are not just looking at this matrix in the examination of schools. We want to ensure that what happens in the schools is the best it can be. As the Deputy knows, I have set the ambition that within a decade we will have the best approach to education, particularly for children who endure disadvantage and with special educational needs. That is one of our ambitions and we will implement it with this goal in mind.

**Deputy Richard Boyd Barrett:** Will the Minister look at the schools mentioned?

**Deputy Richard Bruton:** They will have to submit for review. The summer school works programme does not come under DEIS.

### **Schools Building Projects**

23. **Deputy Catherine Connolly** asked the Minister for Education and Skills the steps that have been taken, or are being taken, to build a new secondary school in Galway city in view of the provision in the programme for Government that school provision will reflect the diversity of 21st century Ireland and in view of the clear need and demand for a new second level school in Galway city and the waiting lists for almost all existing schools, including newly constructed schools; and if he will make a statement on the matter. [10620/17]

**Deputy Catherine Connolly:** I tabled a question to the Minister last month and I am back on the same subject because I am unhappy - more importantly, the group behind the request for a new Educate Together school in Galway is most unhappy - with the response. Given that there are five primary schools under the Educate Together banner, given that there is an independent report by NUI Galway establishing the need for a school, given that the Minister's school building programme identifies Galway as an area in which a new school may be necessary in 2018 and given many other criteria, will the Minister indicate steps the Department is taking? There are 1,480 children on a list of expressions of interest for entry to the new secondary school under Educate Together patronage.

**Deputy Richard Bruton:** I will repeat some of the information, but it is important that the House knows how the system works. The Department operates 314 geographic planning areas. It looks at the school places being provided in the school planning areas and sizes up this information against the demographic pressures. Geographic information systems data are used, as is the Department's database of children coming through. With this information the Department identifies the areas in which new schools are needed at primary or post-primary level.

As the Deputy knows, this year we have 13 new schools, nine post-primary and four primary schools. They are in areas where need was responded to. We continue to keep the Galway city area under review. Galway city is an area of demographic growth. It is also an area in which certain schools experience a decline in pupil numbers. From its review of the data, the Department has found existing post-primary schools in Galway city are capable of meeting the

needs of the school planning area in the short to medium term. The 11 existing post-primary schools in Galway city include two new schools which opened in September 2013 in response to emerging demographic needs. They are Merlin College in Doughiska and Colaiste Bhaile Chláir which, between them, will provide 1,650 school places once completed. As with other school planning areas nationwide, the demographic data for the Galway city planning area are being kept under review by the Department.

**Deputy Catherine Connolly:** I thank the Minister, but I already had that information from the answer to my previous question. I stated I was moving on from it. There are five national schools under the Educate Together banner in Galway and the children concerned have no secondary school to go to. As I understand it, only one school has experienced a decrease in numbers. All of the others have a waiting list. In Baile Chláir children cannot get into the new secondary school. An independent analysis by NUI Galway shows that a new school is necessary. I repeat that the Minister's school building programme shows that it may be necessary in 2018 as there are already 1,480 children on a list of expressions of interest. The programme for Government commits to the provision of new schools and giving choices to parents and children with regard to schools of a particular ethos or none. There are Educate Together schools in Knocknacarra, Newcastle, Claregalway and Kilcolgan which is in Kilcornan, but there is no secondary school for their pupils to go to. There are schools with waiting lists and the Minister is telling me the Department's demographic studies show that a school is not necessary. Something is amiss somewhere in the analysis.

**Deputy Richard Bruton:** The data are provided. There are 11 post-primary schools with 6,168 pupils. Capacity in the area, with the inclusion of the two new schools, is 6,711, or 540 additional places over and above current enrolments. As the Deputy said, two of the schools are new. The Department does not select individual patrons. We have a patronage competition. We do not indicate whether it should be this patron or not; we have a competition. In the case of one of the schools, there was a patronage process and the other school came in before there was a patronage competition. They are both multidenominational schools under the patronage of the ETB. The two new schools are multidenominational schools. We apply the same rules in every catchment area. This is not discriminating against one or another. The data presented to me show that there are approximately 500 places available over and above current enrolments in the post-primary catchment area. Of course, when a new school is needed, it will be open to a patronage competition in which the view of the parents will prevail.

**Deputy Catherine Connolly:** Again, we are into the issue of patronage. According to the Department, there are 12 post-primary schools and 35 national schools, although I admit other documents state there are 36 national schools and 11 post-primary schools. There are waiting lists for almost all secondary schools in Galway. The statistics the Minister is using have been challenged by Educate Together which is more than willing to meet his officials to tease out the differences. Mistakes have been made on figures. That 95% of children in primary schools in a particular area will go to a secondary school in the area is not correct. Vast volumes of pupils travel from various areas to Galway city to go to school. The campaign has been ongoing since 2012 and five years on what Educate Together deserves at the very least is a meeting with departmental officials to tease out what appear to be substantial differences between the figures the Department is coming up with and those with which the group is coming up on the ground. I appeal to the Minister to facilitate a meeting as soon as possible.

**Deputy Richard Bruton:** Two new schools have been provided in the area. It is not the case that the Department is doing nothing. Two new schools have been provided.

**Deputy Catherine Connolly:** There is a waiting list.

*3 o'clock* **Deputy Richard Bruton:** As of today, the Department's data show that there are more places than current enrolments. Obviously, if the Deputy wishes to submit data, I will get the officials to examine them. What happens in many cases - I have a little experience from meeting other Deputies - is that groups will look outside the catchment area to find schools to try to form different geographic areas than those used by the Department.

I can understand why they would do that but we have to operate in a fair way across the whole country and that is the approach that is being taken. It is an established process which attempts to be fair to all who apply. If the Deputy submits data we will examine it.

## **Other Questions**

### **Apprenticeship Data**

24. **Deputy Joan Burton** asked the Minister for Education and Skills his views on the uptake in the number of apprenticeships by females; if his Department has proposals to address the issue; and if he will make a statement on the matter. [10117/17]

**Deputy Joan Burton:** Has the Minister made any progress in making places available for girls and young women to do apprenticeships? I asked him about this last year but, on the ground, very little progress is being made. As international women's day approaches, has he revised his approach to this issue to enable many young women and girls to get an apprenticeship at the end of their secondary schooling so that they can get a good job? Has any headway been made?

**(Deputy Richard Bruton):** Substantial progress is being made because we are now rolling out a whole range of new apprenticeships and we have an ambition to create 40 new apprenticeships in areas to which it will be much easier to attract women. Currently there is a tiny level of participation but 40% of the intake of the latest, the insurance practitioner apprenticeship, were female. We hope to introduce 13 new apprenticeships in the coming year and these will offer significant opportunities for women to get involved. They include areas such as accounting technician, international service specialist, international service associate and commis chef. They go right across a range of sectors, while the traditional craft apprenticeships have not attracted many women to participate.

As part of the expansion of the programme, SOLAS will introduce a new branding and marketing campaign and will focus on attracting women. There are already signs of success and there has been a dramatic turnaround in the example I gave. I share the Deputy's view on this.

**Deputy Joan Burton:** The Minister is saying the progress relates to last year and, while everything is being rolled out, nothing has actually been rolled out. Has the Minister had a chance to visit fifth year, sixth year or transition year groups in secondary schools around the country to ask the young women how many of them are interested in apprenticeships? In Austria and Germany it has been shown that, with buy-in from employers, it is quite possible to get women into craft areas traditionally dominated by men. In the previous Government I was involved

1 March 2017

in widening the range of apprenticeships available to women. At the end of an apprenticeship, someone has the possibility of not only getting a job but also of forming a small business. There is a lot of interest in apprenticeships in rural Ireland but the opportunities, for boys and girls, are extremely limited.

**Deputy Richard Bruton:** The positive news is that this year there has been an increase of 80% in the number of women in apprenticeships, albeit from a low base. Whenever I meet young women, in schools or elsewhere, I promote apprenticeship as a new stream. I set a realistic objective of 20% of young people being able to access apprenticeships or traineeships, so that we will have a strong and resilient alternative to going into higher education. It is important to win employers over to such a programme and we have a grant to support employers in the traditional trades who take on women. We will promote this grant as we rebrand apprenticeships. There is a growing demand in both traditional apprenticeships and new ones.

**Deputy Joan Burton:** We have a worrying dropout rate in colleges, particularly in certain courses in certain areas, where all qualifying applicants are being accepted. Many young people go to college, only to find out that it does not work out for them and that they would have been more successful in an apprenticeship. It sounds like it will take between five and seven years before the numbers increase in any dramatic way and before we begin to be like other countries. Next Wednesday we will celebrate international women's day and it is an enormous pity that this Government gives no priority to women and girls in the area of apprenticeships. We are not just talking about *mañana*, we are talking about years and years from now.

**Deputy Richard Bruton:** That is nonsense. We are planning to increase apprenticeships by approximately 5,000 and the first one we have put in place has seen an increase in participation by women of 40%. We will make sure that women will get a fair crack of the whip and we will promote it. We will grant aid women in traditional apprenticeships and we will deliver improvement. The Deputy suggests that there will be no progress but we have committed to 40 new apprenticeships and 13 new traineeships by 2021, in new areas where women can participate outside the higher education institutions. It will be an alternative to those young people who drop out and are not suited to higher education in the first place. The apprenticeships will be across a range of qualifications and some will be as high as level 8. We are trying to make apprenticeship a much more broad-based offering. It is simply wrong to suggest the Government is ignoring this opportunity.

### Schools Building Projects

25. **Deputy John Curran** asked the Minister for Education and Skills the issues causing a delay for a school (details supplied) to proceed to construction in 2016; the actions that can be taken to ensure this project proceeds to construction in 2017 and that the extension and renovation works are complete by September 2019; and if he will make a statement on the matter. [10124/17]

**Deputy John Curran:** Lucan community college is included in the Department's six-year construction programme. Lucan has seen a significant increase in population in recent years and the school has accommodated that increase with temporary accommodation and other things. The school is over 30 years old and is in need of urgent renovation and new extensions to accommodate the increase in population. It is currently at stage 2A and the target date for the extension and renovations to be completed is September 2018. Can the Minister update us on

the construction of the extension and on the renovations?

**(Deputy Richard Bruton):** I agree that there have been a number of delays, through no fault of anyone. The project to provide an extension to Lucan community college commenced design in June 2011. The design team reached completion of stage 1 of architectural planning in April 2013. The stage 1 report suggested that extensive refurbishment works to the existing school would also be required. My Department approved a significantly increased scope of works to incorporate those refurbishment works. The increased scope and value of the project lead to a request for a substantial increase in design team fees.

EU regulations limiting contract increases to 50% required a tender exercise for the appointment of a new design team. The ETB tendered for and appointed a new design team in October 2014. The new design team brought the project through stage 2A, which is the detailed design stage. Following the stage 2A stakeholders' meeting on 30 November 2016, the ETB and its design team were requested to submit a stage 2A addendum to address issues in the detailed design. This addendum was submitted by the ETB on 22 December 2016 and is currently under review. Once this review is complete the project will then progress to complete stage 2B which includes the application for statutory approvals and the preparation of tender documents for contractors.

Any timeframe for the further progression of the project through the tender and construction stages will necessarily be dependent on the timeframe for the ETB and its design team successfully completing stage 2B. That stage involves planning permission, disabled access and fire certificates etc.

I assure the Deputy that once stage 2B is complete my Department will do everything it can to ensure the tender and construction stages are expedited.

**Deputy John Curran:** I thank the Minister for his reply. I am familiar with the history of this matter. In April 2016, the then Minister indicated it was her intention, and the Department's intention, that at that stage this would go to construction by the end of 2016. That obviously did not happen. The concern is that the board of management, the principal, parents and teachers had been given a target date that these works were likely to be completed by September 2018. The current Minister indicated that the addendum required from the school had been submitted and was now with the Department. In light of the extended period over which this has gone on, it has been torturous for everybody involved. Very little has moved on since April 2016.

I am asking the Minister and the Department to take a proactive role to ensure this project is moved along swiftly. The parents and teachers of this school are due an opening date which should be set out.

**Deputy Richard Bruton:** As I said in the reply, the Department will do everything it can to move this along, but I cannot make commitments on the time taken to obtain planning permission, disabled access or fire certificates. Various elements can arise in either the planning or construction phase. With the best will in the world, these projects will not always go in a straight line, following an even timeframe. We must wait for that work to be completed by the responsible bodies.

I can assure the Deputy that the Department wants this project completed and will do everything it can to support that end.

1 March 2017

**Deputy John Curran:** I am not going to disagree with the Minister. I appreciate the fact that the planning process and such details take their own time. My specific concern, however, is that the project has been at stage 2A for a protracted period. I understand everything that was requested has been supplied. As the Minister said, the addendum was submitted to the Department and has been there for a period of time. They cannot go to stage 2B until the Minister moves, so the ball is in the Minister's and the Department's court.

I fully understand what the Minister said about the planning process, but we cannot even get to that stage until the Department moves. The Minister has received the addendum, he said so on the record of the House, but we need him to move so that this project can at least get from stage 2A to 2B, which is the detailed planning stage. That will give the school's teaching staff and students an opportunity for this project to be completed within a reasonable time in light of its long and extended history to date.

**Deputy Richard Bruton:** I understand that process normally takes about 13 weeks. I am sure the Department will be striving to ensure that this review is completed within that timescale and that the next stage can be triggered.

### School Enrolments

26. **Deputy Clare Daly** asked the Minister for Education and Skills his plans to deal with the immediate crisis in primary school places in the Swords area. [10114/17]

**Deputy Clare Daly:** My question concerns the Minister's plans to deal with the immediate crisis in primary school places in the Swords area. I do not use the term "crisis" lightly. The Minister will know that there are already 107 children on the waiting list for Holy Family national school in Swords. When they corresponded with the Minister they were told to apply to St. Cronan's national school. When they went there, however, they were told there were no places. This situation needs emergency action because children will be starting primary school at six years of age if this matter is not addressed immediately.

**Deputy Richard Bruton:** Yes, I can understand the Deputy's concern. The Department has assessed the situation and according to its estimate there are 750 infant places in the area, which should be enough to meet demand. As the Deputy says, however, at this point some schools are over-subscribed and others believe they will be under-subscribed when they have the full returns by 1 March. That is the date by which the returns will become clearer.

In recent years there have been additional streams of junior infants in Holywell Educate Together and Scoil Náisiúnta Cholmcille boys and girls. The Department's view is that there are enough places, but my officials are closely monitoring the situation in Swords. We cannot guarantee that everyone will get the school they would prefer, which is a feature of the planning process. New schools or new school places are only provided where existing places are insufficient to meet the numbers. The Department is paying close attention to this matter. Enrolment figures will become clearer as and from today.

**Deputy Clare Daly:** I think it is fair to say that the information the Minister has is probably incorrect. His departmental officials wrote to parents and told them that currently there were places in St. Cronan's national school. When the parents applied, however, they were told they were outside the catchment area and that there were already 45 children on the waiting list in

that area.

The Minister mentioned Holywell Educate Together school, which already has lengthy waiting lists. The Minister tells us that the final numbers will be known by the end of this month. If it becomes apparent at that stage, as I believe it will, that there are insufficient places to accommodate the children, what special measures is the Minister prepared to invoke?

I hear what he is saying about children not getting a place in the school of their choice. However, it is a real problem when we have 27 children who, if they are not accommodated this September, will be almost six when they start school. Half of those children have siblings in Holy Family National School. It is not practical for families to have to bring siblings to separate schools. Is the Minister considering putting an extra class in there, or extra class sizes to accommodate at least those children who will be starting school at six years of age if the places do not come through in September?

**An Leas-Cheann Comhairle:** Deputy Louise O'Reilly has a similar question, No. 39, so perhaps the Minister can combine them. I will then allow a final supplementary question from Deputy Clare Daly.

**Deputy Louise O'Reilly:** I raised this matter with the Minister two weeks ago. The problem for these parents is very real. It is not good enough for the Minister to say that he or his officials believe that somehow the capacity exists, when it does not. These parents are ringing the schools every day and asking for places because they are absolutely desperate. We need to know what measures the Minister is going to put in place.

Clearly there is an issue. There are 107 kids who do not have a school to go to. This year in Holy Family national school three of the six classes will be taken up by children who were on the waiting list from last year. The crèches are already full, so people cannot put their children back there. Given the traffic in Swords, it is not feasible to have siblings in separate schools. We need to hear from the Minister what he is going to do for these parents. They are absolutely desperate at this stage and cannot wait any longer.

**Deputy Richard Bruton:** The Department's point, which is a fair one, is that until one has acceptances the position is unclear. I take Deputy Daly's point that people may be on a list who are within the admissions policy, while someone else cannot join or is in an inferior position. However, if those children at the higher position do not accept the places, they will then become available. That is why we will not really have clarity until the acceptances start to come through. That is because people will be in a lower category until those acceptances are clear. In addition, some children are on waiting lists for more than one school.

My Department is alert to the concerns of parents in this area. It is happening in other areas also and is a feature that occurs at this time when there is natural anxiety about getting into preferred schools or any school that is local and easily accessible.

I can assure the Deputies that the Department will continue to monitor this matter closely. I hope the information will become clearer when acceptances start to come through. The Department's case, that the 760 places are adequate to meet the needs, will also become clearer.

**Deputy Clare Daly:** Can the Minister give a timeframe for that? If he is saying it is the end of March, then let us make it the end of March, but deliver on it because it is causing enormous disquiet. I know a young woman in my area whose daughter will be almost six if she does not

1 March 2017

get a place this year. That young woman was ready to go back to work. She has no child care placement for her child this year and therefore will be unable to return to work due to this situation.

Other people who already have children in Holy Family national school are not even guaranteed a place in a different part of Swords. Even if they were, however, the logistics of manoeuvring that would be difficult. We are dealing with people who have been linked to those schools intergenerationally. There is a crisis. The figures, which the parents have done with the schools, would show that it is not going to come good in the end. In the event that it does not, and the Minister's information is not accurate, is he prepared to sanction, for example, a seventh class in Holy Family, which would alleviate some of the pressure for the older children? Is he prepared to increase the pupil-teacher ratio to, for example, 30 to get us over this glitch? What other immediate solutions can be found for this crisis? Does the Minister have a date for when we could get some of those decisions?

**Deputy Richard Bruton:** The Department will have to examine all the options at that point to see how best to respond to the needs in the area. I cannot give an indication at this stage as to what the response could be. It is not that the Department needs to be told, but I will convey the anxiety of the Deputies, which I am sure reflects the anxiety of parents for their children, and I will see if we can address this. As I said, the information is only becoming clear now. It will become clearer over the coming weeks and the Department will then be in a position to work with schools, which would obviously have to accommodate any adaptation offered.

**Deputy Clare Daly:** Does the Minister have a date for that?

**Deputy Richard Bruton:** I do not have a date. Some schools have set an offer date of 1 March but not every school would necessarily apply that date, so I do not have information as to whether we will have adequate data at that point.

**Deputy Clare Daly:** Will the Minister come back to us on that?

**Deputy Louise O'Reilly:** Will the Minister come back to us with a date?

**Deputy Richard Bruton:** I will seek to come back to all the Deputies in the area, to be fair to everyone who is not here, to see if we can respond to that.

*Question No. 27 replied to with Written Answers.*

### **Disadvantaged Status**

28. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills the criteria used to allocate DEIS 1 and DEIS 2 status respectively; his views on whether the current criteria may not have been helpful to schools in Dublin Bay North and other constituencies; and if he will make a statement on the matter. [10331/17]

**Deputy Thomas P. Broughan:** I know the Minister replied to questions on DEIS earlier but there are a number of concerns in our constituency, in particular in respect of St. David's boys national school in Artane and St. Joseph's in Fairview. There is much confusion around the criteria. I heard the Leas-Cheann Comhairle raise questions about the index used to establish what areas are eligible for DEIS and which would be DEIS 1 and DEIS 2. Will the Minister

address that now if possible?

**Deputy Richard Bruton:** I am sure the Deputy heard the responses to the other questions. We have identified 79 schools and brought them in for the first time. These were the most disadvantaged schools that were completely outside DEIS. A further 30 schools which were within it at urban band two were identified and uplifted to urban band one. The Deputy will acknowledge that three of those schools are in his own area. One of those at post-primary is also in the Deputy's area. Four of the schools are in the constituency. That is probably better than average.

In terms of the way this is done, we have tried to move away from the old system, where data was randomly collected by principals. They looked at things like medical cards and random information was collected. Some schools did not apply at all. Some schools had very bad data and were left out. We are sourcing incontrovertible data from the CSO. We are using the children enrolled in the school to track back to the profile of the small areas from which they come. These would be areas of approximately 50 houses, typically a street. That is the way it is done. It is being applied evenly.

I recognise that it has to be refined but it is a very good first stab at something objective. We are letting 79 through, and uplifting 30, and we will look at this process again. This model has the advantage that we can track a school and changes in its demographic and social need profile. That allows us to try to be responsive to schools whose profile is changing.

**Deputy Thomas P. Broughan:** I thank the Minister, but there still seems to be glaring inconsistencies. I mentioned two of the schools in our constituency, St. Joseph's and St. David's. In the case of St. Joseph's, there would be children coming from the adjoining areas of Dublin Central where clearly the model, or the index, would seem to indicate that school should be eligible for DEIS 1. Likewise, in the case of St. David's, where the adjoining school is a DEIS school, it seems to have been excluded. There does seem to be inconsistency. I know the Minister launched a programme in Darndale, in our constituency. There is a long tradition, as he will know, of major programmes being launched in that particular parish going back over 20 years. It was welcome, obviously, that Ardscoil La Salle, Scoil Chaitríona and so on were included, but there seems to be some major inconsistencies.

Is the Minister still hindered by the lack of funding? Although he announced an additional €5 million, looking back to the 2015 figure, it has still not been equalled. We still seem to have less money being spent on DEIS than was spent in 2015.

**Deputy Richard Bruton:** To reassure the Deputy, it is not the catchment of the school. It is the individual children and from where they are drawn. A school could be in one catchment area but drawing its children from a different one. That will be picked up. It looks at the individual child and sources back to the street on which the child lives. That is the model used. It is being applied fairly. There is no question of unfair treatment. A school can seek a review. It picked up, as I said, three schools in our area, and 30 nationwide, to be uplifted. They were at the highest level of disadvantage and they were not being recognised in that category.

In terms of resources, €15 million in a full year is going into this. It is worth recalling also that I am putting €54 million into upgrading resource teaching, with 900 extra teachers. They will be going to schools where there is the highest level of learning need. We are not just approaching this through the DEIS model, but also through the resource teaching model. The

1 March 2017

objective that I am setting is to get to the child with the greatest need through both models. I am also trying to pilot new approaches. In the case of schools like the one in Darndale, which we visited and which is doing really interesting things, clusters have been built for the improved teaching of children. That sort of cluster building will be encouraged and good practice will be shared. We are trying to do much broader things than just listing the school number.

**Deputy Thomas P. Broughan:** I welcome that. Clearly we have seen additional resources directed at the lowest socioeconomic areas in terms of income and resources. We have had some benefits with people staying in second level and then going on to third level, but there are some areas where third level access is still very poor because the children do not get a good enough start.

Is the Minister going to continue with the Haase-Pratschke index of deprivation? He said he might be reviewing its use down to September. The Leas-Cheann Comhairle raised issues in respect of County Donegal. Other Deputies also raised issues as did I in respect of my area but is it possible, therefore, that the Minister would be able to add to the list during the summer? I believe we are up to some 830 or so schools at the moment nationwide. Anomalies can be picked up on, such as in the case of St. David's boys' national school and the boys' school in Fairview. They should definitely be included because the current criteria have unfairly omitted them.

**Deputy Richard Bruton:** I wish to acknowledge that there has been very good improvement. The progression rate in disadvantaged schools at second level was 68% and there was a 32% drop out rate. That has gone down to 17%. We want to bring that down to 10%, which is our objective under this plan. On the issue of the level of inclusion, at the moment about 19% of pupils in total are in the various disadvantaged area programmes. What we need to do over the long term is to make sure that resources in this area have an impact. We need to refine the model. That does not mean we should abandon that index approach but perhaps we will add new elements to it if that is deemed necessary.

I do not think anyone could doubt that the 79 schools, which are at the highest level of disadvantage on this measure, were entitled to be brought in as a first step. We will look at subsequent steps and we will try to refine and improve the interventions within the school as well as designations. We will try to achieve a more dynamic model. Hopefully, we will see schools progressing out of DEIS status as well as schools coming in.

*Questions Nos. 29 and 30 replied to with Written Answers.*

### **Junior Cycle Reform**

32. **Deputy Bríd Smith** asked the Minister for Education and Skills his views on whether the relegation of history as a distinct subject at junior cycle level will aid the success of his action plan for education; and if he will make a statement on the matter. [10460/17]

**Deputy Bríd Smith:** I would like to ask the Minister about the relegation of history as a distinct subject in the junior certificate cycle, and if he thinks it will help his action plan in education. The relegation of history is not being warmly welcomed by historians or teachers. There is much doubt about what he is attempting to do. I would like the Minister to comment on his plans and children's futures in terms of giving them an advantage by learning history

through different means.

**Deputy Richard Bruton:** This will be a significant improvement. There is already a 90% take-up of history at junior cycle level. The current curriculum is massively overcrowded and terribly text based. It is about memory retention for an exam, rather than what Deputy Bríd Smith or I would regard as the sort of skill and experience of history we ought to be encouraging. Inspectors have shown that many children doing exam papers do not exhibit the sort of skill level one would hope history would provide. The new curriculum will encourage students to use alternative sources for finding out about history and to develop local projects. For example, they could examine the development of TB in Dublin. It will try to give them critical skills such as appraising what history was about in terms of what happened at a particular time. That is a fitting approach to take.

I agree that some people have expressed concern that we would see a drop off in the take-up but I am confident that is not the case. As I said, the uptake is currently 90%, which is higher than compulsory Irish. It is only compulsory in 52% of schools. There is a major welcome for the subject. It is number five in the subject rankings and ten subjects will be chosen. There will be a stand-alone 200 hours for history and on every front, this will be an improvement. It will encourage continuity in terms of how history is treated in primary school and how it will be dealt with at senior cycle. I am very positive about the new curriculum that will evolve.

**Deputy Bríd Smith:** I would like to take issue with what the Minister has just said. Britain is reinstating history as a separate subject and one that is mandatory because it has learned from its recent history that it is not serving the purpose it set out to serve. Somebody famously said those who do not learn from history are condemned to repeat it. If one takes that statement as having any meaning, it might actually be to the detriment of children currently in schools.

Diarmaid Ferriter, a noted historian, stated:

History and geography are no longer to be compulsory subjects; instead, history is allowed to under a statement of learning, to the effect that a student would value “local, national and international heritage, understand the importance of the relationship between past and current events” ... [and] by means of an optional “short course” or “learning experience” could [fulfil] a range of other subjects, including Chinese or religious education.

There is definitely a problem with having a loaded curriculum that is not engaging young people in self-activity and self-discovery because that is the joy of learning. It strikes me that the Minister is throwing the baby out with the bath water, rather than treating history with the centrality it deserves in our lives in order that young people and all of us can learn from our collective past.

**Deputy Richard Bruton:** I do not agree with the Deputy that this should be about compulsion. At present, 90% of students study history at junior cycle and it is not a good curriculum or the sort of curriculum one would want to see taught. We are making history a stand-alone subject, but with history and geography together. It will be a much better curriculum.

What the Deputy read out is what every students should have in terms of their appreciation of history. History will be one of ten subjects available to be chosen. It is currently fifth in terms of subject ratings and has a 90% take-up rate. Other subjects are trailing in its wake, right down to that in 18th place, which has a take-up rate of just 19%. I do not think there is any fear for history in terms of the interest of young people in it. If we develop a curriculum

1 March 2017

that engages them in a much more exciting way and sparks a flame and love for history, we will have done something much better than try to tell students that something is compulsory.

**Deputy Bríd Smith:** I do not think it was compulsory. Rather, it was mandatory.

**Deputy Richard Bruton:** Some 52% of schools have such a requirement.

**Deputy Bríd Smith:** That is not the whole story. There is a trend in the modern world to downgrade arts subjects, which is true in colleges. Education is being geared at third level, something which is probably seeping down to second level, towards providing industry with the sort of workers that it needs rather than developing the intellectual capacity of human beings regardless of their age or level of understanding of the world around them.

This goes to the heart of the worries the ASTI has about the junior cycle curriculum. Its members are being asked to accept what is being shoved down their throats by the Lansdowne Road agreement, even though as a group of workers they rejected it. They are now being threatened with redundancy for taking a stance in defence of education, among other things, because they do not believe that they should correct their students' papers. They also have issues with things like the downgrading of history and the arts in general. On the one hand, the response is to say we are relaxing the rules around the teaching of history but on the other, we are taking a big stick, beating the teachers and possibly making them redundant if they do not agree with the policy.

**Deputy Richard Bruton:** Any fair assessment of the junior cycle would show that it is doing exactly the opposite of what the Deputy is describing. It is trying to broaden the range of capacity that is encouraged within our schools. The junior cycle achievement will examine projects and short courses that have been completed. It will cover a broader range of things than a two-hour exam at the end of the cycle could ever test. Concentrating on a two-hour exam has excessively narrowed our examination system and has resulted in the sort of notes and text-book approach to history. Having a wider approach allows a broader range of competencies to be developed, to which the Deputy referred.

The Deputy is wrong in her assessment of the junior cycle. It is working well in TUI schools, where there is great excitement among pupils and teachers about what it is bringing to schools. That will be shown to be the case. The thinking behind the new curriculum has been developed over a long period by people who are much more knowledgeable than I am. I am convinced that it is the right direction in which to go.

**Deputy Bríd Smith:** Teachers do not want to-----

**Deputy Richard Bruton:** Before the Deputy leaves the Chamber, I wish to clarify that teachers do not have to assess their pupils under the revised arrangements.

### **Pupil-Teacher Ratio**

33. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he and his Department continue to address the issue of class sizes and temporary school structures throughout County Kildare and nationwide in respect of primary and post-primary schools; the extent to which he expects class sizes and pupil-teacher ratios to improve, arising from the capital programme while at the same time meeting ongoing demographic challenges;

and if he will make a statement on the matter. [10417/17]

**Deputy Bernard J. Durkan:** My question relates to the extent to which the Minister and his Department can deal with the overcrowding, class sizes and pupil-teacher ratios, while at the same time meeting the challenges of ongoing demographic factors in Kildare and throughout the country.

**Deputy Richard Bruton:** As the Deputy will be aware, my Department consistently monitors demographics to identify where additional school places will be required. The six-year programme has building projects for these areas, including Kildare, where 29 major capital projects are being progressed in addition to more than 50 smaller-scale projects that have been approved for devolved funding under my Department's additional accommodation scheme. My Department has provided me with the details of these projects which I am making available to the Deputy.

Over the lifetime of my Department's capital programme, it is also my intention to replace all purchased temporary accommodation with permanent accommodation where the need is established. To enable this development, my Department will carry out an assessment of the number of prefabs being used in schools to deliver the curriculum. This will also determine whether individual prefabs need to be replaced in the context of the long-term accommodation needs of each individual school. When completed, this assessment will quantify the number of prefabs to be replaced.

Budget 2016 provided for some 2,260 additional teaching posts in our primary and post-primary schools for this year and 2,400 will be provided for next year. These posts will provide an improvement in the pupil and staff ratio at primary level. They will improve leadership and guidance services will be restored.

**Deputy Bernard J. Durkan:** I thank the Minister for his comprehensive reply. I wish to know the extent to which he expects to be in a position to accommodate the needs of pupils with special needs in schools during the course of the period in question and to what extent he expects to see an improvement in the pupil-teacher ratio in line with the reply he has provided.

**Deputy Richard Bruton:** The number of children in ASD classes has increased by 100% in the past five years. We have increased the number from 500 to over 1,000. We have increased the number of resource teachers who are focused on the needs of children with learning difficulties and special needs by 41%. There is a significant investment in this area. This year we are introducing a new model for the allocation of resource teaching, which will be fairer, will give schools more autonomy and will not require very expensive diagnostic tests to be provided. I am confident we will see steady improvement, although it is obviously conditional on the economy continuing to perform and resources becoming available.

### **Special Educational Needs Service Provision**

34. **Deputy Martin Heydon** asked the Minister for Education and Skills the status of the provision of autism spectrum disorder, ASD, units at both primary and post-primary level in County Kildare; and if he will make a statement on the matter. [10452/17]

**Deputy Martin Heydon:** My question relates to the status of the provision of ASD units

1 March 2017

at both primary and post-primary level in County Kildare, in particular in my constituency of Kildare South. As the Minister will be aware, the provision of ASD units is of crucial benefit for parents of children on the autism spectrum or with special needs of some type whose place is in mainstream schools, but we have a deficit in some areas. My particular concern is the deficit as children head into second level education because we have far more units at primary level than we do at secondary level.

**Deputy Richard Bruton:** Deputy Heydon will be aware that the National Council for Special Education, NCSE, is responsible for organising and planning provision for children with special educational needs, including the establishment of special classes in mainstream primary and post-primary schools. Special classes offer a supportive learning environment to students with ASD who are unable to access the curriculum in a mainstream class, even with support, for most or all of their school day. Special classes are for students who have a recommendation for a special class placement in their professional reports.

The NCSE continues to engage with schools in opening special classes where there is an identified need for special class provision.

Progress in developing the network of special classes has been significant and there are currently 1,153 special classes available, of which 889 are ASD special classes. As I noted to Deputy Durkan, this represents an increase of more than 100% since 2011.

With regard to Kildare in particular, there are 942 students with ASD attending schools in the county. Of these, 520 students attend mainstream schools and are accessing in-school supports including resource teachers and SNA support in the mainstream class. A total of 322 students are attending 59 ASD special classes, including six early intervention classes, 41 primary ASD classes and 12 post-primary ASD classes. A further 100 students with ASD are placed in four special schools. The number of ASD classes has increased in the area by 24% since the 2013-2014 school year.

My Department's building unit has advised that special needs units are currently under construction at three schools in County Kildare. In addition, major building projects for a number of schools in Kildare are included in the Department's six-year construction plan and special needs units will be included in these developments.

The NCSE has indicated that it is currently satisfied there will be sufficient ASD special class placements available to meet demand in the region for the forthcoming school year.

**Deputy Martin Heydon:** I thank the Minister for his response. There are a few different elements to the question. We have a number of special schools in our area where the pupils start at the four years of age and continue there all the way through to the age of 18 years. When someone is in an ASD unit in a different primary school and looking to access that special school at the age of 12 years or 13 years, there seems to be a deficiency in the number of spaces. This issue has been raised directly with me by parents with children who have not been able to acquire spaces in those schools. I welcome what the Minister said about increased provision in the future and I presume that the proposed extensions of Cross & Passion College in Kildaleny, Patrician Secondary School in Newbridge and Athy Community College will see increased provision for those with special educational needs and for ASD units. However, it is still the sense on the ground in Kildare South that we have children in ASD units in primary school but the corresponding spaces may not be there at secondary level. This is a cause of huge concern

for parents.

**Deputy Richard Bruton:** There is a long list of schools on the construction programme that will have special needs units, including the schools in Kilcullen and Athy. I will provide the list to the Deputy. I will bring the point he makes regarding 12 year olds and 13 year olds accessing special schools to the attention of the NCSE to see if it is a particular pinch point, if one likes, for parents. We have dramatically increased the resources in this area and are trying to ensure we accommodate children in the best environment for them to progress, which is why there is the mix I described. I will alert the NCSE to the particular issue Deputy Heydon raised.

**Deputy Martin Heydon:** On the broader point, will the Minister outline the process? Does a school need to offer to take an ASD unit or can the NCSE and the Department of Education and Skills go to the school and say that it is necessary? Where does the ultimate decision lie? To refer specifically to the points I raised earlier, there is a sense that there is a deficiency at secondary level in the greater Newbridge area and I ask the Minister to raise that issue specifically with the NCSE.

**Deputy Richard Bruton:** This issue has been raised across the House. We are taking a power in the Education (Admission to Schools) Bill to designate a school to take a child with special educational needs but we are not taking a power, if one likes, to require a school to provide an ASD unit. At least, we are not doing that legislatively. The reason we have not done it legislatively to date is that we have not had a difficulty in getting schools to take it up. As I stated, we have more than doubled the number of schools with ASD classes and we invest to match a school's willingness to provide such a unit. To date we have not experienced the need for a compulsion in that area. I know that many Deputies feel there should be and we will listen to those arguments. However, I think there is also a feeling that this should be done in partnership and that compelling a school to do something like this is not the ideal way to go. As the Education (Admission to Schools) Bill progresses, we will need to provide evidence to Deputies to reassure them on this point. I know many Deputies, including Deputy Thomas Byrne, are concerned about the issue.

### **Schools Building Projects Status**

31. **Deputy Brian Stanley** asked the Minister for Education and Skills the timeframe for the construction of the new boys' and girls' primary school in Monasterevin. [10327/17]

**An Leas-Cheann Comhairle:** I ask the Minister to deal with Question No. 31, which has a very short answer. We have only three minutes remaining, so I will allow one supplementary question but no introduction.

**Deputy Richard Bruton:** What is the question about?

**An Leas-Cheann Comhairle:** It is about a school in Monasterevin.

**Deputy Richard Bruton:** The building project for the Monasterevin primary school project is included on my Department's current six-year construction programme. The project is listed therein to commence construction in 2017.

The project was authorised to commence stage 2(b) of architectural planning on 30 June 2016. This stage includes the applications for planning permission, a fire certificate and a dis-

1 March 2017

ability access certificate and the preparation of tender documents. The design team is currently working on the applications for these statutory approvals.

When all the relevant statutory approvals have been obtained the design team will submit the stage 2(b) report to my Department for review and when that review is complete the Department will contact the board of management with regard to the further progression of the project to tender and construction stages.

**Deputy Brian Stanley:** I welcome the Minister's reply to the question. From the point of view of the school and the local community, there cannot be any delays after this goes to planning permission. Monasterevin is in dire need of a new primary school. The accommodation at St. Peter's school and at the girls' St. Evin's school is chronic. I was in St. Evin's school and it is impossible to heat. It has a felt roof with chipboard under it. I have a garden shed at home that is built to nearly a better standard. The school is in a 50 year old building. We cannot have any more delays with this project. Monasterevin has suffered years of neglect. I welcome the fact that St. Paul's secondary school is proceeding apace, but the school following the amalgamation of St. Peter's school and St. Evin's school is listed to go to construction this year. We want to ensure that this happens. Will the Minister raise it with his officials to ensure that it is made a real priority? It is hard to understand the situation because there have been decades of false promises and delays.

**Deputy Richard Bruton:** There have been some delays in the planning process which I would say are beyond the control of the Department or the school. There were some delays and traffic management issues that had to be overcome but the council no doubt feels it has to deal with these planning issues. Feedback from the council last month was positive and it appears that things are proceeding apace at this stage. I understand a planning application will be lodged within weeks.

**Deputy Brian Stanley:** I understand most of the outstanding issues have been resolved. I hope, therefore, it will be possible to get builders on site and have the works commence this year.

**Deputy Richard Bruton:** Securing planning permission and fire and disability access certificates is not within the control of the Department. These matters will have to be addressed before a stage 2B submission is made and the Department must be satisfied with the detailed submission at that point.

*Written Answers are published on the Oireachtas website.*

## **Topical Issue Debate**

### **Rape Crisis Network Funding**

**Deputy Catherine Murphy:** The Rape Crisis Network Ireland, RCNI, represents 11 of the 16 rape crisis centres. Funding for the network was withdrawn in 2015 because Tusla wanted to take direct control of the data collected by the centres. This potentially includes significant personal data associated with rape survivors. Tusla has essentially made funding dependent on the rape crisis centres sharing the data of rape survivors who present to them. The agency has

since entered into individual service level agreements with each centre in which it tied funding into the provision of data. Furthermore, the centres must compel consent from rape victims, which is ironic in the most horrific way.

There are serious concerns that the information used to generate statistics could inadvertently reveal the identities of rape survivors. These concerns are genuinely held by the rape crisis centres and many survivors who are fearful of identifying themselves to the rape crisis centres, not to mention Tusla. It is important to note that the same contracts that are being forced on rape crisis centres are also being forced on domestic abuse centres and similar organisations, although these are probably fewer in number. It is understandable that the centres are worried about highlighting this new requirement for data sharing as they fear it may scare victims away from using their services. However, this fear must be weighted against their desire to make people fully aware of how their data may be used. Given that this information is highly sensitive and personal, concerns about how it is used are legitimate.

A European Union directive on victims specifically states that victims of sex crime must be afforded an independent non-state option for assistance and contact. Tusla is trying to circumvent this requirement through its contracts. Writing recently in *The Irish Times*, the executive director of the Rape Crisis Network Ireland pointed out that while the State had a duty of care to survivors, “critically, the State itself at times presents risks to survivors - a principle acknowledged in EU laws on victims’ rights”. This appears to have been totally ignored with the introduction of these new contracts by Tusla.

The RCNI seeks the restoration of its funding, as I do, in order that it can continue to use the database it developed for this specific purpose more than a decade ago. The database has been recognised by the European Institute for Gender Equality as a model of best practice in data collection and protection. Given recent grave revelations regarding how data were treated in Tusla, it is understandable that people will be reluctant to provide such sensitive data to Tusla and trust in the organisation will need to be rebuilt.

Serious question marks arise regarding the reason Tusla is seeking this data and the Rape Crisis Network Ireland has not been satisfied with the reasons given thus far. The entire process has been fraught and certain aspects of it have been difficult to believe. I had to double check when I learned that Tusla had used the SurveyMonkey tool to collect some of the data from rape crisis centres.

Notes of an internal meeting released in response to a freedom of information request reveal that when asked if it should consult the Data Protection Commissioner regarding its new regime, Tusla’s response was “that there was not necessarily advantage in making contact with the Data Commissioner as it would largely depend on the view of whoever responded and that there may not be a black and white view on all aspects of the query”. In other words, Tusla decided not to ask because it might not like the answer. This is a worrying development.

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I thank Deputy Catherine Murphy for raising this issue. She and I both support the work carried out by rape crisis centres nationwide. I am very pleased that this year an additional €1.5 million will be allocated to domestic, sexual and gender based violence services. In my instructions to Tusla for its 2017 business plan, I highlighted these services as a priority for me and the Government. This brings funding for 2017 to €22.1 million. This funding is much needed and a step in the right direction following cuts to these vital services in recent years.

1 March 2017

Tusla, the Child and Family Agency, has statutory responsibility for the care and protection of victims of domestic, sexual and gender based violence, whether in the context of the family or otherwise. In this context, it allocates funding to 16 rape crisis centres, which are part of a network of 60 organisations providing services and includes 20 services providing emergency refuge accommodation to women and children and 24 community based domestic violence services.

It is my job as Minister and Tusla's job as the agency responsible to ensure that limited resources are targeted in order that vulnerable people who find themselves in desperate circumstances get the support they need. We cannot do this without data and information about where and what the need is and what services are available to address this need. Public money is being used to support citizens and we have a duty to members of the public and an obligation to those in need to ensure, in as far as it is possible, we meet those needs.

Tusla is developing its information capacity to do this and working with the organisations which support people in crisis to help us to get the right information to improve our services. All organisations need to count the same thing. We will only provide the right services to the right people in the right place at the right time if we have standard data gathering and reporting mechanisms. We need better quality data. In addition, Tusla requires all funded organisations to be compliant with data protection legislation and obtain the necessary consent from service users and others.

Deputy Murphy raised a question concerning the Rape Crisis Network Ireland, RCNI. As has been previously outlined in the House, Tusla made a decision not to renew funding to the RCNI in 2015. The agency was concerned that the RCNI database was not representative of all rape crisis centres and did not collect all of the data required by Tusla. This is a matter for the parties involved.

In 2016, Tusla established a project to address its data and information needs in respect of these services. The goal is to improve the data and knowledge systems. This will result in evidence based services being provided and will enable Tusla to meet national reporting obligations and forthcoming international obligations.

Tusla is very aware of the importance of striking the right balance between the rights of individuals to privacy and the ability of organisations to use data for the purpose of improving their services. It is important to highlight that Tusla only gathers aggregated data from funded services and does not require provision of personal data. I am sensitive to the concerns raised by the Deputy and other organisations and I have asked Tusla for further reassurance relating to concerns about anonymity.

My interest and energy are centred on maintaining a focus on the provision of services to the individuals and families who need them. Tusla is also planning for next year and the year after. We need to get it right for those who, unfortunately, will need these services in 2018 and thereafter. I will continue to prioritise the development and improvement of services to victims of domestic and sexual abuse. I am open to suggestions from Deputy Catherine Murphy who has been committed to the improvement of these services for many years.

**Deputy Catherine Murphy:** The Minister and I both know how difficult it is for a person to present to a rape crisis centre. Very often, a survivor of abuse will be unwilling to provide information and will need time to get to know and trust the person who will provide counselling

and assistance.

Where information is an upfront requirement such that it ensures somebody feels they have to turn and walk away from the service, the question must be asked whether the collection of data supersedes in importance the work the Rape Crisis Network is doing. As I  
*4 o'clock* said, the information gathering and database collection and protection system of the Rape Crisis Network is highly regarded at European level as best practice. In terms of some of the material I read relating to data protection legislation and Tusla's involvement here, the rape crisis centres have total responsibility. Even if Tusla has a data breach, it can fall back on rape crisis centres. I can provide the Minister with the legislation and material that highlights that.

I have no problem with the provision of high level information but far more than high level information is being sought. The rape crisis centres are compelling victims to provide information because if they do not do so they will lose the funding for their services.

**Deputy Katherine Zappone:** The Deputy has raised a couple of key points, which it is important for me to reflect on and consider. The Deputy referred to the centres compelling data from people who are already in a traumatic situation and are victims of some form of violence. I understand what she is saying. This would have to be done very sensitively, in a way that does not scare people and assures them that the data they provide will be safely held by the provider. We need to have this data available to Government and other agencies such as Tusla in order to find ways to improve services for those same people. In my experience of working and getting to know some of the people who work in this context I know how sensitive they are in terms of the collection of that data. The concern is that this information is protected appropriately, especially as it is passed on to an agency collecting it from a national perspective. I take on board what the Deputy is saying.

In regard to the Deputy's question on whether there is a legislative basis for the collection of data, under the Istanbul convention and the EU victims' directive, which the Deputy identified, parties and member states are obliged to collect data for reporting purposes, again on the basis not only of improving services but ultimately to ensure we provide what is required for those people who seek to avail of these services.

### **Medicinal Products Reimbursement**

**Deputy John Brassil:** As the Minister of State, Deputy Catherine Byrne, will be aware there is great anguish and concern about the availability of the drug, Respreeza, for the treatment of Alpha-1 antitrypsin deficiency, which is a genetic lung disorder affecting approximately 350 people in Ireland. The drug Respreeza is suitable for treatment for approximately 40 more patients than the 21 currently in receipt of it on a compassionate ground. As campaigners, we welcome that the company has made the drug available for a further two months, in March and April, but this means that late next month we will be again faced with a deadline set to expire, leaving patients facing the same anguish. This matter must be resolved. We are also concerned to learn that price is not the only reason for the non-reimbursement of Respreeza. It is claimed that Professor Barry from the National Centre of Pharmacoeconomics, the NCPE, believes that Respreeza does not work. Professor Gerry McElvaney has been doing research in the US on Alpha-1 antitrypsin deficiency since the early 1980s. He has continued that research here since then. He is the leading authority here and one of the top experts in Europe on Alpha-1. He has

1 March 2017

set up a research centre and done all of the work for the clinical trials. He also worked very hard on the purified protein that was used but all of this work appears to have been dismissed and disregarded by someone who has not even looked at the positive results of the 21 people who are being treated with Respreeza.

The United States Food and Drug Administration and the EU have not only approved Respreeza, the EU is reimbursing it for patients. It defies logic that Respreeza works everywhere else in the world but not in Ireland, apparently. We know from the clinical trial conducted in Ireland and in over 12 other countries that Respreeza has been life-changing for Alpha-1 patients. Not only has it been conclusively shown significantly to slow down the progression of the disease by 34% and, therefore, increase life expectancy, we know from research of patients in Ireland in receipt of it that it has made a huge difference in their daily lives. Irish people on Respreeza strongly believe that the drug has stabilised their condition, with almost 84% reporting an improvement in general symptoms. This was supported by a reduction in the frequency and severity of chest infections and associated hospital admissions. Chest infections per annum dropped by 68% while hospitalisations as a result of chest infection decreased by 69% per annum. People also reported improvements in their ability to work and to lead an active and fulfilled family and social life.

This form of therapy is already available for patients in eight European countries, including Portugal, Italy and Spain and in the United States. When will it be available for patients in Ireland?

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I am taking this issue on behalf of the Minister for Health, Deputy Harris, who sends his apologies for not being here. I thank Deputy Brassil for raising the issue.

The HSE has statutory responsibility for decisions on pricing and reimbursement of medicines under the community drug schemes in accordance with the provisions of the Health (Pricing and Supply of Medical Goods) Act 2013. In reaching its decision, the HSE examines all of the evidence which may be relevant in its view to the decision, including the dossier submitted by the company. The HSE will take into account such expert opinions and recommendations which may have been sought by it at its sole discretion, for example, from the National Centre for Pharmacoeconomics, the NCPE. Under section 19(4) of the Act, the HSE is prohibited from making a decision to reimburse a medicine “except in accordance with the criteria specified in Schedule 3” of the 2013 Act. In the interest of time, I do not propose to read out the statutory criteria.

In line with the statutory assessment process the HSE has confirmed it has received a request from the manufacturer of Respreeza for maintenance treatment of emphysema in adults. The NCPE, following a health technology assessment, determined that the manufacturer failed to demonstrate cost-effectiveness of the drug at the price submitted and did not recommend it for reimbursement. Respreeza was also considered by the HSE drugs group and it did not make a recommendation for reimbursement. The HSE considers the NCPE assessment, the drugs group recommendation and other expert advice as part of its decision-making process. The HSE leadership team has accepted the drugs group recommendation. In line with the 2013 Act, the HSE is required to provide formal written notice of its proposed decision to the company. Following receipt of the notice, the company may make further representations to the HSE if it so wishes and the latter will consider any such representations in advance of a formal decision. As the statutory process is still ongoing, the company will have the opportunity to have further

discussions with the HSE.

I note the decision by the manufacturer, CSL Behring, to extend the compassionate access scheme by a further two months. It is important to point out that the operation of such schemes is at the discretion of manufacturers. However, the Minister, Deputy Harris, has previously stated that any attempt by manufacturers to link continued access for patients already being treated with a new medicine with decisions under the statutory reimbursement process is both inappropriate and unethical. Manufacturers should operate such schemes in a compassionate manner and not on the basis of commercial motivation. There should be no link between compassionate use schemes and reimbursement decisions, and manufacturers should be upfront with patients and clinicians from the outset.

**Deputy John Brassil:** I can only express my extreme disappointment at the weakness of the Minister of State's reply. The only aspect I welcome is the news that the HSE has agreed to re-engage with CSL Behring to seek to find a resolution. It is clear from what we have heard today that the Minister and the HSE accept the NCPE claim that the drug does not provide value for money and is not effective. However, every other source of information, including recognised experts such as Professor McElvaney, have found to the contrary. There seems to be a disconnect in terms of how the NCPE assesses drugs. We had the same situation with Orkambi and it is difficult to understand. There may be a broader discussion to be had as to how we reimburse high-tech drugs in general. Consideration might be given, for example, to funding research on the basis that any breakthrough drugs would be subsequently provided at a low cost base. However, that is a discussion for another day.

We are talking in this instance about 21 people who are being denied the lifestyle to which they, like everybody else, are entitled. The company is taking a humanitarian approach by making the drug available for a further period. I reject any suggestion its actions are being done on some sort of lobbying basis. The people who are suffering from this debilitating condition are living from month to month and it is not acceptable. Will the Minister of State relay to the Minister, Deputy Harris, and the NCPE the need for an urgent resolution of this matter? We are dealing with people's lives here and their suffering must not continue.

**Deputy Catherine Byrne:** I will convey the Deputy's concerns to the Minister. As I outlined in the reply, the Minister has no control over how drugs are given out on a compassionate scheme basis. That is a matter for the company in question. I agree with the Deputy that people are suffering as a consequence of being denied access to this lifesaving drug. However, the manufacturers have a responsibility to their customers and it does not all come down to money. I will ask the Minister to reply to the Deputy regarding the concerns he has raised.

## **Wastewater Treatment**

**Deputy Sean Sherlock:** The issue I am raising concerns the pending case against Ireland by the European Commission at the European Court of Justice in regard to the failure by the State, between 2000 and 2005, to meet deadlines set for the upgrading of existing sewage treatment plants and completion of new plants. That failure is affecting 38 towns throughout the country, including Cork city, Fermoy, Mallow, Middleton, Ballincollig, Ringaskiddy, Youghal and Rathcormak in County Cork; Gweedore, Killybegs and Ballybofey in County Donegal; Tipperary, Roscrea and Thurles in County Tipperary; as well as, among others, Kilkenny, Dundalk, Ennis-corthy and Killarney. Ireland had until the end of 2005 to ensure any urban area with a popula-

1 March 2017

tion base of more than 15,000 had adequate sewage treatment facilities to prevent discharges from those medium-sized towns into rivers, lakes and estuaries. It is a public health issue.

We are experiencing some turmoil in this House at the moment on the issue of water charges. In that context, I am concerned there may not be enough capital funding available to complete sewage and wastewater treatment plant upgrades. Irish Water has estimated that all sewage treatment plants will be upgraded by 2021, at a slated cost of €1.2 billion. In the current climate, however, with the ongoing debate on water charges, it seems likely there may be slippage on that target. Will the Minister give an assurance to the affected towns that they will have access to reliable, adequate and safe wastewater and sewage treatment plants? Will he further guarantee there will be no slippage in the budget line and that the targets which need to be met by 2021 will continue to be met?

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** I thank the Deputy for raising this matter and allowing me to clarify the issues he has outlined. The urban wastewater treatment directive mandates the required standards for the collection and treatment of wastewater from urban areas. The various deadlines for meeting the requirements of the directive passed some time ago, with the latest deadline being 31 December 2005. By that date, secondary treatment of wastewater should have been provided for all agglomerations with a population equivalent of more than 2,000 where the treated wastewater is discharged to rivers, lakes or estuaries. As such, the issue of compliance with the requirements of the urban wastewater treatment directive is a long-standing problem.

The European Commission commenced an infringement process against Ireland regarding its implementation of the directive in September 2013. This was followed by a supplementary letter of formal notice in September 2015. A reasoned opinion was then sent by the Commission on 30 September 2016, with the case being referred to the Court of Justice of the EU on 15 February 2017. The supplementary letter of formal notice of September 2015 identified compliance concerns for a total of 82 agglomerations. However, communications with the Commission as part of the infringement process have satisfied it that 44 of those 82 agglomerations should be removed from the case. While this indicates some progress has been made in improving compliance, 38 agglomerations remain of concern to the Commission and have been referred to the Court of Justice of the EU.

Since taking over responsibility for water services in January 2014, Irish Water has put in place a prioritised range of projects to deal with the historic deficits and lack of investment in wastewater collection and treatment across the country. Irish Water has identified key projects, in both its current and recently approved future capital investment plans, to address all instances of non-compliance in its wastewater treatment plants by 2021 for each of the areas identified by the Commission. The cost of these works is estimated at €1 billion. With regard to the specific locations to which the Deputy referred, in some cases, such as Fermoy, Mallow and Ballincolig, wastewater treatment is in place and resulting in compliant effluent. However, works on the wastewater collection systems are planned by Irish Water to ensure that the collection systems convey all wastewater for appropriate treatment.

The Cork lower harbour main drainage project is of particular significance. Operations commenced at the new treatment plant in Shanbally at the end of 2016, providing full treatment of wastewater from Carrigaline, Crosshaven and Shanbally. The areas of Cobh, Passage West-Monkstown and Ringaskiddy will also be served by this new treatment plant at various dates

in the future.

Investment by Irish Water in ensuring compliance with the requirements of the urban wastewater treatment directive is only one aspect of what is required in terms of the provision of wastewater services. Further significant and sustained investment will be essential to ensure ongoing compliance, facilitate future population and economic growth and protect the environment and human health.

The Deputy is right to raise the matter, as the House will debate the future of water in March and April on foot of the committee's report, which is due soon. Often, we forget that this issue also involves wastewater. People say that there is a right to water, but there is also a responsibility to deal with wastewater. It is a major cost. It is important that the investment plan that has been agreed with Irish Water is continued. There is a commitment from the Government, with the House's support, to continue that investment plan regardless of the debate on charges. The EU is conscious of the fact that our investment plan through Irish Water is helping us to address the issues that arise, which is essential for environmental purposes.

**Deputy Sean Sherlock:** I thank the Minister of State for engaging with me on this issue and I recognise that blame is laid at successive Governments' doors. We have not tackled this issue as a country in as proactive a way as we should have.

If we are to have a debate on the future of water and wastewater treatment services, I am not convinced that the current investment plan will be followed through and that the Government can guarantee that capital expenditure will be made available to meet the needs of the remaining 38 towns and agglomerations identified by the European Commission. We must ensure that the capital expenditure is locked down regardless of the outcome of the committee's deliberations when it reports to the House. This is a public safety issue, one in which the health of our citizens comes into play, and we need to maintain an investment plan. There has never been a more opportune time to do so.

I worry that water and wastewater investment will slip down the agenda. If it competes with, for example, capital expenditure on roads, schools or hospitals, all of which are necessary, it will become the poor relation even though it is most vital to our needs. I hope that we can continue to ensure that the budget of €1 billion plus for the investment plan is locked down so that the 2021 target can be achieved and the needs of the 38 towns and agglomerations will be catered for.

**Deputy Damien English:** I share some of the Deputy's concerns. The idea of introducing a single water utility in the form of Irish Water was to drive the necessary investment in the water and wastewater infrastructure that had been lacking for many generations. Thankfully, the previous Fine Gael-Labour Party Government and the current Government of Fine Gael and Independents supported by Fianna Fáil and others have recognised the importance of having a single water utility to drive the agenda of continuing investment in key, necessary infrastructure in the right parts of the country. I am happy to say that this will continue, given that the single water utility is protected and, with the agreement of the House, will continue its work separately from the arguments around charges and so on.

Establishing a utility was also meant to ensure the capacity to raise money via charges and taxation and in the form of borrowings that would be repaid through general taxation and people's contributions towards the cost of water. The polluter pays principle drove that. Under

1 March 2017

it, those who used water excessively or wasted it would contribute towards its cost, and rightly so. I referred to this matter last night.

Our capital investment requirements reflect the amount of water that we need and consume. If we found ways to conserve water, reduce consumption and encourage people to respect water better, which is often helped by having a metering system of some sort as well as a charge for excessive use, it would drive down the capacity requirements. In many areas, 40% of water is lost to the system through leakage and, in some cases, wastage. If we had a proper regime in place that could monitor and measure that, we would be able to prevent it and, therefore, invest less money in the capacity generation of water and water treatment plants. Investment in wastewater treatment is essential, but the requirement for that would be lessened if we could reduce water wastage.

It is important that investment be protected. I share the Deputy's concerns about there being no mechanism to guarantee it, but this Government has committed to it and other Governments might follow suit. We must continue the investment.

**Deputy Sean Sherlock:** Is the €1 billion secured?

**Deputy Damien English:** The capital plans have been proposed by Irish Water and we are committed to that investment. It is secure at this stage.

**Deputy Sean Sherlock:** Regardless of the charging regime?

**Deputy Damien English:** It is secure under this Government. We believe in the value and importance of investing in that. A commitment has been made and we will continue with the plans that have been agreed with Irish Water. There will be a discussion on the future of water and wastewater, but I hope that the House has a reasonable debate and the polluter pays principle takes precedent.

*Sitting suspended at 4.27 p.m. and resumed at 4.57 p.m.*

### **Insurance Industry: Motion [Private Members]**

**Deputy Michael McGrath:** I move:

“That Dáil Éireann:

notes:

— that almost three years on from the collapse of Setanta Insurance in April 2014, some 1,666 open claims remain unsettled at an estimated cost of up to €95.2 million;

— that the liquidator of Setanta Insurance, which was prudentially regulated in Malta, has said he will not be in a position to meet more than 30 per cent of claims;

— the enormous and lasting damage caused to people's lives by the unacceptable delay in settling claims;

— that while people's lives are on hold, a Supreme Court judgment is awaited on who will foot the bill for the collapse of Setanta Insurance;

— the collapse last year of Enterprise Insurance, which was prudentially regulated in Gibraltar, affecting 14,000 motor insurance customers with over €6 million in claims outstanding;

— that the failure of foreign-regulated motor insurance firms is directly pushing up the cost of insurance for motorists in Ireland;

— that under European Union (EU) ‘Freedom of Services’ rules an insurance company can be prudentially regulated in any member state and can avail of the ‘passporting’ provisions to sell insurance business in Ireland;

— that the Central Bank of Ireland has raised concerns about certain motor insurance firms prudentially regulated in Gibraltar and selling motor insurance business in Ireland;

— that the Department of Finance published in July 2016 the Report of the Review of the Framework for Motor Insurance Compensation in Ireland but there remains no agreement with the insurance industry on the implementation of the new proposals including the respective roles of the Insurance Compensation Fund and the Motor Insurers’ Bureau of Ireland;

— that in the event of another collapse of a firm selling motor insurance, there is still no agreement as to who is responsible for meeting the cost of claims and, above all else, no clarity for consumers; and

— that there are 23 insurance firms presently on the Motor Insurers’ Bureau of Ireland membership list as of February 2017 who are listed as ‘Freedom of Services’ firms including ten which are prudentially regulated in Gibraltar;

calls on the Central Bank of Ireland to:

— undertake an awareness campaign to ensure that motorists are fully informed about the different regulatory status of firms selling motor insurance in Ireland and that consumers are aware of the difference between prudential regulation and regulation for conduct of business purposes;

— formally raise any concerns it may have with the relevant European authorities so as to ensure that the system of regulation of insurance firms across member states involves common standards which are applied consistently; and

— address any staffing and resourcing issues which may currently restrict its ability to supervise and regulate the insurance sector; and

calls on the Government to:

— provide the necessary resources from the Insurance Compensation Fund to ensure the liquidator can address all outstanding claims without further delay, pending the Supreme Court judgment on who is responsible for the cost of outstanding Setanta Insurance claims;

— consider taking legal action against the Maltese and Gibraltar authorities for losses arising from inadequate regulation of Setanta Insurance and Enterprise Insurance respectively;

— finalise the Motor Insurance Compensation Framework so that there is absolute clar-

ity on the respective roles of the Insurance Compensation Framework and the Motor Insurers' Bureau of Ireland in the event of the future collapse of motor insurance firms selling in Ireland;

— provide an urgent update as to when the final bill for the collapse of Quinn Insurance will be known and the implications for the future application of the Insurance Compensation Fund levy of two per cent;

— raise concerns at EU level about 'regulatory shopping' by United Kingdom (UK) based financial services firms seeking to preserve access to the EU following Brexit;

and

— clarify the impact Brexit will have on the motor insurance market in Ireland, including the issue of 'passporting' in from the UK and Gibraltar.

The reason we decided to table the motion this afternoon relates to the collapse of Setanta Insurance in April 2014 and the mishandling of the fallout from the collapse. Following the collapse of Setanta Insurance more than 1,600 people with outstanding claims are none the wiser today than when the company collapsed in April 2014. That is a disgraceful position. The Government sat on its hands and shafted those people. They are the forgotten people.

I spent this afternoon ringing all the individual claimants for whom I had contact details who were in touch with me or the Fianna Fáil Party in recent years. Some of the stories I heard are absolutely harrowing. In one case the accident concerned goes back to October 2010.

Setanta Insurance contested that claim so it was not dealt with by the time it collapsed in April 2014 and it is now caught up in the liquidation of Setanta Insurance and the legal dispute about who is ultimately responsible for settling that claim. Another case involved

*5 o'clock*

an accident that happened in December 2012 where a driver was hit from behind. He has been in and out of work since then with very serious injuries and has undergone a number of medical procedures. Again, there has been no clarity for him or his family as to when that claim will be settled. He has not yet received a red cent arising from an accident that happened in December 2012. I have a number of such cases that I could read into the record of this House. We must collectively deal with this situation urgently. It is not acceptable that almost three years on from the collapse of Setanta Insurance, we are awaiting a court decision to deal with the issue.

What we are calling for in this motion is for the necessary funds to be provided by the insurance compensation fund to the liquidator of Setanta Insurance to deal with the outstanding claims and to look after the people who are caught up in this. The Supreme Court judgment will go one of two ways. It could find that the insurance compensation fund is responsible in which case, if the Government accepts our motion, the Government will already have paid out and the people will be looked after. Alternatively, the court could find that the Motor Insurers' Bureau of Ireland, MIBI, is responsible, in which case the insurance compensation fund can recoup those funds from the MIBI.

Last year saw the collapse of another firm called Enterprise Insurance. This company had a smaller presence in Ireland but is important nonetheless with about 14,000 policyholders and outstanding claims estimated to be over €6 million. Even today, as we are here on 1 March 2017, there is no agreed framework in place to deal with a scenario where a motor insurance

firm collapses. The motorist caught up in the collapse of an insurance firm in Ireland faces a situation where the maximum payout they will get for their claim is 65% under the insurance compensation fund subject to an overall limit of €825,000. The balance is not being provided for and they will be seriously out of pocket. That situation potentially exposes every single motorist in this country because the notion of the collapse of a motor insurance firm is not that far-fetched. It has happened a number of times in this country over the past number of years. The Government published a new motor insurance compensation framework in July 2016 but no agreement has been reached with the industry, there has been no legislation to put those proposals into effect and so we are still in limbo. That is a crazy situation for this Government to stand over and it must be dealt with. The manifestation of that is there for all of us to see in the cases of Setanta Insurance and Enterprise Insurance. Heaven forbid if any other company was to collapse.

The other dimension to this is the fact that Setanta Insurance was regulated in Malta and Enterprise Insurance was regulated in Gibraltar. If one looks at the list of motor insurers on the MIBI list of those allowed to sell into Ireland on a freedom of services basis, one will find 23 firms according to our research. Those firms are prudentially regulated in another EU member state but are allowed to sell business into Ireland. For some reason, ten of them are prudentially regulated in Gibraltar. We know that the Central Bank has raised concerns with the authorities in Gibraltar about the ongoing licensing of firms there thereby enabling them to sell business into Ireland and other EU member states. This EU-wide system of regulation of motor insurance companies will only work if a common standard of regulation is consistently applied across all the member states. There is no evidence that this is the case. Why else would the Central Bank raise such concerns with the authorities in Gibraltar? We have Solvency II and the European Insurance and Occupational Pensions Authority but I am not satisfied that there is a common standard of regulation in Ireland today. This issue needs to be dealt with.

Consumers here are not being made aware of the distinction between firms that are prudentially regulated in Ireland and those that have their regulation passported in. When we all hear the advertisements saying that a motor insurance company is regulated in Ireland for conduct of business purposes, we assume that firm is regulated here, the Central Bank is crawling all over it and everything is okay but that is not the case. If the firm is only regulated here for conduct of business purposes, the Central Bank is not the prudential regulator and is not assessing the underlying financial health of that insurance company, its solvency and whether or not it has put sufficient reserves aside to deal with future claims. The Central Bank needs to conduct an awareness campaign to ensure that motor insurance consumers in Ireland are fully informed of that distinction. It needs to raise at a European level the issue of a common standard of regulation across the EU and deal directly with authorities in Gibraltar and any other member state where it has a concern about the nature and standard of the regulation.

We are calling for the Government to intervene and look after the people who are caught up in the collapse of Setanta Insurance and Enterprise Insurance. We are calling on the Government to finalise the motor insurance compensation framework to ensure that we have certainty and clarity in the event of the collapse of another motor insurance provider otherwise we are all exposed and will be dealing with many more individual cases down the line. We want clarity on how long the insurance compensation fund will require a 2% levy from all non-life insurance consumers in respect of the cost of Quinn Insurance.

The overall issue here concerns people in limbo. They are watching this debate hoping for answers. They are hoping against hope that this Government will finally act and help them. It

is completely unacceptable that several years after the collapse of an insurance company, there is no certainty about who is paying out. I have heard of cases where solicitors on behalf of the liquidator of Setanta Insurance have advised Setanta Insurance policyholders that they could be held personally liable for the cost of that claim in the event of there being an ultimate shortfall in the liquidation. It is not good enough and must be dealt with.

**Deputy Michael Moynihan:** I congratulate Deputy Michael McGrath for putting down this motion. This is a cohort of people who are in limbo. They have exhausted every possible avenue to get answers to this ongoing issue but have not been able to get them. They are in a very precarious position. The Government needs to deal with this very serious issue instead of wasting time without bringing about a resolution. Many people caught up in this are extremely anxious about their position. It has affected the well-being and health of some people in a way I could not possibly describe. It is high time the Government treated this issue with the seriousness it deserves. There is a wider issue regarding insurance costs and the crazy way insurance premiums have increased that needs to be addressed. It is time for the Government to deal with this issue as urgently as possible.

**Deputy Margaret Murphy O'Mahony:** I thank Deputy Michael McGrath for bringing this motion before the House and commend him for the work he does in the field of insurance. It is very frustrating and disappointing that so many years after the collapse of Setanta Insurance, over 1,600 claims are still outstanding. The lives of the people involved in these claims are on hold. They find it very difficult to move without financial help. When we think of insurance, we are very conscious of the cost of it and how the premiums have increased. Very few of us think about who regulates the firms we insure our cars with. This motion will focus minds on that. It will also bring clarity as to who is responsible if another insurance company collapses. I ask the Minister of State, Deputy Breen, to support this motion.

**Deputy Declan Breathnach:** I am old enough to remember the PMPA saga, and all of us in this House are certainly old enough to remember the Quinn debacle where we are still paying a 2% levy which is expected to remain until 2037. This is unfair on the taxpayers.

This Setanta saga is another sorry issue. We know the history here. As Deputy Murphy O'Mahony stated, over 1,600 customers are affected. These customers are seriously out of pocket and many of them are living a nightmare.

There are many other companies operating in the Irish market which are registered in another jurisdiction. This motion calls on the Central Bank to conduct an awareness campaign so that consumers are informed as to who regulates the motor insurance firms with which they have their policies. Firms can pass themselves off as being Irish because they are selling their services in Ireland but many of them are only regulated here for conduct of business purposes. This needs to be made known to the consumer, loud and clear. When people hear in an advertisement that such a financial services is regulated here for conduct of business purposes, they assume it means the service is fully regulated here in Ireland. However, this is not the case.

It is planned that the role of the supervisory authorities will be significantly enhanced, including provision for more co-operation between member states. It should make a Setanta-type scenario less likely in the future but it does not solve the problem of those affected. It is important that we get the ruling of the Supreme Court as early as possible, considering that the hearing took place last October.

We also need to increase the powers of injury boards to determine more claims and reduce legal costs. We need more transparency in relation to those claims settled by insurance companies out of court. We also need to benchmark Irish awards against international standards. All too often the high rate of Irish court awards is blamed for the high cost of insurance and this also needs to be looked at. Only 65% of the outstanding claims of Setanta up to a value of €825,000 will be met. What about the remainder? What redress do they have? This is unacceptable.

**Deputy Dara Calleary:** I, too, compliment Deputy Michael McGrath on raising not only this issue, but insurance generally over a long period of months. It is a matter of enormous frustration, as I am sure the Minister of State, Deputy Breen, is picking up, that insurance costs are rocketing. People are shocked when they go to renew their insurance, yet all they see from this House is debates and reports being published which have no impact on the price of their premiums.

From PMPA to Quinn, Setanta and Enterprise Insurance, we keep wishing misery on ourselves. We keep not learning the lessons. If we had learned the proper lessons from PMPA, Setanta or Enterprise Insurance would not have happened. We need to draw a line under that period of insurance and offer certainty to those who are buying insurance products, particular motor insurance, in this country. We need to offer answers in relation to the ten companies that trade in Ireland but are registered in Gibraltar. What protections will be in place for customers after Brexit in terms of the companies' standing and their responsibilities?

We also need to shine a light on the motor insurance sector. Why are costs rocketing? I looked this morning at yesterday's report from the Central Bank on motor insurance which stated the sector has room to improve. If one is being targeted with a 40% to 50% premium rise, as are many people with no claims histories, full no-claims bonuses and no changes in their circumstances, there is more than room to improve. As the Minister of State with responsibility for enterprise and for employment, Deputy Breen, needs to shine a light on the practices in the same way that one of his predecessors, the former Minister of State, Mr. Noel Treacy, did many years ago, bringing a change to the cost of premiums and certainty to consumers.

We also need to give proper standing to returning emigrants. There is no sense in the Government encouraging emigrants to come back and take up careers in the country when they will be creased by insurance costs and not given any credit for a no-claims bonus from any other part of the world. In fact, insurance is one of the issues that is prohibiting and discouraging emigrants from coming back here to take up positions.

Insurance is a major issue, and a major cause of concern and worry. The Government needs to resolve the outstanding issues from Setanta and give certainty and some sort of balance to what is going on for consumers of insurance at present.

**Deputy Frank O'Rourke:** I welcome the opportunity to speak on this motion here this evening. I compliment my colleague, Deputy Michael McGrath, on bringing this forward. Indeed, the Deputy has been innovative and creative in bringing forward a host of measures over the past 12 months to deal with the issue of motor insurance and the escalation in premiums that is currently taking place and that is out of control. Deputy Michael McGrath has been working tirelessly in this regard over the past number of years and I compliment him and thank him for that work.

The problem here is threefold. There is no accountability, very little responsibility and no

1 March 2017

regulation. That is the issue and the consequences in that regard, and the effect it is having on the public, is why we are debating this motion this evening. That is the real problem.

Many people are waiting for this issue to be resolved and it is still not being resolved. We are coming in here, time and time again, as my colleague, Deputy Calleary stated, talking about this while the public is watching. People are looking to this House for hope, to get these issues resolved and to have regulation and policy put in place to stop the unacceptable increase in motor insurance premiums. It is no longer acceptable. We have been speaking about this for a number of years. It has been an ongoing issue since the Motor Insurance Advisory Board was disbanded in 2013 but, over the past year or 18 months, insurance premiums have increased by over 40%. This is unacceptable.

We have to stop talking about this stuff. We need action. The people out there who are looking in are desperate for help. The increases are putting them under serious pressure. Whether it is this issue or motor insurance in general, they are looking for results from this House, from the Minister of State, Deputy Breen, and from the Government which they are not seeing at present. We need to start letting the people see that we mean business and that this issue will be resolved. We need to ensure that the motor insurance issue in general is resolved, premiums and policies are brought under control and people get back the benefits they are entitled to, and that we will stop this happening again. I hope we will stop talking and deliver, and that the people out there watching, who elected us all to do a job on their behalf, will see solutions delivered in this regard.

**Deputy Fiona O'Loughlin:** I commend my colleague, Deputy Michael McGrath, on bringing this motion forward.

Deputy Michael McGrath attended a public meeting in Kildare with me last November where many of the queries from the floor that night related to insurance. They came from concerned motorists, business owners and taxi drivers who described how the increases in premiums had affected their lives and their livelihoods. It is the biggest issue facing motorists today.

When I look at the case of some of my constituents in Kildare who have contacted me over the past 12 months, I can see how this has impacted on them. A gentleman from a haulage and demolition group saw the insurance for his fleet increase by 100% and he had to let staff go. A gentleman from Castledermot, who is 64 years of age, has been driving for more than 42 years, has never made an insurance claim and has no penalty points, saw his quote go up by 33%. A lady from Rathangan, who has been driving for 50 years, has never made a claim and has no penalty points, saw her premium go from €389 to €758. Another lady I know, who is a returned emigrant, had to pay €1,924 in 2016. She had never made a claim on her insurance but had spent three years outside Ireland and did not have a no-claims bonus on her return. That is disgraceful.

There needs to be greater disclosure around policy renewal notifications and robust action on false and exaggerated claims. There needs to be greater consistency in court awards in personal injury cases. Returning emigrants need equitable treatment and their driving experience abroad needs to be taken into account.

There is an obligation on the State to respond immediately to these soaring premiums before they do any further damage to the economy. We have debated it enough. It is time for action.

**An Ceann Comhairle:** I call the Minister of State, Deputy Pat Breen, who I understand is

sharing with Deputy Tom Neville.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat Breen):** I welcome the opportunity to address Dáil Éireann today on this motion. The matters raised are very important and I would like to state that while the Government will be abstaining from the vote on the motion for reasons which I will explain, there are elements of the motion with which we can agree.

There is no doubt that the insurance sector in Ireland has undergone a period of instability. The liquidation of insurers selling insurance into Ireland has had a major impact on consumers. The placing into liquidation of Setanta in 2014, and the subsequent legal action, *The Law Society of Ireland v. the Motor Insurers' Bureau of Ireland*, MIBI, highlighted weaknesses with the current insurance compensation framework in Ireland.

Prior to this litigation, the insurance compensation fund, ICF, was expected to have met the third party claims up to a limit of 65% and a ceiling of €825,000 per claimant. However, the High Court and the Court of Appeal held that the MIBI was liable for compensating third parties. Should this decision be also upheld by the Supreme Court, virtually all Setanta claims will be paid in full. The Supreme Court appeal was heard in October 2016, and we are now awaiting its judgment on this matter.

Inquiries have been made by officials to try to establish when the decision will be handed down, but no indication has been given as to the timeframe involved. Until we receive the judgment, it is unlikely that third party motor insurance claims can be processed, as currently MIBI is liable and the industry, which finances this arrangement, will not pay out unless confirmed by the Supreme Court.

The Government recognises the reason this motion has been brought and in broad terms is sympathetic to many of the issues raised by the Members today. The very legitimate concerns about the lack of accountability of the Maltese authorities for the liquidation of Setanta are acknowledged. The delay in settling claims also has been unfortunate. However, it must be stressed that this aspect is completely outside the control of the Government because of the ongoing court case regarding which body should pay the compensation.

From the perspective of the consumer, much of what is outlined in the motion is not unreasonable. However, the Government has two concerns. The first relates to providing the necessary resources from the ICF to ensure the liquidator can address outstanding claims without further delay. The difficulty is the fact that the High Court and the Court of Appeal have found that the ICF is not liable for these claims. Instead, they have found the MIBI liable. Consequently, compensating policyholders from the ICF would be directly conflicting with the decision of the courts and could be interpreted as undermining their authority.

The second relates to giving consideration to taking legal action against the Maltese and Gibraltar authorities. This would involve engaging lawyers in Malta and Gibraltar to seek further information in respect of the failures of the regulators to uphold their legal duties to establish whether a valid claim arises. The advice from the Department of Finance's legal unit is that there is insufficient likelihood of a successful action to justify the costs which would be incurred in taking this course of action.

In terms of what is being done, there are a number of items in the motion I would like to address. In regard to Setanta, I understand there are 1,658 open claims. It is acknowledged that

1 March 2017

this figure is decreasing slowly but that is due to the ongoing court case. Once the Supreme Court rules on where liability falls, progress on outstanding claims can be made.

With regard to enterprise, I am advised that a letter has been received from the Government of Gibraltar outlining that there are currently 233 live claims from Irish policyholders with a reserve value of €7.4 million. However, the reserve figure is under review. Wrightway Underwriting Limited has been appointed to manage claims to enable the liquidator to adjudicate and admit them as insurance claims in the liquidation. The letter details the work that is ongoing within the Gibraltar Financial Services Commission to reduce the live claims and notes that the commission maintains a positive working relationship with both the Central Bank and EU authorities. Claims are, therefore, being actively managed.

It is acknowledged that, with the failure of Setanta and the uncertainty that followed, the whole compensation area needs to be reviewed. Consequently, a review of the framework for motor insurance compensation was initiated and a report was published in July 2016. It is expected that a legislative proposal to implement the report will be brought to Government for approval in the coming months and this will bring clarity on the respective roles of the ICF and the MIBI in the event of a future collapse of a motor insurer.

The motion asks for an urgent update as to the final bill for the collapse of Quinn Insurance. I understand this is estimated to be in the region of €1.1 billion before any potential recovery from the court action Quinn Insurance is taking against its former auditors. It is not possible to give an exact timeframe for the final bill, but it is unlikely to be before 2020.

The issues which the motion asks the Central Bank to carry out are a matter for the bank to consider. However, the bank has indicated that it is conducting a thematic review and inspection of managing general agents, MGAs, that have been appointed to carry out business on behalf of insurance undertakings from other member states operating in Ireland on a freedom of service basis. This review is of relevance to the request for the Central Bank to undertake an awareness campaign.

The Central Bank has confirmed that it fully participates in EIOPA in the establishment of high-quality common regulatory and supervisory standards and procedures. The Central Bank has an ongoing engagement with relevant European authorities in order to ensure common standards are applied consistently. I am advised that the bank has engaged with EIOPA on the specific issues raised in this motion.

With regard to the issue of regulatory shopping by UK based financial firms seeking to preserve access to the EU following Brexit, this is an issue which the Government has serious concerns about and which has already been discussed in the House. At a political level, we have been in communication with our European partners on this matter. We believe that it is important to have a transitional arrangement to protect the security of our financial system because of its importance in underpinning day to day business. A transitional arrangement would allow negotiations to take place in a calm and safe environment and would ease concerns about other jurisdictions potentially giving consideration to making commitments on the level of regulation and supervision to such financial firms. We must ensure that the level playing field is protected across the EU.

With regard to Brexit, it is important to note that the implications of Brexit are unclear. After the negotiations have concluded, the issue of passporting in from the UK and Gibraltar

will be clearer. However, ultimately, should the position of passporting not be satisfactorily resolved, insurers which currently have branch operations or which conduct freedom of business into the State will have the option of applying for an authorisation from the Central Bank to conduct business in the State.

The Government understands that there is frustration with the slow pace of progress on the Setanta liquidation. However, once the Supreme Court judgment is issued, and I hope that will happen in the next few months, it should be possible for claims to be paid out either through the MIBI or the ICF within a reasonable period of time. Unfortunately, as I mentioned already, we do not believe it is possible to pre-empt this decision by paying such claims through the ICF immediately.

Finally, as indicated at the outset, the Government will abstain from the vote on this motion.

**Deputy Tom Neville:** I, too, welcome the fact this issue has been raised. In my inaugural speech I said it was the issue raised with me by people on the doorsteps. It was highlighted for me when, as a returning emigrant, I was hit with the news that I no longer had a no claims bonus.

I welcome what the Minister of State, Deputy Eoghan Murphy, has done in recent months regarding the generation of the report, the tasks on hand, the priorities set and the timeline that has been put down. We are trying to tackle and change the overall industry so it is a big ship to move, notwithstanding our responsibility to consumers who are feeling the pressure from this in that any disposal income they are earning, with an improved economy and more jobs being created, is starting to be etched away by the rising cost of car insurance.

It must be highlighted that there are a number of discrepancies within the industry in that products can be priced differently when people are seeking quotes on the telephone. A major problem highlighted to me is that an insurance company can take a product, put a different name on it and sell it at a different price. It is the same risk, the same policy and the consumer will get the same return but it is sold at a different price, and the consumer does not know that. That is the first issue I want to highlight.

I find it difficult to get my head around the issue of the cost of insuring older cars. The owners must do an NCT every year but because their cars are ten, 12 or 14 years old they are told they must pay a higher insurance premium. I do not understand the risk with regard to the car because it passes the NCT.

As a result of the improved economy, vehicle sales in the first quarter of 2016 were 68% of what was sold in 2012. That market is much more buoyant.

The final issue I want to raise is non-disclosure of previous claims. It is often the case that people are denied claims because they may not have disclosed previous claims but many of the questions being asked by the insurers are vague. That issue must be tackled also.

I understand there is a responsibility on the Government to drive this issue and that is the reason I welcome the motion, but there is a responsibility on the industry also.

**Deputy Pearse Doherty:** I welcome this debate and thank Deputy Michael McGrath for bringing forward the motion and allowing us to discuss it. I will be sharing my time with my colleagues, some of whom have yet to come into the Chamber. I understand the Ceann Com-

hairle has the list of names.

This debate focuses attention on the thousands of customers who have been left in legal limbo after the collapse of Setanta Insurance. I know some of them personally. Some of them are my friends. Some of them want to start their own businesses but have to wait for the settlement to which they are entitled and are eagerly awaiting the court's decision. They should never have been in this limbo in the first place. It is clear they are innocent victims of a bigger battle and we need to take them out of the battle, which is why Sinn Féin will support the motion. This is a farce which has been rumbling on for far too long and I hope the Supreme Court will soon make its decision. In the meantime, the Government has put forward a proposal to deal with cases such as this, but they are cases which will happen in future.

This is in large part a mess of the Government's own creation. Not for the first time has the Attorney General provided what two courts have since found to be the wrong answer to the question asked. The Attorney General's advice has been wrong in this case and this is worth noting as another committee is discussing the issue of water charges. The Motor Insurers Bureau of Ireland, MIBI, has appealed twice and at no point was there anything stopping it from paying out these claims without prejudice. It initially accepted it was liable but then backtracked on legal advice, including advice from the Attorney General. Instead of challenging this, the Government rolled over and accepted it. This was back in 2015. I believe that in all likelihood when the Supreme Court makes its decision we will be back in the same position we were when the Minister, Deputy Noonan, told me on 30 April 2015 that MIBI would pay out and it would be the body responsible for making good the claims. As things stand, the High Court and the Court of Appeal have stated they agree with the Law Society that the MIBI is liable. This is the interpretation of the law as it currently stands, and it is law as it stands until the Supreme Court rules one way or the other.

In reality, the motion is asking us to make an exception. I welcome the focus on this issue, which is why I will support the motion. The motion asks that the Government ensures the Insurance Compensation Fund, ICF, pays out. The legislation is quite clear it is the President of the High Court, upon application, who will make this decision, but nonetheless there should have been a remedy before now. For many years we have argued the Insurance Compensation Fund would have been the remedy. While the MIBI and the Insurance Compensation Fund can argue the toss, the fact is that ultimately it is the consumer who will pay for Setanta, one way or the other. The MIBI and the Insurance Compensation Fund are ultimately funded by the industry or the consumer but, at the end of the day, whether it is through increased premiums or a direct levy it will be the consumer who pays. The advantage of the Insurance Compensation Fund paying the liquidator is it can stretch the payments over a long period of time and we can see this with the Quinn Direct bill of €1.1 billion. I note the Fianna Fáil motion speaks about regulatory failures and taking action against regulatory failures. The €1.1 billion which must be paid by insurance consumers for the next 20 years happened on Fianna Fáil's watch. This is why we were labelled the wild west. It was not with regard to the banks but insurance the quote was attributed to this country and it is disgraceful that insurance consumers will continue to have to pay the bill for many years to come.

The motion does not deal with the fact the Insurance Compensation Fund is limited to paying out 65% of a claim or up to €825,000, whichever is lower. There are people with claims against Setanta Insurance which run to multiples of the upper limit because they are in serious life-limiting circumstances as a result of an accident. Full compensation should be paid out. If people are due €100,000 the payment should not be €65,000. We are very clear and for many

years we have argued the Insurance Compensation Fund legislation should be altered to allow for 100% of the claims to be paid out in the case of Setanta Insurance. The motion before us does not deal with this issue. It is the core issue on which we should focus because if the Supreme Court overturns the High Court and the Court of Appeal and decides it is the Insurance Compensation Fund which must pay out, let us remember that claimants will receive only 65% of what they are due. In my view this is wrong. While the Department proposes to abolish the cap, it would still apply in cases such as Setanta where a company is in liquidation and insolvent.

I wish to discuss some of the myths in the motion. We reject the notion implicit in the Fianna Fáil motion that this contributes in any way significantly to increases in the cost of insurance. Even if the industry had to pay out the entire €19 million bill tomorrow, it would only be a drop in the ocean of the increases introduced in recent years. This is a myth peddled by the industry. When I met representatives from the industry privately and when they came before the committee it was at the top of their agenda, but it does not stand up to scrutiny and no report commissioned by the Oireachtas committee or the Government stands over this claim. Without doubt, the industry needs clarity on the legal situation, but to present this as a means of tackling the rip-off of recent years is false.

There is also an insinuation it was fully down to lax foreign regulators but this is not the entire story. Setanta Insurance was an Irish company with an Irish director and Irish shareholders right up to the end. The Maltese certainly should have done a better job, but the Irish Central Bank allowed the company to continue to sell insurance for a number of months after it knew of issues. I know this through freedom of information requests. It is not unprecedented that an Irish insurer would behave recklessly and go bust. We have a terrible track record in this country and €1.1 billion is the cost.

I ask Fianna Fáil to let us know whether it no longer supports the passporting of financial firms throughout the EU, because this would be a major shift in policy by the party and it is not clear from the motion. My big concern is nothing will happen. The Government will abstain and the ICF will not pay out. It is good we are drawing attention to it, but this should have been sorted out several years ago. We should have amended the legislation and allowed for the ICF to pay out. Doing it in the mouth of a Supreme Court ruling is not the time to do it, but it is a welcome focus on the issue.

**Deputy Martin Kenny:** The main focus of the motion is Setanta Insurance and I am very conscious of it because in my constituency I have come across many people who were caught out. Many people who were insured by Setanta Insurance were farmers, people with Jeeps and vans and sole traders. This was mainly the market it targeted and these people have been badly affected.

It must be our priority that claimants receive their compensation as soon as possible and it should be paid out without any cap. It is very strange to have a 65% cap on the Insurance Compensation Fund. It is not sufficient because people in this country must ensure their vehicles. The State makes people get insurance. It is not optional and people must do it, but when something goes wrong the State has put in place a situation whereby people can only receive 65% of what they rightly deserve as part of their claim. This is a huge issue.

It is not good enough that people who are legally obliged to have insurance are not protected when something goes wrong. This is the nub of what this is about. This is not the first time an

insurance company has gone bust and left customers in the lurch. As has been stated, there are many instances of this and there need to be safeguards to prevent it in future. Providing these safeguards does not mean the cost of insurance premiums must rise. People are fed up listening to so-called justifications for the rising costs of insurance from an industry which likes to pretend its only motivation is to provide insurance. Its real motivation is profit but it pretends it is not. The increases introduced by the insurance industry in recent years would more than cover the €90 million it would cost and the people do not want to hear any more whingeing from the insurance industry.

Setanta Insurance may have been based in Malta but it was an Irish company and there is no justification for blaming poor regulation abroad for this situation. It is not as if Irish companies have not behaved carelessly and gone under previously. The nub of this is the consumers are those who can least afford to suffer and be left without compensation.

We also have the issue, which was mentioned earlier by Deputy Neville, regarding young drivers. They cannot get insurance that does not cost thousands. We have a situation in rural areas where many people with a car of more than ten years of age will not be quoted for insurance, but the car has an NCT and is supposed to be roadworthy according to the State. Many issues need to be dealt with. The no claims bonus issue is a big problem for people who return from abroad. If people are abroad for more than three years their no claims bonus is gone and they cannot bring it home, although they may have been driving in a much more dangerous part of the world than here. These rules have been put in place by an industry which wants to cripple the public with more costs. Many people who had Setanta Insurance were owners of small commercial vehicles and vans, the loss of which would mean, for some of them, a loss of their business. Not many people with small businesses would have the cash to replace a vehicle while still waiting for the payout of an insurance claim. This is not to mention those who are waiting for the repayment of their premiums, which they bought in good faith but then had to go out and insure their vans again.

It is not good enough for people to be left hanging on while the Supreme Court makes a judgment. The insurance industry cannot be allowed to call the shots and the Government must step up to defend clients and ensure people get their compensation.

**Deputy Donnchadh Ó Laoghaire:** Cuirim fáilte roimh an rún seo. Is maith an rud é go bhfuilimid ag labhairt ar chúrsaí árachais arís. Is ábhar tábhachtach, conspóideach agus achrannach é le tamall anuas. I welcome Deputy Michael McGrath's motion. I also acknowledge the thousands of people, former customers and claimants, who have been left high and dry and in legal limbo following the collapse of Setanta. They have been shafted, have unjustifiably lost money and found themselves in positions of extreme hardship, with 1,600 open claims unsettled at an estimated cost of €95.2 million. They need this issue to be resolved. The poor handling of this issue has further complicated and aggravated the situation as well as their frustration and the Government is partially to blame. As stated by Deputy Pearse Doherty, the MIBI has appealed twice, having initially accepted it was liable before reversing its decision. It is difficult to understand why the Government did not challenge this. The MIBI could have paid out without prejudice and it is likely that it is liable, pending the Supreme Court action.

I support the motion to provide the necessary resources from the insurance compensation fund to ensure the liquidator can pay out all outstanding claims and I hope this expedites the payment as required. I support the call for there to be no cap, because some people have sustained grievous injuries and are in a position of extreme hardship whose full costs need to be

met.

The issue of who underwrites insurance and in which country a company is regulated is important. International companies coming from states with poorer regulatory frameworks than Ireland to provide insurance by passporting it into Ireland is problematic. We have had enough difficulties with locally-based companies and do not want the added problem of people coming from countries with even weaker regulatory frameworks. We do not accept the idea that the Setanta problem was solely the fault of weak foreign regulation - Malta in this case. Setanta was an Irish company with Irish directors who must take responsibility for what happened to that company and for its recklessness, for which consumers have been left to pay. We do not accept that this is the reason for the enormous and outrageous increases in motor insurance in recent years, with drivers seeing average increases of 60% in the cost of premiums since late 2013. There are examples of increases of 200% and 300% and cases such as Setanta cannot be considered as solely responsible for the outrageous increases in insurance premiums. The market is being distorted by the greedy behaviour of insurance companies.

The Minister needs to recognise the driving records of returning emigrants. If we are happy enough to allow companies from states with very weak regulatory frameworks to provide insurance to Irish companies, why are we not willing to allow Irish motorists to have their driving records recognised when they return from abroad? I have come across cases of people being quoted between €4,500 and €6,000 when they come home, having spent a number of years abroad, to set up businesses here and restart their lives in Ireland. One man told me he was practically ready to get back on the flight to Australia after a quote such as this. In a response to a parliamentary question, the Minister said actions were being taken to establish a protocol but that will not be until the end of 2017, effectively the start of next year. These people have already waited far too long for this issue to be dealt with and many more returning emigrants will be faced with outrageous premiums. I ask the Government to ensure the protocol is brought forward as a matter of urgency.

**Deputy Sean Sherlock:** We support the motion. Setanta's collapse has left in its wake 1,700 open claims for compensation, which remain unsettled at a cost of approximately €95.2 million. The collapse of Enterprise Insurance has left 14,000 motorists with €6 million outstanding. One company was regulated in Malta, the other in Gibraltar. Of the 39 insurance companies listed as members of the Motor Insurance Bureau of Ireland, 11 are domiciled in Gibraltar when one excludes the Lloyds list.

The proceedings before the Supreme Court allow interested parties to hide until such time as the Supreme Court has found in favour of one side or the other. The Government may also be hiding behind the Supreme Court decision because, although it announced the extension of the insurance compensation fund in July 2016, it seems the Minister is now saying a legislative proposal to implement the report will be brought to Government for approval in the coming months. He did not use the words "heads of a Bill" and there seems to be some slippage already in the timelines for legislation to provide certainty in this matter.

The finance committee has done much work to tackle the issues articulated by Deputies Neville and Ó Laoghaire on the particular circumstances in which motorists find themselves, particularly those who have been priced out of the market by virtue of the fact that they had to emigrate and are now returning home. We require certainty to plug the glaring lacuna in the legislation around this matter. If it is not addressed, there is the prospect of motorists having loading costs on their premiums of up to €80. The MIBI documentation contains estimates that

1 March 2017

the cost of claims for their members, against uninsured and untraced drivers, is north of €58.4 million. The MIBI states that Setanta poses a liability of €90 million, the impact of which is an additional €52.

The Supreme Court has to iron out how Irish law understands the responsibility of MIBI. Other Members have referred to timelines but this goes back to September 2015 and the first High Court judgment. The latest instalment was the October 2016 reserve judgment. I am delighted that the Government is abstaining on the motion because there is agreement on the broad principles of the motion. The consumer demands are very clear. They want transparency and easily accessible information on the products they are purchasing. They also want to know, in a simple format, if the liquidity and provisioning arrangements for those insurance houses, from which they are purchasing products, are robust so as to offset the risk of non-payment of claims in the future. Consumers quite simply demand transparency and easily accessible information, which is something that will have to be dealt with.

I acknowledge what the Minister said about the Central Bank conducting a thematic review and inspection of managing general agents or MGAs. However, we need further information and clarity on what that means.

While we support the motion, it is important to have legal certainty on the Setanta issue and other insurance houses. Motorists with legitimate expectations have been waiting too long for justice, despite having judgments in their favour for recognised claims.

**Deputy Richard Boyd Barrett:** I will probably not take all my time because I have to rush off to a Right2Water meeting at 6 o'clock.

**Deputy Michael Healy-Rae:** We will take the Deputy's time.

**Deputy Mattie McGrath:** It is raining heavily outside.

**Deputy Richard Boyd Barrett:** Yes, I know, and still some people want to charge for it. It is extraordinary, is it not?

I support the proposals in the Fianna Fáil motion relating to the collapse of Setanta Enterprise Insurance and generally unregulated motor insurance firms and the measures needed to deal with the consequences. In particular, I support the importance of compensating those who have been affected. It is reasonable to pursue the authorities of the jurisdictions that did not seem to regulate properly to try to recoup some of the money it will cost us to ensure, as we should, that those who have been affected by this are compensated. They are victims of a failure of the authorities in Europe and here to have a properly regulated insurance industry. That is what it comes down to.

I support the proposed measures but we would go a lot further. This all relates to a race to the bottom that one gets in just about every area, including insurance, as a result of unregulated, free-market globalisation. We got it with banking, multinational corporate tax evasion and insurance. There is always somebody who is trying to get around the regulations for profit by under-provisioning. They have an unsustainable business model which means that when they get into trouble and are not making enough profit, they decide to go out of business. The poor customers, or more widely the general public, pick up the bill when the profit-seeking entity goes bust.

Failures of regulation and the inadequacy of pre-established compensation structures mean that we must deal with the consequences. The problem is that we then move to close the door after the horse has bolted. We keep doing this in the case of insurance. In so far as we must compensate the innocent victims, we create another problem because we must load levies on everybody else's insurance. Insurance thus becomes unaffordable and people get screwed on premiums or are not getting insured at all, as is increasingly the case.

Last week we talked about cohorts of people seeking insurance. Some taxi drivers, who require insurance cover to make a living, cannot get it because costs have risen so much. We cannot get credible information, or in some cases any information at all, from these insurance companies to justify their premium increases. One aspect is the cost of the collapse of other private entities, but they also throw out all sorts of other excuses, including legal costs and, as they see it, the unnecessarily high level of awards. They blame juries or fraud, but we do not really know the truth of the matter because we cannot get the actual information from insurance companies.

How, therefore, do we resolve this matter in such a way that the situation does not continue to get worse? While the proposed measures before us are some response to the immediate situation, are we going to be back here again fairly soon? Following a particular crisis, like the collapse of a few insurance companies or the collapse of the banking sector due to light touch regulation, we say we are going to regulate, let us have more regulation and it will never happen again because we are going to regulate. Shortly after the commitments to regulate, however, we have bleating by the for-profit institutions, be they insurance companies, banks or multinationals, saying we are going to have to lighten up this regulation because it is not viable for them with that level of regulation, or else they will have to jack up premiums. We are in this vicious cycle where we end up toing and froing between picking up the cost of not having enough regulation or the adverse consequences of compensation packages, and trying to regulate these guys. And so it goes on.

Our answer to this conundrum is a State insurance company. That is what is needed. What is the advantage of that? First, we would not need to have committees sitting for weeks on end trying to find out the truth of what is going on in the insurance company. We could actually access the information because we would have it. I am not saying that all State bureaucracies are perfectly transparent in terms of the availability of information, but at least notionally we are entitled to the information.

It would work as long as we did not have this arm's length nonsense whereby we own a bank but have no responsibility for what it does and cannot in any way influence its decisions. That is what we do when we have banks, insurance companies or any other public enterprises, including semi-State companies. We are told that is because we have to maintain the commercial independence of these entities, but that is not what we should be doing, particularly when the public always pay. The public pay higher premiums, general taxation and compensation claims when these institutions collapse. It seems to me that if the public pay every single time when anything goes wrong, maybe the public should run them. Then, at least, they would get the benefit of any profits they generate, as well as having some influence over the policies they set for premiums, business models and necessary provisioning.

I am absolutely convinced that would be better, more efficient and cheaper. I recently brought to the attention of the Minister of State, Deputy Dara Murphy, the example of a Mani-toba insurance company which was established directly after a series of hearings, just like the

ones we had on motor insurance. Unlike our ones, where we have 77 recommendations that basically do nothing except try to perfect a market which is not perfectible, the Manitoba authorities set up their own not-for-profit insurance company to provide affordable, basic third-party insurance for everybody.

It will eliminate discrimination against particular cohorts of drivers. It will base risk on individual assessments of those drivers and penalise them if they turn out to have a bad record but not penalise whole cohorts, as these insurance companies do on spurious reasons in order to make money. That is what I think we should do. Otherwise we will be here again. We will not resolve the dilemma and it will just keep going around. In a year or two we will be debating the collapse of some other unregulated entity, or for that matter, even a regulated one.

**Deputy Maureen O'Sullivan:** For me the whole area of insurance should be about assurance and reassurance and that, in the event of an accident, an injury or a fatality or, with property, in the event of theft, damage or vandalism, people feel assured and reassured that their insurance will cover them. What we are seeing in the insurance industry recently, however, is this whole spiralling. The word I would use to describe it is "excessive". There is a subtle form of blackmailing to have insurance for every possible eventuality. We are seeing claims being sought and claims being granted by insurance companies that are highly controversial and really defy all common sense, with the result that everybody's insurance premiums increase.

I want to look at three groups in particular. I know we are talking about Setanta and Enterprise in particular, but these particular groups have been in touch with me to a considerable extent. Taxi drivers are one such group. They use their cars to make a living. Numerous constituents who are taxi drivers cannot afford to work now because of the insurance increases. These are drivers who have completed their public service vehicle tests, they have kept their vehicles up to stringent standards by completing all the service vehicle checks and they have to deal with increased anti-social behaviour. The increases are making it increasingly difficult for them to work. A couple of them have said that they have been quoted excesses of €10,000 per year.

Pensioners are another group. Many insurers will not insure persons over the age of 75, full stop. They are not even looking for medical documentation. We know the reasons that pensioners can rely on their cars: for getting about, a sense of independence and leisure activities. For some of them their cars are a necessity, sometimes to pick up grandchildren. In the case of retired people on State pensions who cannot afford to insure their car we are talking about increasing isolation and loneliness. One particular constituent saw a 70% increase in her insurance premium this year. This was a lady who had a no claims bonus for more than 20 years and had not changed her car. She is now unable to use her car and she lives in an area that is not best served by public transport.

We see the working poor and the low and middle income families. These, again, are families who rely on their cars for everyday use, whether it is for dropping children to school, for appointments or for work. The increase in the cost per annum is just phenomenal. We know that part of the problem is companies like Setanta and Enterprise, foreign registered companies, going into liquidation. It is quite astonishing that the whole industry is taking collective responsibility. As somebody pointed out, it is somewhat like one supermarket going bust and the rest of them coming in to bail it out.

The choice of the insurer is for the individual but there has to be a real knowledge and awareness regarding the companies and where they are regulated. There is a need for common standards across all the jurisdictions in the EU. We have to acknowledge that very often cheapest is not the best value.

With these massive increases we are seeing an increase in people not taking out insurance. We see that in recent figures from the Garda. That is, of course, creating even more problems. We especially see that with young drivers when accidents occur. One of the recommendations in the report is to establish a fully functioning database which would allow gardaí to check insurance compliance through technology like automatic number plate recognition.

I believe the individual is doing his or her best in terms of insurance but I do not see the insurance companies meeting people half way. We know the discrepancy between what the legal profession is saying and what the insurance industry is saying regarding costs. I am sure the truth lies somewhere in between.

We are seeing staggering amounts paid out by insurance companies, some €1 billion yearly in 2011 and 2012, slightly less in 2013 and €1 billion in 2014. There is a need to tackle these overly generous awards. They are not proportionate to the claim. We have to get out of this compensation culture that so many are in because it is not fair to those who have genuine claims.

**Deputy Catherine Connolly:** I thank Deputy Michael McGrath for tabling this motion. I have no hesitation in supporting it. I want to say there is quite a lot of merit in what my colleague, Deputy Boyd Barrett, has said in respect of a State insurance company. It should be looked at.

Since the 1980s, the compensation fund has advanced moneys to the former PMPA, to the former Insurance Corporation of Ireland, to Quinn Insurance and lately we are looking at Enterprise. Outside of housing and health, the rise in the cost of insurance is the issue causing most concern to people. The figures are staggering. They are not sustainable.

Into that comes the narrative of the insurance companies. I have to disagree slightly with my colleague here, much to my reluctance, but I believe the narrative of the insurance companies is to put the blame on the claimants as opposed to looking at what are the problems. In this regard I have previously quoted the former chairperson of the Personal Injuries Assessment Board, PIAB, Dorothea Dowling. She points out, in respect of the narrative being spun by the insurance companies, it is only because of the existence of PIAB, with whom all injury cases must be registered, that we know the total average number of claims is 31,576. She said PIAB can only account for 9,046 between the courts and PIAB. There are 22,530 claims on which only the insurers have the information on who is getting what. That should be borne in mind when listening to the narrative from the insurance companies as to what is leading to increased costs.

Separately and entirely, there are 151,000 people on our roads without insurance. Separate from that again, four out of every ten accidents involve alcohol. They are some of the reasons leading to insurance claims, in addition to the failure of the insurance companies themselves to give information. In respect of the review of the framework for motor insurance compensation in Ireland, published last July, which I have read and downloaded, none of it has been implemented. We hear tonight that something is going to happen in the next few months. There were four very specific recommendations. I do not know what the delay is in implementing them.

1 March 2017

If we go to the motion in respect of Setanta itself, in a previous life I had experience on the ground of the absolutely appalling suffering of victims of car accidents who find themselves in the position of having no cover. Setanta got into trouble in 2014, which is three years ago. We have this framework, published last year, but absolutely no action on it.

There are a number of things we can do. First, I welcome the motion and all of the recommendations in it. Second, I am looking at the framework and I specifically ask the Minister what accounts for the delay in implementing the recommendations of that review. Why has it not been done, in particular in relation to the database? I see absolutely no reason for a delay. That is one of the specific recommendations of the report. It has not been touched.

I will leave it at that. I happily support the motion without any reluctance.

**An Ceann Comhairle:** I thank Deputy Connolly. We now move on to the Rural Independent Group. I believe there are five speakers sharing five minutes.

**Deputy Mattie McGrath:** Deputy Michael Healy-Rae is starting.

**Deputy Michael Healy-Rae:** What do we have? Is it five minutes?

**An Ceann Comhairle:** The speakers have nine minutes between them.

**Deputy Michael Healy-Rae:** First, I thank the Fianna Fáil Party for bringing this very important motion regarding the collapse of Setanta Insurance in April 2014 before the House. The fact that 1,666 claims remain unsettled at an estimated cost of up to €95.2 million is obviously outrageous. I would like to be allowed use this opportunity to speak in general about what is happening in the insurance world today and about the fact that premiums in Ireland for our young people and business people are spiralling out of all control. It is absolutely ridiculous to think that a nice, young, genuine boy or girl starting out in life, turning 17 or 18, can buy a perfectly good motor car for €500 or €1,000 and that the first thing they must do is get insurance quotes of €2,000, €3,000, €4,000 and €5,000. This is absolutely ridiculous. Equally we have business people who have seen their insurance for small pubs, small shops and outlet centres going from €3,000 and €4,000 up to €30,000 and €40,000. It is absolutely criminal.

Why are we in this situation? Prices have spiralled out of control and bogus claims are a dime a dozen, but the Government is dragging its feet on this issue. There were meetings after meetings for weeks about what the Government was going to do regarding the insurance premium crisis, but there was nothing at the end of the process except a puff of smoke. Something will have to be done. The Government can sit late at night to pass legislation to put a cap on rent, but cannot intervene and put a cap on insurance companies exploiting the citizens of the country.

All that came out of the meetings that were held to discuss insurance was that insurance companies would have to give a reason for the increase in insurance costs, but they could charge whatever they like. It is inherently wrong. Many people are travelling on the roads without insurance because even though it is illegal, they cannot afford to pay for insurance. It is ridiculous and wrong. The situation regarding bogus claims is frightening. Insurance companies should be forced to fight such claims in the courts.

**Deputy Michael Harty:** I compliment Deputy Michael McGrath on introducing the motion, which refers to the collapse of Setanta. It is essential for people to have insurance for

their houses and cars, but we must have confidence in our insurance companies and be happy that they are reliable and solvent. I am aware of haulage companies in my area which are having great difficulty getting insurance in Ireland, and are seeking insurance for their companies abroad. I am worried because they may be seeking insurance from companies that are insolvent.

I agree with the proposal in the motion that the Central Bank undertake an awareness campaign to ensure that motorists are fully informed about the different regulatory statuses of firms offering insurance in Ireland. That is extremely important.

Fraudulent claims and uninsured drivers are important to people and are driving up the cost of insurance. It is important that we have confidence in the insurance companies to which we pay our premiums.

**Deputy Danny Healy-Rae:** I am glad to have the opportunity to talk about this issue. There has been a great deal of talk about the cost of insurance since I came to the House. Costs still have not been reduced. It is unbelievable to think that a perfectly good driver who is 70 years of age has had her insurance costs more than double from €330 to €780. Why should a young person who goes through the rigorous driving test process and onto the road for the first time be penalised and quoted as much as €6,000 for insurance?

I know a young man with third party insurance who crossed a road and ruined his new car. He had no redress, and cried on the road because he was going to work for the first time. He will be unable to insure his car or buy another. The cost of insurance is unbelievable.

The costs for hauliers have tripled. What is happening? Is there any control in the country? I have said that we as a Parliament or the Government should be able to take command of the situation and ensure that people get fair play because that is not what they are getting at the moment.

**Deputy Michael Collins:** I thank Deputy Michael McGrath for bringing the motion to the House. The increase in motor insurance prices over the past three years is unjustified and unsustainable, and is placing major financial stress on citizens and businesses. Up to July 2016, motor insurance costs had increased by 38% year-on-year. The CSO figures over a three-year cycle show an increase in the range of 70% in some cases for insurance premiums and quotes have increased by as much as 200% or 300%.

The recommendations in the rising costs of motor insurance report of November 2016 need to be implemented as a matter of urgency. We need an integrated insurance database service. We need insurance companies to be mandated to explain why they are increasing customers' premiums. We need to strengthen our road safety measures and enforcement thereof. We need to clamp down on fraudulent and exorbitant claims and ensure that those involved are pursued and tackled more aggressively by the Director of Public Prosecutions and insurance companies.

How can community and voluntary groups survive when they are getting huge quotes from many insurance companies? Only for companies such as BHP Insurance, which are regulating prices in some manner for community and voluntary groups, many of them would be out of business.

The cost of insurance is another penalty for those living in rural Ireland. Young people are being charged thousands of euro in areas where there is no public transport. I will support the motion.

1 March 2017

**Deputy Mattie McGrath:** I, too, compliment those who moved the motion, but motions are no good. We need action. A recent report from an all-party group made 74 recommendations. I have said that four would be enough if they were acted upon rather than people engaging in the kind of tomfoolery, blindfolding and hoodwinking of the public who have to pay for insurance. Business people, publicans, shopkeepers, undertakers, hauliers and others are being robbed. What is happening is nothing but daylight robbery.

The claims are ridiculous, and legal eagles are extorting money from the system. We need the RSA to tackle this issue and a decent competition authority because the current body is toothless. As I said, we need action.

Young people who want to drive now have to do 12 lessons before their driving test. They are more experienced on the roads than we are and display their L-plates. They are fleeced before they start driving. They should be allowed to get onto the roads and have a trial period, and if they cause accidents or run amok they should be penalised.

People are driving without insurance because they cannot afford it. I do not condone that in any way, shape or form, but the RSA, the Minister, Deputy Ross, and the Department of Transport, Tourism and Sport need to concentrate on other areas and leave the ordinary man and woman who want to have some pleasure on the weekends or a night out alone.

There are plenty of buses, the Luas, the DART and other services in Dublin. The people of rural Ireland must have cars. Young people have to get to work. We need bus services. Those in rural Ireland are being attacked. This issue has more of an impact on rural Ireland than anywhere else. The Ministers of State in the Chamber might be laughing at me, but we need action instead of reports and recommendations.

**Deputy Michael Fitzmaurice:** I would like to support the motion but, as the previous speaker has said, I have been here for about two and half years and have spoken on many motions following which nothing has happened. Debates such as this one create a feel-good factor, but it is ordinary people who are suffering from the consequences of high insurance right around the country.

We debated the issue of water this week, while at the same time people are losing €500, €600 or €700. Businesses are losing up to €25,000 - insurance hikes in the lorry industry have been as high as that. We need to address this problem rapidly. We are losing businesses to other countries, in particular in the transport sector. Businesses are going to Bulgaria because they can get insurance for about one tenth of what they have been quoted here. Insurance for farms and houses is also increasing. I have not heard the issue of flooding mentioned during the debate. Deputy McGrath is involved in the issue.

If all sides of the Dáil are willing to solve this problem, we will need to deal with the bill of quantum. The issue of scam claims has to be addressed. Unless we do that, we will not bring down the cost of insurance. We need a bill of quantum that does not award people astronomical sums of money for hurting their big toes, fingers or whatever. We cannot keep going the way we have been because there is a finite number of people in the country.

We cannot handle the insurance companies; rather, we have to make sure that we handle the court system so that the craziness does not continue. People and businesses that paid €20,000 last year are being asked to pay €35,000 and €40,000 this year, but they are not getting any more themselves for their work. In fact, they may be pricing work tighter. Unless we do something

about this, we will see them leaving the country, which is no good to us because they will not be paying their taxes here.

Young drivers are being screwed at the moment. I have raised this issue on numerous occasions, including today at the Joint Committee on Transport, Tourism and Sport. We can make sure that a car will not travel at any more than 50 km/h or 60 km/h. It is the same as a lorry. This ability is in all lorries and buses in the country. Why can we not do something positive such as that and give young people insurance for the same price as those who have been driving a few years? If they then have a crash, tough luck. However, if they know that they are getting the chance they deserve to start off in life at the normal rate, they will mind themselves. We need to do such simple things and ensure that we attack the likes of the book of quantum. We can talk about it until the cows come home but insurance companies will do what they like. Insurance companies in other countries came here and then left people high and dry. These people were paying monthly and some had borrowed money to pay these companies. However, they ended up with no insurance and all they were told in the media was to go and get other insurance. If this keeps happening to people, they will get fed up with it.

The number of people who are uninsured needs to be clarified. This issue has been written about in a few newspapers but the number needs to be questioned. I do not think that many people are uninsured. People are scraping together the cost of insuring vehicles. However, many people might have an old car that they did not deregister thrown in the back of the yard and, because it is still registered, it is showing up as being still on the road. The figures contained in these great surveys from the so-called experts might not be as accurate as we think.

**An Ceann Comhairle:** I call Deputy Aindrias Moynihan, who is sharing time with Deputies Eugene Murphy, Anne Rabbitte, Éamon Ó Cuív and Kevin O’Keeffe.

**Deputy Aindrias Moynihan:** The issue of motor insurance is severely impacting people throughout the country and we need to see the Government take action that will reduce insurance premiums. Fianna Fáil has continued to highlight the issue and has proposed solutions. Drivers need to be protected from the steep increases we have seen in insurance premiums. For many people, despite the fact that they are driving the same car, the increases have been well over 50% over the past three years. It is the same risk for the same person, but the insurance premium has dramatically increased. This is not right and should not be allowed to continue.

People are finding it difficult to insure cars that are more than ten years old or are being denied insurance outright. This hits younger drivers who are trying to put their first car on the road to get to work or college much harder than others. The cars have NCT certificates, run the same as an eight or a nine year old car and would be insured by the original owner, yet these young drivers find they cannot get insurance for these cars because they are ten years old.

The issue with penalty points is infuriating people. When they get their letter from the RSA stating that their penalty points have expired and they head to renew their insurance, instead of a drop the premium increases. This is very difficult to stomach.

Action must be taken for the benefit of returned emigrants so that more people are encouraged to come home. Those coming from the UK or Australia who have been driving on the same side of the road and have the same driving experience should be given credit for it and have the benefit of a no claims discount.

People are not buying car insurance because they love the sticker on the window or because

it gives them a nice glowy feeling and peace of mind. Many of those policies are grudgingly purchased and the increased price is pushing more people to drive without car insurance. This needs to be tackled. Fianna Fáil has continued to pursue the issue and the working group has made proposals, many of which are similar to what we proposed. Now we need to see them being implemented. The report is no good unless the Government follows through on it and motor insurance premiums are reduced.

**Deputy Eugene Murphy:** As has been stated many times this evening, the collapse of Setanta Insurance has been totally mishandled by the Government and ordinary people have been left stranded. There are no answers and no one in government seems to care. I have previously stated in this Chamber that it is long past time for a root and branch review of all aspects of insurance in this country. Deputy Michael McGrath has dealt with this in numerous areas but his motion this evening, supported by all his colleagues, is helping us to get that process under way.

We have all spoken about the situation relating to Setanta Insurance, but we should also remember that the collapse of Enterprise Insurance last year affected 14,000 people and that claims of €6 million are outstanding. The report of the Department of Finance in July 2016 on the framework for motor insurance compensation in Ireland has not been acted upon. As pointed out by Deputy Michael McGrath, it is time for the Central Bank to get involved. It should act in a number of areas. It should undertake an awareness campaign to ensure that motorists are fully informed about the different regulatory status of firms selling motor insurance, formally raise any concerns it may have with the relevant European authorities so as to ensure that the system of regulation of insurance firms across member states involves common standards which are applied consistently, and address any staffing and resourcing issues which may currently restrict its ability to supervise and regulate the sector.

The reality is that the collapse of an insurance company causes great distress to motorists. They are off cover and do not know if they can arrange alternative cover. It is long past the time for talking on this issue. We must act now. Government can take action. I understand that the Government will not vote against this motion and will abstain. However, I urge it to support the motion so that we can move the issue forward and take away the misery many people suffer when it comes to motor insurance.

**Deputy Kevin O’Keeffe:** I will use some of Deputy Anne Rabbitte’s time. I thank my colleague, Deputy Michael McGrath, for bringing this Private Members’ motion to the floor of the House. The fact that it is three years since the collapse of Setanta Insurance and 1,666 claims remain unsettled at a cost of up to €95 million is wholly unacceptable. The report of the Department of Finance that was published in July 2016, which reviewed the future framework for motor insurance compensation in Ireland, seems to carry little interest for those who run the motor industry. That the insurance industry appears to have made little or no attempt to implement its proposals is further evidence that it seems happy to ignore the will of the House and that of the Irish people.

The behaviour of the insurance industry as a whole in this country over the past number of years can be compared to that of the drug cartels. In the case of Setanta Insurance, it was selling its services here while it was supposedly regulated in Malta. The behaviour of the insurance industry has seen individuals and families lose their independence as a result of the inexcusably high premium rates for insurance and driving will soon become a luxury for the wealthy. It is also one of the reasons little public transport is available in rural areas. Hackney services cannot afford to pay for the insurance required to run a service in these communities.

The insurance industry as a collective entity needs to be reined in by the Government. Legal action must be taken against any nation that fails to properly regulate an insurance company that is registered within its jurisdiction and selling insurance in Ireland. The failure of the authorities in Malta and Gibraltar to adequately regulate Setanta Insurance and Enterprise Insurance has cost Irish customers more than €100 million and affected more than 15,000 people.

This Private Members' motion is vital as it will provide clarity for customers in the event of another insurance company folding. It seeks to hold to account those who were accountable for the collapse of Setanta Insurance and to address all outstanding claims as a result of its collapse. Those affected have been waiting three years. They need our support.

**Deputy Éamon Ó Cuív:** The big problem is sympathy with no action. I congratulate my colleague for bringing this motion before the House. The idea that people have been waiting years for compensation for accidents is not sustainable and, at the end of the day, responsibility for these issues rests with Government. Governments should always look after those who are hurt through no fault of their own. People bought insurance in good faith and when they were involved in accidents and the other party involved took a third party claim against them, it transpired that, despite being clearly in the right, the third party was left out to dry by the Government. It is not good enough to abstain from or vote for the motion. What we need is action because the challenge presented by insurance must be addressed.

The other day, I was contacted by an individual who has a clean driving record and previously held a taxi licence, for which he took out taxi insurance. He later left the industry for four years to attend university and better himself but was unable to find a job afterwards and decided to resume driving a taxi. The individual in question was quoted - I saw the quotation - €13,000 for taxi insurance for one year, despite having a clean driving record and having held private insurance on a private car for the four previous years. Mature women with an impeccable driving record and full no claims bonus are being quoted €1,200. We are all aware of younger people who have been quoted €4,000, €5,000 and €6,000 for motor insurance. This issue must be addressed. People wonder about pressure on wages but it is no good putting money in one pocket if it is coming out of the other pocket at such a fast rate.

Former policyholders with Setanta Insurance should be compensated and the money recouped by the State. The sum involved is negligible for the State in the greater scheme of things but a substantial amount for the individuals concerned. I call on the Government to stop rehearsing the argument that another independent body is dealing with the issue and start governing as it is elected to do.

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):** I thank the Fianna Fáil Party for tabling this important matter of the ongoing liquidation of Setanta Insurance and Enterprise Insurance and the general issue of regulation of insurance firms passporting into Ireland for discussion. We had an interesting discussion and there is an understanding on all sides of the significant impact that the liquidation and administration of insurance firms has had on policyholders in recent years. As explained by the Minister of State at the Department of Jobs, Enterprise and Innovation, Deputy Pat Breen, the Government will abstain from the vote on the motion. However, I emphasise our agreement with elements of the motion.

As the Minister of State detailed, the liquidation of Setanta Insurance in 2014 highlighted weaknesses with the current insurance compensation framework. This weakness has led to a delay in the processing of the claims of Setanta policyholders until the outcome of the court

case between the Law Society and the Motor Insurers Bureau of Ireland, MIBI, is known. Prior to this case, the Insurance Compensation Fund, ICF, would have been expected to meet the third party claims up to a limit of 65% and a ceiling of €825,000 per claimant. However, in September 2015, the High Court ruled that the MIBI was liable for the third party claims in respect of Setanta Insurance, a ruling which was upheld by the Court of Appeal. The MIBI appealed this decision to the Supreme Court in October 2016 and judgment has been reserved. It is unclear when the judgment will be delivered. Officials from the Department of Finance made inquiries but have been unable to get confirmation as to when this will happen.

The Government understands the position of Fianna Fáil in regard to these issues and the reason the motion has been tabled. As the Minister of State acknowledged, the Government is in broad terms sympathetic to the issues raised in the motion. However, I propose to make brief reference to the Government's two key concerns with it. The first issue relates to requiring the Insurance Compensation Fund, ICF, to compensate Setanta policyholders in advance of the Supreme Court decision. This is a sensitive matter, as the High Court has found that the MIBI, rather than the ICF, is liable for these claims. Consequently, to compensate policyholders from the ICF would be in direct conflict with the decision of the courts and could be interpreted as undermining their authority.

It must be stressed that until the judgment of the Supreme Court is delivered, there will be a delay in processing outstanding third party motor insurance claims as the MIBI will not pay out on these claims unless it is confirmed by the Supreme Court that it is liable. I am sure my Opposition colleagues understand that the timeframe for the delivery of a court judgment is not something that can be interfered with.

The second issue relates to giving consideration to taking legal action against the Maltese and Gibraltar authorities for losses arising from inadequate regulation of Setanta Insurance and Enterprise Insurance. This is an understandable request given the impact the liquidation of these companies had on consumers in Ireland. In addition, it is of concern to the Government that the failure of such firms can have a direct effect on the price of insurance here. Notwithstanding this, the advice received on this issue is that there is insufficient likelihood of a successful action to justify the costs that would be incurred in taking this course of action.

Aside from these concerns, there are other elements of the motion on which I propose to comment. The Minister of State provided an update on the position regarding Setanta and Enterprise, with 1,658 claims outstanding in the case of the former company and 233 claims outstanding in the case of the latter company. While there has been little change in the outstanding claims figures for Setanta in the past year, progress can be accelerated once the liability issue has been settled by the Supreme Court. In the event that the Supreme Court finds the ICF is liable, the necessary resources will be made available, which will allow the liquidator to address without further delay all outstanding claims, subject to the limits in the legislation. Should the High Court decision be upheld, the industry will be responsible for meeting the outstanding third party claims.

While the litigation is ongoing, the Department of Finance is looking to the future by working to finalise the implementation of the motor insurance compensation framework. This will provide clarity on the respective roles of the insurance compensation framework and the Motor Insurers Bureau of Ireland in the event of the future collapse of motor insurance firms selling in Ireland. This work involves amending primary legislation and it is expected that a legislative proposal will be brought to government for approval before the end of the second quarter

of 2017.

On the suggestion that the Central Bank undertake a consumer awareness campaign, this is a matter for the bank to consider. However as indicated by the Minister of State, the bank is conducting a thematic review and inspection of managing general agents appointed to carry out business on behalf of insurance undertakings from other member states operating in Ireland on a freedom of service basis. The Central Bank has also indicated that insurance undertakings and their appointed managing general agents must disclose in full all relevant material information in a way that best informs the consumer. This includes making it very clear as to who is underwriting an insurance policy. The Central Bank has also engaged with EIOPA, the European regulatory body for insurance, on the issues raised in the motion to ensure common standards are applied consistently across member states.

It is acknowledged that there is uncertainty for the insurance sector as a result of Brexit. The issue of whether UK based financial services firms will have access to the European Union's Single Market post-Brexit will form part of the negotiations once Article 50 is triggered. Prior to the conclusion of these negotiations, however, there is no way of knowing what will be the position.

As the Minister of State noted, if the position of passporting is not satisfactorily resolved, insurers which currently have branch operations or conduct freedom of business into the State will have the option of applying for an authorisation to conduct business in the State from the Central Bank. As regards what has been described as regulatory shopping, it has been made clear that the Government is taking this issue seriously and there has been communication on the matter with our European partners.

The motion refers to the European Union freedom of services rules, under which an insurance company can be prudentially regulated in any member state and avail of the passporting provisions to sell insurance business in Ireland. It is worth noting that this is an important aspect of Ireland's obligations as an EU member state. While there have been cases that have caused difficulty, for example, Setanta Insurance, Ireland has also positively benefitted from these EU rules, in particular through our large life insurance sector.

The Government has acknowledged the matters outlined in the Private Members' motion. There is no doubt that the liquidation process is very difficult and frustrating for persons who have been waiting for a long period to have a claim resolved. Deputy Michael McGrath spoke of persons who have been out of work for a number of years as a result of accidents and are faced with mounting expenses which cannot be dealt with until their claim is finalised. Unfortunately, there are matters at play which are outside the control of Government. While I understand the call for claims to be paid out without delay, we are not in a position to pre-empt the decision of the Supreme Court. Once the Supreme Court decision clarifies the question of liability for third party Setanta Insurance claims, more progress can be made for claims to be paid either through the ICF or the MIBI. In addition, we have outlined the steps we are taking to address this issue. Legislation to address it is being progressed and it is proposed to bring the heads of a Bill to amend the current ICF legislation to implement the framework for motor insurance report by the end of the second quarter of this year. This legislation will ensure that there is clarity as to the respective roles of the ICF and the MIBI.

As indicated by the Minister of State, Deputy Pat Breen, the Government will abstain from the vote on this motion.

1 March 2017

**An Ceann Comhairle:** I understand Deputy Pat Casey is sharing time with Deputies Lisa Chambers, Eamon Scanlon, Jackie Cahill and Michael McGrath.

**Deputy Pat Casey:** This motion is welcome. I commend my colleague, Deputy Michael McGrath, on ensuring that rising insurance costs and the stranglehold that insurance companies have on the private and commercial market is under relentless focus by Fianna Fáil. I want to focus on the commercial motor insurance market in particular as I feel that often when speaking about rising motor insurance costs we fail to recognise this sector. I know of a commercial business in Arklow that is being held hostage by the failure of this Government to tackle the insurance industry. Its story perfectly illustrates the unacceptable monopoly of the insurance industry in Ireland. This long running family business has seen a rise in its commercial motor insurance of almost 45% this year alone. This cost increase to this company, which is an excellent employer in Arklow, is threatening the viability of the business. The obvious response is to tell this company to shop around for a competitive quote. Not only can this family business and local employer not get a competitive quote, it cannot get a quote for the same cover from any competitor in the insurance industry. The only alternative quote would not provide cover to its employees which, in effect, makes it meaningless. This business, as in the case of many other businesses, is being held hostage by the insurance companies which can charge what they like as they know there is no option other than to close the business. This is disgraceful, immoral and should be illegal.

Fianna Fáil has been consistent and determined in raising and proposing solutions to rising insurance premiums. It has a 12-point programme to tackle motor insurance costs which it is hoped this House will support.

**Deputy Lisa Chambers:** The insurance industry is posing many real challenges to consumers in Ireland. We are still dealing with the fall-out of the collapse of Malta-based Setanta Insurance. We must learn from this situation, do what we can to protect Irish consumers and prevent similar situations happening in the future. I recognise the real challenges posed by insurance companies regulated in other European jurisdictions. There is a limit to what we can do but we have not yet reached that limit.

This motion calls on the Government to take a number of reasonable and sensible actions, in particular that it consider taking legal action against the Maltese and Gibraltar authorities for losses arising owing to inadequate regulation of Setanta Insurance and Enterprise Insurance. I note the Minister of State's point that there is insufficient likelihood of a successful action to justify the costs which would be incurred in taking this course of action. I would welcome more details in that regard. The lack of regulation in other jurisdictions has a serious negative impact on Irish consumers. While we have freedom of services across the EU, that comes with obligations and responsibilities on every member state, including a real responsibility on member states not negligently to permit harm to come to citizens of other jurisdictions.

This Government is not addressing the real and ongoing insurance issues affecting every family and citizen. This particular motion, the vote on which I am disappointed to hear the Government will be abstaining from, will go some way towards addressing those issues and concerns. I urge the Government to revisit its decision not to support this motion. This is an issue affecting young people, businesses and families across the country and this Government is failing to get to grips with it. For the Government to sit back and abstain from the vote and not to deal with the issue or take on board the sensible and reasonable suggestions from across the Houses shows a serious lack of commitment on its part to tackle and address this issue.

In regard to the Minister of State's statement that the advice that has been received on this issue is that there is insufficient likelihood of a successful action to justify the costs which would be incurred in taking this course of action, I ask that she present that advice to the House and allow Deputies to assess it.

**Deputy Eamon Scanlon:** Fianna Fáil has identified 23 insurance companies regulated in other European jurisdictions but allowed to sell motor insurance to Irish customers. These companies are similar to Setanta Insurance and Enterprise Insurance which collapsed last year, affecting 14,000 motor insurance customers with over €6 million in claims outstanding. The liquidator for Setanta Insurance has said that the number of open claims was 1,678 as of 31 May 2016. I understand that the claims reserve position stands at €95.2 million. More than 70% of claims will not be covered by the liquidation. Following the collapse of Setanta Insurance approximately 75,000 motorists here were left without cover. This motion calls on the Government to provide the necessary funding to the Insurance Compensation Fund to resolve the Setanta case pending the decision of the Supreme Court. It further calls on the Government to consider taking legal action against the Maltese and Gibraltar authorities for the losses arising from inadequate regulation of Setanta Insurance and Enterprise Insurance, respectively, and to finalise the motor insurance compensation framework so claimants are protected in the event of the future collapse of motor insurance firms selling insurance in Ireland. Consumers may assume they are buying insurance from Irish companies but in reality they may be buying foreign insurance products sold through Irish brokers. Consumers do not have the expertise to analyse whether a firm is likely to get into difficulty. Even those charged with that responsibility find it difficult to determine that.

Following the collapse of Setanta Insurance, it was impossible for consumers to correspond with the liquidator or to attend meetings as they were all held in Malta. The failure of foreign regulated motor insurance companies is directly increasing the cost of insurance for motorists in Ireland. Consumers have effectively been told to accept these extortionate increases without any explanation. Premiums have increased by more than 50%, on average, in the last two years, with many drivers quoted increases of up to 100% to renew their cover. The outstanding claims caught up in Setanta Insurance and Enterprise Insurance need to be resolved. Consumers should be made aware of the different regulatory firms selling business into Ireland.

I know of a young man who had to go to England to work, prior to which he had a 16 year no-claims bonus in Ireland. He worked in England for four years, during which time he had motor insurance and no claims. When he returned to this country and sought insurance cover he was told his no claims bonus was invalid because he had broken his insurance record. That is disgraceful. No insurance company should be allowed to do that. *Confused.com* carried out a survey in Northern Ireland which showed that insurance premiums for young male drivers aged between 17 and 20 living in Northern Ireland have decreased by 24%, which is equivalent to a decrease of over £700. Female drivers of the same age within that region reported a 12% decrease in motor insurance premiums, which is equivalent to a decrease of £260. I do not understand how insurance companies in this country are getting away with what they are doing. This is wrong and it should not be allowed to continue. People are being put out of business because they cannot get public indemnity insurance and people who need a car to get to work, particularly people in rural areas, are unable to afford the cost of car insurance and thus they cannot get to work. As I said, this cannot be allowed to continue.

**Deputy Jackie Cahill:** I will be brief to allow Deputy Michael McGrath, who brought forward this motion, time to sum up. Foreign based companies have let down insurance in this

1 March 2017

country. This motion is timely. We need to tidy up the mess of Setanta Insurance and Quinn Insurance and to address the future of the compensation levy. The rising cost of insurance must be tackled because it is crippling individuals and industry across the country, be that young drivers, small businesses, hackney or taxi drivers and so on. The escalating cost of motor insurance must be tackled. This Fianna Fáil motion is a concentrated effort to reduce the cost of insurance to business and individuals.

**Deputy Michael McGrath:** I thank all Members who contributed to the debate. I am, however, deeply disappointed by the Government's response. It is allowing the motion to go through by abstaining but will do nothing to implement the contents of the motion. I would have more respect for the Government position if it opposed the motion. The only reason it is not doing so is that the Government does not want to suffer another defeat on a Dáil vote.

The people who were caught up in the collapse of Setanta Insurance and Enterprise Insurance want action by Government to address their situation, but we have not had any assurance this evening from the other side of the House that those people will not be left out of pocket. The Minister of State, Deputy Corcoran Kennedy, seems to have copied and pasted extracts from the speech of the Minister of State, Deputy Breen, into her contribution. That is simply not good enough. We have been told that the heads of a Bill on a new motor insurance compensation framework will be brought to Cabinet in the second quarter, but that is a full year on from the publication by Government of the report on the new compensation framework. Not only are we continuing to leave the people affected by the collapse of Setanta Insurance and Enterprise Insurance hanging in limbo, but the message we are sending out to everybody else with a motor insurance policy is that if their insurance company collapses, they, too, will be left in limbo. There is apparently no intention to address the gap in the legislation and the lack of clarity on these matters.

At this late stage, and as we await the Supreme Court decision, there should be renewed efforts by the Government to engage with the insurance industry. Every attempt must be made to come up with a practical solution to assist the people whose lives have been put on hold and who have been, told through legal letters, that they could be personally responsible for the shortage in terms of outstanding claims that may arise out of the liquidation of Setanta Insurance. In other words, they are facing the prospect of having judgments made against their family homes. The Government has failed those people and it is not acceptable. I plead with the Minister, even at this late stage, to engage with the industry, seek to resolve the issues and work to put in place a comprehensive motor insurance framework to deal with any future collapses that may occur.

7 o'clock

Question put and agreed to.

*Sitting suspended at 6.50 p.m. and resumed at 7 p.m.*

### **Traveller Ethnicity: Statements**

**An Ceann Comhairle:** We will resume with our programme of business for the evening, statements on Traveller ethnicity. I call the Taoiseach to make his statement under Standing Order 45. On this historic occasion, he has ten minutes.

**Deputy Ruth Coppinger:** On a point of order-----

**Deputy Bríd Smith:** I have spent the past half hour out at the gates, where there are approximately 150 to 200 Travellers who have come from all over Ireland to witness this historic occasion. It is unusual. The AV room and Gallery are full. They have been patient, having been outside for hours, and they are excited about this most historic occasion in the life of their community. Would anyone blame them?

I have asked the Ceann Comhairle and the ushers whether it is possible to open up the coffee dock or some of the party rooms to allow the Travellers inside to hear these proceedings. They are emotional and many of us will discuss why we believe that is the case. However, the least that we can do is make a plea to any settled people in the Gallery to give up their seats for the Travellers who have come all this way.

Could we postpone proceedings and ask the staff, not lean on them, whether there is any way to find more space to allow Travellers inside to witness this on CCTV? Some of us could supply our services to help patrol and provide security. I am willing to forgo my opportunity to speak so as to help with ushering people in and out and ensuring there is no hassle. If there are not enough staff, Deputies would be more than willing to do that.

**An Ceann Comhairle:** I thank the Deputy, but we cannot get into a lengthy debate on the matter. The Deputy has made her point of order. I take it that Deputy Coppinger has a similar point of order. I will come to Deputy Adams shortly.

**Deputy Ruth Coppinger:** This is an historic occasion. I have never heard of a time when so many people have shown up for a debate. I have tried to speak with the Tánaiste. We cannot cite any precedent. Travellers have come to Leinster House from far and wide, but I submitted a list of names approximately 36 hours ago of people in the Irish Traveller Movement and other associations, for example, the Blanchardstown Traveller Development Group, which had fought for 30 years for this day. It seems unfair that this could not have been planned better. I raised the matter earlier. Now that people are outside, can we take a break to facilitate them and make an exception instead of turning away those who have already been marginalised in society? I appeal to the Taoiseach, the Tánaiste and the Superintendent to bear with us and try to facilitate that.

**Deputy Gerry Adams:** We decided not to raise the issue because we did not want to say anything that would cast a shadow over proceedings, but I agree, in particular with what the two previous Teachtaí have said. Deputy Aengus Ó Snodaigh made representations on the matter last Thursday and preparations should have been made. We were engaged with the people who run this institution all day yesterday and all day today. We offered the use of our party room, which could accommodate up to 30 people, and I am sure other parties would do exactly the same. It is an especially historic and important moment of which the people at the gate should be a part. I urge that we would do that and a brief adjournment of 20 minutes would facilitate that.

**Deputy David Cullinane:** Hear, hear.

**An Ceann Comhairle:** My understanding is that it is not simply a question of space, it is a question of personnel to manage the unprecedentedly large crowd we have. All are welcome. We apologise to those who have been inconvenienced and who find themselves at the front gate. The advice I have at this point is that we do not have sufficient personnel on site to provide the level of management to ensure proper health and safety conditions prevail for everyone. It is a

1 March 2017

very important debate and it is important that we proceed. I do not think we should delay the matter any further. I would certainly like to hear the Taoiseach and I would ask-----

**Deputy Bríd Smith:** Could I just make another point please?

**An Ceann Comhairle:** No, Deputy Bríd Smith has made her point.

**Deputy Bríd Smith:** Could I just make another point?

**An Ceann Comhairle:** No, the Deputy cannot.

**Deputy Bríd Smith:** I would love to hear the Taoiseach but so would the people outside. There are 25 people from Labra Park in Ballyfermot. I am willing and I am sure Deputy Ó Snodaigh would also be willing-----

**An Ceann Comhairle:** That is not a point of order.

**Deputy Bríd Smith:** -----to help to usher them in and to take care of them.

**An Ceann Comhairle:** The Deputy should please resume her seat.

**Deputy Bríd Smith:** If there is a shortage of staff I am willing to do that and other Deputies are willing.

**An Ceann Comhairle:** The Deputy should not be facile. She is not an usher.

**Deputy Bríd Smith:** I am not being facile. We should bend the rules for people who have had the rules broken on them for decades in this country.

**An Ceann Comhairle:** I ask the Deputy please to resume her seat.

**The Taoiseach:** Thank you, a Cheann Comhairle, for making time in the House today for this historic and symbolic recognition of Travellers as an ethnic group within the Irish nation. Robbie is a 17 year old young man, the apple of his mother's eye, his future is ahead of him and the world is at his feet, yet he walks with his head down. No more. His mother, his family and his Traveller community want Robbie to feel the same sense of hope and opportunity as every other young person in this country. So do I. So does this Dáil, this House of public representatives. Today's statement of recognition of Travellers as an ethnic group will go some way to ensuring Robbie and his entire Traveller family have a better future with less negativity, exclusion and marginalisation.

As the House is aware, the Traveller community has for many years campaigned to have its unique heritage, culture and identity formally recognised by the State. In this State, Travellers make their contribution as gardaí, doctors, members of the Defence Forces, prison officers and in other occupations, so there should be no surprise that a person can identify as Irish and as Traveller. This is a deep and personal issue for many Travellers. On 6 February last, I invited representatives of the main Traveller organisations to the Cabinet committee on social policy to discuss the matter with the Minister of State at the Department of Justice and Equality, Deputy Stanton, and other senior Ministers. They said it took 30 years for a Government to listen to them across the table. The representatives spoke passionately about how this strong message from the State would be a very important symbolic and positive step in acknowledging the uniqueness of Traveller identity. They felt it would resonate strongly among the community and help counter the stigma and shame felt by many, particularly young people, and increase

feelings of respect, self-esteem and inclusion.

I was deeply moved as members of the group spoke of their own personal experiences, including their personal hopes and dreams for their children to live their lives and fulfil their ambitions. We all want the same for our children, namely, to grow up and thrive in a society where we are all free to be who we truly are. No one should have to hide their religion, sexual orientation, race or culture to be respected or even accepted in society. As we discussed at the meeting, there are also darker elements across society that challenge the law of the land that must be tackled. The Traveller community is not immune from that. I hope that today will create a new platform for positive engagement by the Traveller community and Government together in seeking sustainable solutions which are based on respect and on honest dialogue.

That recent engagement and these statements from all party leaders in the House will further help generate mutual recognition and respect between the Traveller and settled communities. For some time Ireland has implicitly recognised Travellers as having a distinct ethnic identity. We have done so by reporting since 2000 to the Council of Europe on the situation of Travellers in Ireland in our periodic reports on the Council's Framework Convention on National Minorities. We have also done so by reporting on the situation of Travellers to the UN and the Council of Europe in our periodic reports on the main international conventions and monitoring bodies against racism. We have further done so by explicitly naming Travellers as a protected group in equality legislation.

Since the 1980s, Pavee Point, together with the Irish Traveller Movement, the National Traveller Women's Forum and Mincéirs Whiden have campaigned strongly on behalf of Travellers. They have worked hard with the community to improve living conditions, promote health and education and access to services. They have sought to empower Travellers and have not been afraid to help them address some of their own internal challenges.

The Minister of State, Deputy Stanton, is also finalising a new national Traveller and Roma inclusion strategy which will be published shortly. The inclusion strategy is intended to bring about important changes to the lives of the Traveller and Roma communities in Ireland. The campaign for recognition of Travellers in Ireland as a specific ethnic group of the Irish nation, with its own unique heritage, culture and traditions has of course been part of the discussions for the new strategy. It does not surprise us, in the context of relationships and self identities within the island of Ireland that a person can identify in different and sometimes overlapping ways. We recognise as part of the Good Friday Agreement that a person can identify as Irish, Northern Irish or British and that this self identification can vary with greater emotional commitment to one or other element depending on the circumstances. Under the same Good Friday Agreement, we formally recognise the identity of people of Ulster Scots heritage, including in the three Border counties, and we support the development of their unique heritage and culture, without prejudice to their equal citizenship in and loyalty to this Republic.

Our Traveller community is an integral part of our society for over 1,000 years, with its own distinct identity - people within our people. It a great privilege for me to be the person that has the honour of making this statement. I acknowledge the Minister of State, Deputy Stanton, at the Department of Justice and Equality and the national Traveller organisations who undertook substantial work to bring clarity to the debate, and all of the other public representatives who have assisted in any way in the work that brought us to this point. Together, we agreed that recognition of Travellers could have a transformative effect on relations between Travellers and wider society, and will create no new individual, constitutional or financial rights. Because, of

1 March 2017

course, Travellers already enjoy all the human rights and responsibilities that are afforded all people under the Constitution and laws. The acceptance and implementation of those rights and responsibilities has to work both ways in order for society to function effectively, inclusively and with mutual respect for all citizens. We recognise the inequalities and the discrimination that the Traveller community faces and has faced and have a range of special programmes and interventions to help deal with this. The development of the new national Traveller and Roma inclusion strategy will build on this. Mar sin, mar Thaoiseach, aithním go hoifigiúil gur grúpa eitneach é Lucht Taistil na hÉireann. As Taoiseach, I now wish formally to recognise Travellers as a distinct ethnic group within the Irish nation. It is, therefore, a historic day for Travellers and a proud day and a day of maturity for Ireland. Lá iontach tábhachtach é seo do Lucht Taistil na tíre. Lá dár saol, mar a déarfá. May all the people of our nation live in the shelter and never in the shadow of each other. Or as the good Traveller man taught me how to say in Cant, this is a borradh táileasc for the mincéir.

**Deputy Micheál Martin:** I wish to share time with Deputy Jim O’Callaghan. Is ócáid den scoth é seo. Déanaim comhghairdeas le Lucht Siúil na tíre as ucht an aitheantais atá bronnta orthu inniu i nDáil Éireann ar son Comhaltaí na Parlaiminte seo. Tá an lá seo tuillte agus is ócáid ceiliúrtha é do Lucht Siúil na tíre. On behalf of Fianna Fáil, I warmly welcome today’s formal recognition and declaration by An Taoiseach on behalf of everyone in Dáil Éireann of Traveller ethnicity. I welcome all the representatives from the Traveller community who have travelled far and wide to attend Dáil Éireann. I was delighted to meet many whom I have met in different contexts in the past, particularly health and education. I welcome them and congratulate them on this achievement and the realisation of their ethnic identity in Dáil Éireann today. In many ways, today should challenge us as legislators and representatives to realise the aspirations and ambitions of the people here and of the Traveller community for the younger generations so that they can be fully part of Irish society without discrimination and exclusion and meaningfully participate in employment, education, health and all the various services.

I recognise the work of the Traveller organisations that have called for the acknowledgement of their unique identity and place in Irish society for the past 30 years. This first step will bring positive momentum to addressing the damaging impact of marginalisation, exclusion and discrimination against Travellers. As recent research and work has shown, Travellers have been a distinct part of our history for as long as written records exist. They are today just as they always have been - a very important, distinct and valuable element of the broader mosaic of Irish culture and society. Yet there has also been an inescapable history of incomprehension, distrust and far too often, tension between the rest of society and this ethnic community. It is a depressing reality that the overwhelming tendency has been for us to discuss the Traveller community here and in the wider public sphere at times of tragedy or in the context of issues defined as problems and challenges. The most important thing we can do is to move towards showing respect for cultural difference within our overall identity and to understand that recognising the distinct ethnic identities of Irish people does not undermine Irishness. Rather it strengthens Irishness.

Over the past two decades in particular, there have been important developments in terms of both the legal recognition of the rights of Travellers and the reform of State services designed to help Travellers to benefit from wider opportunities. I have been part of Governments that enacted clear legal protections for Travellers in the Employment Equality Act and the Equal Status Act. I have also been engaged in targeted strategies which have made some difference in terms of tackling health inequalities and significantly increasing educational achievement

but not enough by any yardstick. I am delighted to have met Missy Collins and Rosaleen McDonagh who worked on the Traveller health strategy committee - I will not say many years ago but some years ago - and who had a very significant input into that strategy. There were many challenges in officialdom against a specific focused Traveller health strategy. The degree of challenges we had to get through to get that over the line was unacceptable. An awful lot more needs to be done in education in terms of completion of national and second-level education in particular. We must also remember that only 1% of Travellers go on to third-level education. I recently met a young Traveller named T. J. Hogan who told me that he was one of three young Travellers in Cork Institute of Technology. One of the three was his sister. He is an outstanding individual and today is a great day for him because he came to talk to me about this recognition but also about how we can do more. I think he would like a career in politics. That is what this day is about - that it leads to young people getting involved in politics. I was delighted to meet Ian McDonagh, a young man in the Public Gallery who won the Jack Restan Display Award in the recent Young Scientist competition. I met him at this competition. He has a brilliant, inventive mind and a great future ahead of him. I am delighted he can be here today as a young man witnessing this historic occasion.

We all have a duty in this House to facilitate and encourage events like this to enable members of the Traveller community to progress through our education system and secure employment. As we know, according to the all-party report, Traveller mortality rates are still three times the national average and suicide rates are six times the national average. We need to make a meaningful impact on those issues. The recognition of the distinct ethnicity of Travellers represents and should represent a watershed in how we as a State approach these key issues. People will say that there has been a *de facto* recognition of Traveller ethnicity. I do not think this is strictly true. What we have had up to now is a recognition that many people by virtue of being Travellers need to be protected from discrimination but what we have not had is a positive statement, which we have had today from the Taoiseach and the House, that we recognise and value the fact that Travellers represent a distinct ethnic group in our society. That will have positive impacts, particularly in terms of giving the community greater confidence and security and ensuring that this is the end once and for all of any suggestion or implication that the objective of State policy is to dissolve a distinct ethnic group into wider society. Many people from the community have told me that this recognition will help to reinforce self-pride and reflects a dual identity - one that is maintained by many with Irish roots in other countries. We must avoid the patronising and damaging stereotyping of Travellers that comes from defining this community solely in terms of challenges. I believe we can create a much more positive story into the future.

I acknowledge the work of the Oireachtas Committee on Justice, Equality, Defence and Women's Rights in 2014 and the recent all-party Oireachtas Committee on Justice and Equality. Their reports have been comprehensive, inclusive and important catalysts for this declaration of ethnicity. It is entirely right that we have reached a stage of formally recognising the ethnicity of Travellers based on a non-partisan approach and reaching consensus. It is about being willing to recognise and value difference and there are many within this House whose work we should acknowledge. On our side, I thank Deputies Jim O'Callaghan and Jack Chambers for the detailed work they did for our parliamentary party. However, it is not about politicians this evening. It is about those who lobbied hard and who brought this day about through persuasion, professionalism and dogged campaigning. Pavee Point, the Irish Traveller Movement, the National Traveller Women's Forum, Mincéirs Whiden and others have worked incredibly hard to bring this about. We are thankful to them for developing this. I was particularly impressed

1 March 2017

by what Bernard Joyce said when he summed up what today means to him as a Traveller. He said that:

Ethnicity is not the same as race, nationality or place of birth. Recognising Traveller ethnicity will not make us less Irish. It will, however, acknowledge our dual identity of being both Irish and Traveller, similar to Irish Americans and African Americans. Having my identity recognised, defined and included would enhance my pride of place in Irish society my sense of being part of rather than separate from it.

That sums up what today is all about. I congratulate all involved for bringing it about.

**Deputy Jim O’Callaghan:** As Fianna Fáil spokesperson on equality, I congratulate members of the Irish Traveller community who are here today and those around the country on the fact that today, for the first time, the State has recognised their unique ethnicity. I commend the Taoiseach on taking on that responsibility on behalf of the State in recognising the unique ethnicity of Irish Travellers.

I commend the Joint Committee on Justice and Equality, under the chairmanship of Deputy Caoimhghín Ó Caoláin, that held hearings at the end of last year and which produced a report in January this year calling on the Government to recognise the unique ethnicity of Irish Travellers and I welcome the work that was done by that committee. I also recognise the role played by its predecessor, the Joint Committee on Justice, Defence and Equality, under the chairmanship of the Minister of State at the Department of Justice and Equality, Deputy David Stanton, for also producing a report in respect of the State recognising the unique ethnicity of Irish Travellers.

It is important, now that we have acknowledged the unique ethnicity of Travellers, that we go further as a State. The report produced by the ESRI in January this year entitled, *A Social Portrait of Travellers in Ireland*, reveals that there are many challenges that not only Travellers face, but that the State faces, to ensure Travellers have the same rights as other citizens. We need to ensure, in respect of education, health care and housing, that Travellers have full citizenship and are given full rights in the same way as every other citizen in this country.

I again congratulate Travellers on the recognition of their ethnicity.

**Deputy Gerry Adams:** Tá mé fíor-bhuíoch as an deis labhairt ar an ábhar tábhachtach anocht. Is lá agus oíche fíor-thábhachtach don Lucht Taistil é. Cuirim fáilte roimh na grúpaí anseo, na daoine sa Gallery and elsewhere in Leinster House and I extend solidarity to all Travellers on this historic day. It is their day, and a momentous step forward for equality.

Some are outside and I am sure we all regret that. Perhaps, if the Taoiseach’s schedule allows, he could address them. I understand there are 70 members of the Traveller community in Buswells and some of us could go and give them some sense of what has happened here this evening.

On behalf of Sinn Féin, I very much welcome this and thank the Taoiseach for recognising Traveller ethnicity. I pay tribute, in particular, to those who have advocated on behalf of the Traveller community, from within the Traveller community itself but also those from the settled community, who have done so much to advance this cause. Some have done so for decades, for which we are thankful to them.

We need to be mindful also of those who have suffered because they were Travellers. I par-

ticularly remember the Lynch, Connors and Gilbert families who died in Glenamuck.

I pay tribute to the women of the Traveller community. Like their sisters in disadvantaged sections of the settled community, the women of the Traveller community have been the great heroines and champions who have kept their families going through thick and thin. I acknowledge the work of Minister of State at the Department of Justice and Equality, Deputy David Stanton. Maith thú, a Aire Stáit Stanton. Táimid buíoch duitse feasta.

I commend also the work of the justice committees, both the Joint Committee on Justice, Defence and Equality, chaired by Deputy Stanton, in the previous Dáil which adopted a report by Senator Pádraig Mac Lochlainn recommending the recognition of Traveller ethnicity, and also the current committee, chaired by Deputy Caoimhghín Ó Caoláin.

Today's decision to recognise Traveller ethnicity is the right thing to do. The Taoiseach's statement finally brings the Irish State into line with existing recognition already in place in the North, as well as in England, Scotland and Wales. The distinct culture, traditions and ethnicity of the Traveller community need to be cherished and valued.

One of the main characteristics of Irish Travellers is their nomadic lifestyle. This was particularly the case until the 1950s and 1960s. Until then, many earned a living from repairing and making household utensils which were usually made from tin. The rapid pace of new technologies, the use of plastic and other cheap goods brought about major changes in Travellers' lifestyles.

The Commission on Itinerancy report of 1963 also had a huge bearing on the lives of Travellers in this State. The report established policy on Travellers for the following 20 years. It is one of the most shameful reports in the history of the State. If Teachtaí want an insight into its agenda or views, they need only look at the terms of reference for the commission. These were: (1) to enquire into the problem arising from the presence in the country of itinerants in considerable numbers; (2) to examine the economic, educational, health and social problems inherent in their way of life [and] to promote their absorption into the general community. These terms were dripping in racism and elitism. They were ignorant, stupid and ill-informed.

It is little wonder, after decades of discrimination and demonisation, there is a sense of demoralisation, low self-worth and inferiority among some in the Travelling community. The prejudice and discrimination many Travellers face has worsened in recent years. We need only look to the opposition to a temporary halting site for those bereaved by the fire in late 2015, for example, or the treatment of Travellers in my own constituency who were evicted from a halting site in Dundalk this time last year.

There is that sense of a much wider institutional discrimination faced by members of the Traveller community in areas such as health and education provision. That has been a hallmark of the relationship between settled people and Travellers. That relationship has been blighted by suspicion, resentment and animosity based on false perceptions and fears. A lot of it is based on ignorance.

Ignorance breeds fear. The only cure for ignorance is knowledge and that comes from education and engagement. The Proclamation of 1916 should be the mission statement of a modern Irish republic. It addresses itself to Irishmen and Irishwomen. It does not state, "unless one is a member of the Traveller community".

1 March 2017

All of us have rights. These include the right to receive equal service in shops and pubs, the right to access education, health services and work, and the right to accommodation, on the basis of equality. Every Irish citizen should enjoy the rights and entitlements that come with that citizenship. Regrettably, this has not been the case for our Traveller brothers and sisters.

The Traveller child born today faces a life in which he or she will be part of the most socially disadvantaged group in Irish society. That child will leave school earlier, have little prospect of work, will suffer ill-health and poverty, and will die younger. He or she will endure substandard living conditions. Many will have no access to basic facilities such as sanitation, water and electricity. They will face discrimination in employment and most will never work. Cutbacks in education, health and other services have impacted severely on the Traveller community. The suicide rate for Traveller women is six times that of the settled community. It is seven times higher for Traveller men. At the root of all these problems are the unacceptable levels of prejudice, discrimination and social exclusion experienced by Travellers at institutional and other levels. That has to be combatted, and it can be.

Alongside tonight's recognition of Traveller ethnicity, there needs to be a process established to improve relations between the settled and Traveller communities. Sinn Féin has called in the past for the establishment of a national forum, across the island of Ireland, involving Travellers and the settled community, including representatives of all political parties, of government, local authorities, health and education sectors, and representatives of media organisations to plan a way ahead. I repeat that call this evening. Such a forum could discuss openly, and in detail, how discrimination and prejudice against Travellers can be confronted, including prejudicial attitudes facilitated by the actions of some politicians and media outlets.

Despite those decades of discrimination, the Traveller community are a proud people. They are a resilient people. I acknowledge, in particular, the significant contribution and influence on Irish traditional music by Irish Traveller families, particularly uilleann pipers and fiddlers.

In their excellent book, *Free Spirits*, Tommy Fagan and Oliver O'Connell make the point that "Ireland and Irish culture is richer because of the music and songs of the Traveller community". They say, "wherever Irish music is played, wherever Irish songs are sung, wherever Irish stories are told, and wherever Irish dances are performed the influences of the Dorans, the Keenans, the Fureys, the Dunnes, the Dohertys and other great Traveller and musical families will be very much in evidence". We can add to that Maggie Barry and the Pecker Dunne.

Christy Moore has consistently paid a tribute to John Reilly, who kept alive songs like "Well Below the Valley", which have been sung for 200 years. That is the Traveller community I know - creative, strong, resilient and generous.

In the summer of 1969, when sectarian evictions were incited in the North in reaction to the demands of the civil rights movement, I was one of a small group of activists who helped families to move their belongings from their homes. It should be noted that it was people from the Traveller community in Belfast who provided and drove the lorries, at great risk to themselves, which took these families out of danger.

Among Travellers today there is an articulate grassroots leadership well able to voice Traveller issues and who have consistently raised their community's awareness of their rights. Some of them are in the Visitors Gallery. I know they are up for the challenge of ensuring that all of us together resolve lingering issues and ensure our society embraces the differences that make

up the diversity and uniqueness of our the people of our island.

Through strong and resolute leadership like that which was shown tonight and co-operation at all levels in political and civic society, and in our settled and Traveller communities, we can ensure a society that underpins equality for every citizen.

This debate is a major step in the right direction. We need to keep moving in that direction. It is a very historic moment for the 40,000 members of the Traveller community. It is an important symbolic acknowledgement but it must also pave the way for real, practical change. Action must follow ethnicity.

**Deputy Joan Burton:** For too long, Travellers have been viewed as a problem by some in Irish society but I am so pleased that we here celebrating Travellers as a people.

Every report that was commissioned in the early days focused almost entirely on the negative, most notably the Commission on Itinerancy Report in 1963. Traveller groups and activists have long advocated a new platform for their people, a recognised place for them in the Irish family, in the Irish nation, not a separate ethnicity but a distinct ethnicity within the Irish nation.

It has been a long road and one that for groups such as Pavee Point, the Irish Traveller Movement, the National Traveller Women's Forum and Minceirs Whiden there were times when there was a temptation to lose faith, but they never did. They believed in each other, in their people and that the process would succeed. They believed also that the much maligned political process would deliver for them, and it has.

The Labour Party is proud to have played its part. A motion calling for the recognition of Traveller ethnicity was passed by our national conference in December 2013. I remember the passionate contributions of Martin Collins, Catherine Joyce and Brigid Quilligan on that occasion. We supported the all-party justice committee report on Traveller ethnicity, with Senator Ivana Bacik being one of the most vocal supporters.

As Tánaiste, I appointed my colleague, Senator Aodhán Ó Ríordáin, as a Minister of State to address this issue and to work with the community, among other things. I can only say that he put his heart and his soul into progressing the recognition of the community. He is in the great tradition of Irish teachers who have worked with the Traveller community and given all of those who have gone on to do well in education their start, supported by the mothers and the fathers of the families. As Minister of State, Senator Aodhán Ó Ríordáin brought the issue to the point where all Departments, one by one, supported the move. In our hands it went from a lobbying call to the unanimous backing of the Cabinet Sub-Committee on Social Inclusion.

I recognise and welcome the statement made by the Taoiseach. I thank the Minister of State, Deputy David Stanton, in particular, who has brought the issue to the floor of the House, for which he is to be congratulated. I know that he has met regularly Senators Aodhán Ó Ríordáin, Pádraig Mac Lochlainn and Colette Kelleher, in the best tradition of parliamentary bipartisanship, to keep the focus on the greater goal. Today, that goal is realised and all of our politics is enhanced.

Let us commit to mending the wounds of the past. There are people in the Gallery who I have known, on or off, for 30 or 40 years. I hope that for them tonight is a vindication of all of the different wrongs people experienced at different times.

1 March 2017

We have a new start now in terms of tackling real issues that affect members of the Traveller community and their relationship with other communities. All of us have a responsibility to be leaders in our communities and for those in political office, that means an end to the distribution of racist literature or literature that stereotypes and typecasts people. None of us is perfect and in our own way we are all wonderful also. We have to live and let live. That is absolutely critical.

I salute all of the people in the Visitors Gallery, many of whom I have been privileged to know over the years. As I grew politically, I have seen them grow in enormous strength and confidence. They have been able to tell everybody, whether in government or in Departments, what is the right thing to do.

I thank in particular the people who were teachers in the Traveller community over the years such as Roddy Day in Corduff and in Blanchardstown and also the people who worked in the parishes of the Traveller community. It is not much more than a year since the awful fire and in all of those ceremonies, when people were being laid to rest, we saw all of those gifts that the Traveller community has when tragedy strikes to comfort other people.

I congratulate all those people in the community who have taken leadership roles. I hope this debate will formally mark the start of new opportunities, particularly for the young people in the community. I have had many conversations over the years, particularly with mothers who have fought so hard to persuade their children to stay in school, particularly the boys. All of us here should commit to try to ensure that people stay on to do well and be happy in primary school, to succeed in secondary school and, if it is their wish, to go to college, gain an apprenticeship or become a trainee. I know from the successes people in my constituency have had that it is possible to do that.

As Nelson Mandela said, in the end, it is all about young people and it is all about education. I hope these statements tonight will give the young men and the young women in the community their opportunity. On my behalf and that of my family, I thank all the people in the Traveller community for all the music they have brought us and all of the culture and knowledge, as has been said, and all the songs and tunes they saved. We speak about people in the United States bringing it all back home to Ireland, but in fact the Traveller community kept so much of our musical heritage in Ireland. As we move into a new phase this is something we will surely continue to celebrate.

**Deputy Bríd Smith:** For the record, because of the points I made earlier, I make it clear that I bear no animosity towards the staff of the building. I have 1,000% respect for them, as do all my colleagues. It was not about the staff. It was an unfortunate set of circumstances which meant at least 100, if not more, Travellers and their children were excluded from this celebration and I really do regret this. It means this is a slightly bittersweet occasion. Nevertheless, I congratulate the Department of Justice and Equality, the Taoiseach and everybody involved in making this reality.

A huge part of why this is a reality is due to those present from the Traveller community. Many people have mentioned musicians and we have also had fine actors. John Connor's series "I Am Traveller" which was on RTE recently helped in a deep cultural way to break down many images and barriers. I will spend the few minutes I have speaking about my perception of culture. Culture is a very deeply embedded part of what we are and who we are, and what the Traveller culture brings to us is something very rich and wide. Without being facile, as the

Ceann Comhairle said earlier, some of the best people I have ever met in my life come from the Traveller community because they give a sense of richness, culture and depth in their personalities and experience.

On the other hand, we must acknowledge that in our settled culture there is a deep, often racist and reactionary response to the Traveller community. This morning, I tweeted a big welcome for these events this evening, and within minutes my Facebook and Twitter had received responses with reactionary, racist and vile comments which I will not repeat. These were not from friends of mine, but from people out there who watch these events. I want to make a strong argument and I am not pointing the finger at any one individual but speaking about culture, that the fish rots from the head, and the culture in political society in Ireland has been NIMBYism towards Travellers, not in my back yard, and blaming them when an election comes around to try to get a few votes in a housing estate.

Whether in national or local politics, there is a deep rotten culture in the attitude towards the Traveller community in Irish society. We will not break this down tonight, we will not break it down next week and we will not break it down next year, but we must work damn hard at making sure we break it down. This means everybody in the House, particularly Ministers, must give a lead. I refer to the 80% cut to the Traveller education budget when the Minister for Finance stated the low hanging fruit will be picked first when austerity hit us. This must be reversed immediately. The cuts to assistance for special needs in schools must be reversed immediately. The Minister, Deputy Simon Coveney, must keep a strong eye on local authorities and how they underspend the allocation of money given for Traveller accommodation. I was shocked when I was a councillor and chairperson of the Traveller accommodation committee to discover that between 2009 and 2011 €14 million of the budget was underspent by local authorities for Traveller accommodation. This is a deeply rotten racist reactionary political attitude towards the community sitting with us this evening. This is what we must begin to break down. The fish rots from the head but the cure will also come from politicians giving a lead locally and nationally.

Despite the fact I have said some harsh words about the political culture in this country, it is changing and will change even further because of the massive contribution made by individual Travellers, communities such as those in Labre Park, community leaders and Traveller activists who are not necessarily all Travellers. There is a plethora of people whom I hugely admire who have given up their lives and careers to be activists in the Traveller community and to be advocates for it and this evening we should say hats off to them. The community, its supporters and advocates and the organisations who represent it have brought us to where we are now. Now, the ball is our court and it is up to us to ensure a fundamental change which must be brought about in NIMBYism and racism. The discrimination which I described earlier must end and the ending begins this evening.

**Deputy Ruth Coppinger:** The events earlier were unfortunate. I wish to speak about a woman who was excluded due to the oversubscription this evening. This is Catherine Joyce who has fought for approximately 30 years alongside many people who are here this evening for Travellers' right in the Irish Traveller Movement and the Blanchardstown Traveller Development Group. She stated Traveller ethnicity is the first step in acknowledging that denial of Traveller culture and that Travellers now look forward to working in partnership with the Government on the implementation of the Traveller and Roma strategy and working out the implications of this much needed announcement. She also stated it is absolutely vital that future legislation and policy to ensure Travellers are afforded equal rights as citizens of the State are

1 March 2017

ted in with this announcement today.

Today is an historic day for the Traveller community and it is long overdue. It has been fought for by many people over many decades. Malcolm X, who died 50 years ago, stated: “Nobody can give you freedom. Nobody can give you equality or justice or anything ... you take it.” This has been the experience of Travellers in this country. I must take up the Taoiseach on a point. His speech euphemised the situation. He stated Travellers enjoy the same human rights. Perhaps they do under the law, but not in reality and this has been extremely clear to them.

I want to mention Traveller culture because Travellers have not had their culture recognised in the way we know they should have with regard to their language, identity and music. They have been treated in a shameful manner since the foundation of the State. Politicians have used divide and rule. I hope this is the beginning of Fine Gael, Fianna Fáil and some other Independents no longer opposing in particular Traveller accommodation behind the scenes, because this is what I saw when I was a councillor on Fingal County Council. We have all seen the leaflets produced throughout the country. This should be the end of it. This has to be not just something in theory but also in practice, and this message should be sent to councillors in local authority chambers.

Some so-called journalists who have written very bigoted articles in the past should take note today. I commend other journalists, such as Kitty Holland who is here this evening and who has played a sterling role in highlighting aspects of discrimination against Travellers. We must say that anti-Traveller bigotry is the acceptable racism in this country and this continues to be the case. While racism will be called out against other people often it is not called out when it is against Travellers, who identify with racism they see in other countries.

We must acknowledge the reality that Travellers still face the worst discrimination. The suicide rate is seven times higher than the national average for men, while the 87% unemployment rate among men and the 81% rate among women speak volumes about the marginalisation of Travellers since the State began. One third do not have access to basic sanitation and the death rate among those aged under 25 is incredibly high among Travellers. A total of 10% die before the age of two. These are statistics one would see in Calcutta, and in many cases Travellers are still living with them.

What is going to be done about it? We have to signal that today marks the end of the vicious cuts that were taken by the previous Government and the one before that to resource teaching for Travellers, that is, teachers who communicated between the school and Traveller families, which was scrapped. All the other attacks made against Travellers also have to end.

It is welcome that Travellers have become radicalised and have sent a message that they will no longer accept racism and discrimination. A protest took place at Fingal County Council in Blanchardstown a couple of years ago and it overwhelmingly comprised young Travellers. That is why we have been brought to this point tonight and I say to Travellers, “Keep up the fight”.

**Deputy Mick Wallace:** There is extensive research to show that Travellers in Ireland stand out as a group that has experienced extreme disadvantage in education, housing, employment and health. According to the Economic and Social Research Institute landmark report, *A Social Portrait of Travellers*, published in January this year, almost 70% of Travellers live in caravans

or overcrowded housing and 84% of caravan accommodation is overcrowded, with only 9% having Internet access. Just 1% of Travellers aged between 25 and 64 years have a college degree, compared with 30% of non-Travellers, and 97% of Travellers in the 25 to 34 age group left school without completing second level, compared to 14% of non-Travellers. Some 82% of Travellers are unemployed, compared with 17% of non-Travellers, and their health deteriorates more dramatically than non-Travellers as they age. Traveller women live 11 years less than non-Traveller women and the suicide rate is six times higher than the national average.

It is to be welcomed that Traveller ethnicity is finally to be recognised by the State and fair play to the Taoiseach for doing so but this token gesture must not distract from the fact that successive Governments have treated Travellers appallingly, and probably none more so than the Fine Gael-Labour Party Government with its austerity programme. Since the November 2011 austerity budget there has been a total cut of 86.6% to Traveller specific education supports. That is shameful. A review of the school completion programme has found that the removal of services such as visiting teachers and resource teachers for Travellers has had a negative impact on school retention for these pupils. Given that 28% of Travellers leave school before the age of 13, compared to 1% of non-Travellers, it is a bit soon for this House to be patting itself on the back.

This is not to diminish the importance of recognising Travellers' distinct ethnicity and identity. Traveller groups have argued that this measure will allow Irish Travellers to gain respect and recognition of the validity of their way of life, affirming Travellers as a group with a valid claim to be different and to expect to access services in ways that are consistent with their culture. The reality, however, is that recognition will not automatically or directly address the widespread structural inequalities and discrimination experienced by Travellers. It will not entitle Travellers to any additional legal rights or protections. The Government has argued this before the international committee for the elimination of racial discrimination but it must now reverse the cuts it imposed on Traveller education, accommodation and employment programmes. Recommendations for Government policy, including the task force on Travellers, the national Traveller education strategy and the national Traveller health strategy, should be implemented and harmful laws which discriminate against Travellers, such as the Trespass Act, should be repealed. The gesture of recognition of Traveller ethnicity will mean nothing if the Government does not change its policies relating to Travellers and if it continues to fail to discrimination-proof all new legislation and policy.

I looked up the word "ethnicity" and found "a group having a common cultural tradition". Just below it I saw a description for "ethnic cleansing", involving the "oppression of an ethnic or religious group within a certain area". I looked up the word "assimilate", which is "to absorb and digest into the body". Attempts have been made to force an ethnic group to conform to a so-called "norm", refusing their right to be different and treated fairly. There is a correlation with what happened to the American Indians and the Aborigines, and what is happening to the Palestinians today. In a way, we have done that to our Irish Travellers. I am not throwing stones at anyone and I would be the first to hold up my hand and say I did not do enough to make a difference. I am sorry for that but I hope today makes a difference.

**Deputy Catherine Connolly:** Déanaim comhghairdeas leis an Taoiseach, an Aire agus an Rialtas as ucht an éacht atá déanta acu anocht. Amach anseo agus an Taoiseach i mbun machnaimh ar a thréimhse mar Thaoiseach, tá súil agam go mbreathnóidh sé siar ar an oíche thar a bheith stairiúil seo mar cheann de na buaicphointí dá thréimhse mar Thaoiseach. To misquote Yeats, when you are old and grey and nodding by the fire I am sure you will take down, not a

1 March 2017

book, but the transcript of today's debate and count it as one of the high points of your career as Taoiseach.

The Taoiseach and his Government deserve credit for having the confidence and the courage to take this step. I must also extend congratulations to the Travellers who are in the Visitors Gallery and to the international organisations that have forced all of us to grow up. Less than a week ago the Government was before the Committee on the Elimination of All Forms of Discrimination against Women and was asked specific questions as to why it had not taken this step to give recognition to Travellers. It was about to face legal action from the European Commission for not taking action but, notwithstanding all of that, it deserves congratulations.

This is a start. I will not go into the recent figures from several reports, particularly from the ESRI, as this is an evening to celebrate. However, we cannot forget the statistics. As a Galway politician I am acutely conscious that elected members of the city council in Galway have failed to take their courage in their hands and pass a Traveller accommodation plan. This is not because of malice but because they lack the courage to face what it means in terms of votes. It helps us to face our own prejudices, to look in the mirror and see what is reflected back at us.

In terms of how we treat Travellers, our record is not very good. I pay tribute to the committees that have looked at this and a report of the Joint Committee on Justice and Equality stated that Travellers were a *de facto* separate ethnic group. It stated, "This is not a gift to be bestowed upon them, but a fact the State ought to formally acknowledge, preferably by way of a statement by the Taoiseach to Dáil Éireann".

In various contributions to the committees I have mentioned, the Taoiseach said there were no cost implications from recognition but that it was historic and symbolic. However, there will be cost implications and that is something we must embrace. There will be implications for providing appropriate accommodation throughout the country.

We cannot let tonight go without reflection on Carrickmines and the ten people who lost their lives there - five adults, five children and an expectant mother - in November 2015. We have taken action in the form of an audit of all sites throughout the country but it has not been completed and the recommendations of the audit have not been implemented. That is a reflection on all of us. We have more to learn from our differences and absolutely nothing to be afraid of. I think there is a lesson to be learned. In ainneoin na ndifríochnaí go léir, tá go leor le foghlaim againn ón Lucht Siúil atá anseo anocht agus ó na daoine a thagann go dtí an tír seo as tíortha eile.

Our fear is based on our own lack of confidence in ourselves. The more that we grow confident in our own identity, the more we are able to embrace others. We have taken a step here in doing that. I hope it is a start for the way we treat people who are coming to our country under the most appalling circumstances. They can only enrich the country.

Gabhaim míle buíochas leis an Taoiseach, leis an Rialtas, leo siúd ón Lucht Siúil atá san Áileár Poiblí agus leis na daoine a bhí ag na cruinnithe agus a chur brú orainn é seo a dhéanamh ach atá lasmuigh den Teach anocht.

**Deputy Michael Healy-Rae:** I thank the Taoiseach and acknowledge the work of his Government, as well as Fianna Fáil, Sinn Féin and all the others who have worked diligently on this matter over many years. I welcome each and every person that has travelled from around the country to be here tonight, those in the Visitors Gallery and others outside. It is important to

acknowledge that they are there.

This achievement has been brought about by the work of a great number of people. I acknowledge the work of Pavee Point and the Irish Traveller Movement, as well as youth workers in the Traveller community who have worked diligently for many years to try to look after their own community. In my own small way, through my political work, I do my level best to represent all of the people from my community, including Travellers.

There are many important issues facing people from the Traveller community and in our wider society. Unfortunately, suicide statistics are worse for the Traveller community than elsewhere, as are the statistics for housing, homelessness, health, and lower life expectancy rates. In addition, young people from the Traveller community are not inclined to go on to third-level education in the same numbers as from the general population. That issue also needs to be addressed. We all have a big job of work to do.

I compliment members of the Joint Committee on Justice and Equality who did great work both now and in the past. While one could be critical and say that previous Governments did not do enough, it is only right and proper to acknowledge the positive things they did, which have brought us to where we are. We should be open and broad-minded enough to thank everybody.

Housing affects everyone, including the Traveller community. Like every other county, Kerry has a housing crisis. I heard other speakers being uncomplimentary about their local authorities, but I wish to thank Kerry County Council's housing department for its work. The department always does its best. It does not matter whether one is from the Traveller community or elsewhere, our housing officers do their best with the limited resources at their disposal. They always try to provide a proper service.

I do not care where people come from, they are entitled to have a roof over their head. That applies to all communities, regardless of where they are from. I am being parochial but I compliment the great work of those in Kerry County Council's homeless unit. I will not embarrass anybody by naming them, but I also compliment retired people who do great work not just with the Traveller community but also with every other sector of society.

Local county councillors in Kerry do excellent work with the Traveller community, as well as with everybody else. I acknowledge their great endeavours. Resources are limited of course but we must try to use them to the best possible effect.

This is a good occasion, but tomorrow morning we must ensure that adequate resources are put into tackling health, housing and education issues. In that way we can put teeth and substance into this matter, thus ensuring that people will be treated with the respect they deserve, whether they are from the Traveller community or any other sector in society.

I welcome everybody who travelled here tonight. I appreciate that it was not easy for those who embarked on long journeys. I thank everyone in government and opposition who played a vital role in ensuring that we have reached this stage.

**Deputy Eamon Ryan:** On behalf of the Green Party, I am so pleased for the people here that we have reached this day. One of the core Green principles is that in diversity there is great strength and richness. We are celebrating our Irish diversity here today and that is something that brings great joy.

1 March 2017

If one thinks about it, it is shameful that it has taken us this long. God help us. The British courts and political system managed to do it about 15 years ago. This is something that concerns the State, as well as the Traveller community. I was reading about that judgment when the British courts were considering this matter. They said there were two questions that define ethnicity. First, if it is shown that there is a long, shared history of which the group is conscious, it distinguishes it from other groups and keeps that memory alive. Second, it is ethnicity if there is a cultural tradition of its own, including family and social customs and manners often, but not necessarily, associated with religious observance.

This is an important day for the State because that ethnicity always existed under those categories. It was always held among the Traveller community in their own hearts, a sense of identity and cultural connections. The State had to come to that understanding and recognition, and as a result we are better off today in recognising that diversity.

I commend the Minister of State, Deputy David Stanton, and those on the former Joint Committee on Justice and Equality. He handed the baton on to Deputy Caoimhghín Ó Caoláin. Thanks to the work of all parties here we have got this over the line. The committee has done some good in recent years, but this is the highlight in the career of all those involved.

In recognising Irish diversity, I am interested in how that ethnicity, culture and connection goes back into the mists of time. It connects to something that is very Irish. It is true that in many ways all of us are travelling people. This goes right back into Irish mythology through reading the first records of travellers' lives. We have an underlying sense that we do not quite own the land. We are a people who have come to the land and have ourselves travelled all over the world, moving back and forth.

There is a richness that comes to this country from having a Traveller community which maintains a sense of connection to this land. That is a richness that the Traveller ethnicity, in the Travelling community, brings to all of us. There is a real value in that resourcefulness in the Traveller community, in that ability, as they travel to work, to fix things or to have a different relationship in terms of using, keeping, storing and recycling objects. There was, and still is, a long tradition of that craft in the Traveller community. We could all learn a thing or two from it.

As I understand, the Traveller community also has a strong tradition of faith and a certain faithfulness that I think, again, brings us back to a different relationship with this land. From Lady's Well on the south-west coast of Wexford or to Croagh Patrick, where anyone who has climbed it on that August Reek day knows and fully understands this cultural tradition, it is there before them. It is still a strong connection point to our history on this island and to our deepest roots, but it is held in the strongest way in the Traveller community, which enriches us all.

I was taken with what Deputy Gerry Adams mentioned about culture and the various musicians. I have a particular interest in Donegal traditional fiddle music. I remember once being brought out on what was pretty much a whole week lesson on the great John Doherty, who had such influence on Altan and others and on the actual heart of Donegal music. We were brought to every place John Doherty had ever been, up and down the roads out of Glenties, Ardara and around. It was only at the end of the week someone mentioned the fact that actually he was a Traveller. There was such a deep and utter connection, a respect and a sense of that being a heart and cornerstone of Irish music. He, and that tradition, belonged to all the music community. We were recognising that he was a Traveller and that was part of where his musicality was

coming from. It came from a respect for it. It was a part of something we could all treasure and benefit from as he passed on his tunes.

We need, as so many people have said here today, to move on from this historic day for the State and for the Traveller community and start reflecting the diversity. There are different ways of housing people. We need to provide different ways of housing people. What Deputy Ruth Coppinger said about Fingal County Council would be matched by anyone who has experience in county councils, certainly around the city that I grew up in. We have discrimination against Travellers on a consistent basis and we need to stop that. We need to change our ways and start thinking of housing and supporting housing with a whole range of flexible options, recognising that diversity is important and that it is good to serve it.

We need to do the same in our education system. God knows our education system needs reform. It seems impossible to get reform. It seems to be stuck. We need to encourage and make sure that it is not just 55% of Traveller students who stay on right to the end of secondary school. We need to get up beyond the 1% going on to third level education. Perhaps in doing and achieving that we could change the entire education system in a way that would benefit us all.

More than anything else we need to look at our judicial system. In my experience, during any time I have spent in the courts for various reasons, with the police or around the whole judicial system, there has been such a sense of a disconnect between our judicial system and the Traveller people. There was an almighty sense of two cultures that were not understanding each other and were not accommodating each other. In our courts and in our policing we got it wrong. Let us use this as a point to change how we police. We are looking at our police service currently. We are looking at our courts and that connection. Surely we can celebrate our diversity by thinking in different ways about the connection between the two communities so that we police and administer justice in a clever way that recognises the diversity of cultures in our country.

As I said, today is a great day for the Traveller community, for the people here and for the people who are unfortunately out in the rain outside. It is also a great day for the State and for thanking the Traveller community for giving us its ethnicity to make Ireland a richer, better place.

**Deputy Caoimhghín Ó Caoláin:** As Chairman of the Oireachtas Joint Committee on Justice and Equality, I very much welcome the opportunity to contribute to the statements on this very important and truly historic declaration. I wholeheartedly welcome the Taoiseach's announcement this evening formally recognising, on behalf of the State and on behalf of the Irish people, the reality that the Irish Traveller community constitutes a distinct ethnic group.

From the outset, the new Oireachtas Joint Committee on Justice and Equality identified the recognition of Traveller ethnicity as one of the issues it wanted to address in its work programme for 2016. The previous committee of the Thirty-first Dáil produced a report on this issue in 2014, with a key recommendation that the State recognise the ethnicity of the Traveller community. However, this had not materialised and the current committee was very keen to keep this issue firmly on the political agenda. We believed that further address followed by a new and complementary report would inject a new impetus into the case. The issue was given even greater poignancy by the Carrickmines tragedy of 2015 that resulted in the death of ten members of the Traveller community and we remember them and their grieving loved ones here

this evening.

Representatives from the Irish Traveller Movement, the National Traveller Women's Forum, Pavee Point and Mincéirs Whiden came before the committee to share their experiences. I acknowledge on behalf of the committee, in particular, Martin Collins and Ronnie Fay, Bernard Joyce, Jacinta Brack and Maria Joyce and Thomas McCann. They are all very special people and I know that this is a very special day in all their lives. Molaim iad. Well done. Ms Emily Logan, Chief Commissioner and Mr. David Joyce, commission member of the Irish Human Rights and Equality Commission also came before the committee to give evidence. The committee also heard evidence from Ms Anastasia Crickley, Chairperson of the UN Committee for the Elimination of Racial Discrimination and from academic and Traveller rights campaigner Dr. Robbie McVeigh. I would like, in Anastasia's absence, to remember her late partner John O'Connell who, with Anastasia, was a co-founder of Pavee Point.

I understand a number of those whom I have mentioned are in attendance and again take the opportunity to express my gratitude on behalf of the committee to all the witnesses who attended our public hearings to give evidence. Their contributions greatly assisted the committee in this important piece of work.

Many of those contributions were deeply moving, and the committee heard evidence from several speakers of how Travellers and other ethnic minorities can internalise a sense of oppression, with terrible consequences for their communities. For example, Mr. Bernard Joyce, on behalf of the Irish Traveller Movement explained:

One particular advantage to ethnicity recognition is the opportunity to enhance community esteem and address internalised oppression. Internalised oppression which supports the notion that the majority community is right, superior and the standard, leads to poor self-image, low self-esteem, a lack of pride in one's cultural identity, stress, depression and in some cases alcohol and drug abuse. It can cause low expectations both of ourselves and of our community.

The point was reiterated by Thomas McCann of Mincéirs Whiden about the damage that internalised oppression and shame has done to the Traveller community:

Many Travellers, as a result of being told by their teachers and by the media, feel from the day they are born that they are failed settled people. That is the message the State has given to all Travellers. The State is saying that actually, the culture is not a valid culture, that really a Traveller is a failed settled person. We cannot have full equality for Travellers until Travellers are recognised as an ethnic group.

These sentiments have been repeated time and time again by Martin Collins of Pavee Point.

Based upon the hearings and broader consideration of the issues, the report that we produced contained three recommendations. The first was that the committee was of the view that Travellers *de facto* are a separate ethnic group. This is not a gift to be bestowed upon them but a fact the State should formally acknowledge, preferably by way of a statement by the Taoiseach to Dáil Éireann. The second was that the committee strongly encouraged that this step be taken and at the earliest possible time in 2017. The third was that the Government should then conduct a review, in consultation with Traveller representatives, of any legislative or policy changes required on foot of the recognition of Traveller ethnicity.

Travellers clearly have a shared history, culture and language, as well as their own customs and traditions that are recognisable and distinct. They share all of the essential characteristics of an ethnic group identified by Lord Fraser in the British case law. In any case, it is self-evident that they identify as an ethnic group and are seen as a separate group by others.

From an academic perspective, Robbie McVeigh, in his evidence to the committee, explored in more depth the issue of Travellers and ethnic identity. He argued that all of the elements that make Travellers an ethnic group in Britain and in the North of Ireland, including the essential characteristics of an ethnic group such as a long shared history and a cultural tradition of its own, hold in this State, and all the evidence suggests there is no good reason for Traveller ethnicity not be recognised here. He stated:

[In] all the time I have been working on this issue, there hasn't been a substantive case made against Traveller ethnicity ... [T]his reality suggests that the continued prevarication is a political act based on assertion rather than an examination of the evidence. It is not a position which stands up to legal or sociological scrutiny. Indeed, it is intellectually frustrating that the case against Traveller ethnicity is so rarely and so poorly made. From this perspective, the ongoing prevarication on Traveller ethnicity looks particularly ill-judged.

Fundamentally, recognition of Traveller ethnicity is about respect and inclusion. We had hoped that our report would add impetus to the issue and today we can honestly say we have not been disappointed. We have clearly come a long way since the report of the Commission on Itinerancy in 1963. In its report, the commission concluded:

Itinerants (or travellers as they prefer themselves to be called) do not constitute a single homogenous group, tribe or community within the nation although the settled population are inclined to regard them as such. Neither do they constitute a separate ethnic group.

Dear, oh dear. How wrong can one be?

**Deputies:** Hear, hear.

**Deputy Caoimhghín Ó Caoláin:** The language used in that report was instructive as to the State's ideological approach to the Travelling community at the time. It is also instructive that no representatives of the Traveller community sat on the commission. The approach and recommendations found in the 1963 report of the Commission on Itinerancy remain deeply offensive to Travellers and, thankfully, are finally and rejected outright today.

While it is clear that formal recognition of Traveller ethnicity is not a magic wand for addressing the issues experienced by the Traveller community, it is nevertheless an important step towards righting a lot of the wrongs of the past. Today's declaration puts us as a nation on a new pathway. It opens the door to a new relationship with our fellow Irish nationals and co-equal citizens of the new ethnically recognised Irish Traveller community based on mutual respect requiring an awareness by those who administer State services and all of us from what is oftentimes referred to as the settled community, of the needs and rights of Traveller people.

I again commend the Taoiseach, the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, and the Minister of State, Deputy David Stanton. They listened and acted and we applaud their decision. As I stated at the launch of our committee's report in the audio-visual room on 26 January, this must not be yet another false dawn for the Traveller community. It was not and it is not. It is a new dawn and due cause for celebration.

1 March 2017

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

I thank the Taoiseach for making this very historic day for the Traveller community in Ireland happen. I also acknowledge the huge support that the Tánaiste has given to this event and decision, the Ministers who were unanimous in their support and everybody who spoke during the debate. There was unanimous and enthusiastic support for this decision from everybody who spoke. There were no dissenting voices. People have raised other issues, which I will come to, but this is historic. In my 20 years here, I have rarely seen such agreement, enthusiastic and positivity - if only we could go on like that.

We have had long discussions to tease out exactly what is involved in the recognition of Irish Travellers as an ethnic group of the Irish nation. I stress the term “recognition”; nothing is being granted because it is already there.

These discussions most recently culminated in the first ever presentation to the Government at the Cabinet committee on social policy by a delegation from Traveller organisations. At that meeting, Traveller representatives presented the case for their recognition as an ethnic group in a most impressive, dignified and convincing fashion. I understand this was the first time that Traveller or, indeed, any NGO representatives made a presentation to the Government directly across the table in that way, which was historic.

I thank the four representatives selected by the Traveller representative NGOs to meet the Taoiseach and Ministers, namely, Martin Collins from Pavee Point, Brigid Quilligan from the Irish Traveller Movement, Maria Joyce from the National Traveller Women’s Forum and Michael McDonagh from the Meath Travellers Workshop. I should also give a special mention to Thomas McCann and Kathleen Sherlock who stood on call valiantly as alternatives in case one of the other four could not make it.

Not long after my appointment as Minister of State, one of the first roles I had was visiting Traveller Pride and I was blown away by what I saw. Deputy Micheál Martin mentioned T. J. Hogan. I met Mikey Kelly, who is the national under-11 handball champion and a lovely young man. Ian McDonagh, who is in the Visitors Gallery, recently represented Ireland in Finland and excelled in the Young Scientist and Technology Exhibition. I recently met Ian in his school, Coláiste Mhuirinne, in Galway. He is a credit to his school and parents. Many other young Travellers are doing the same kind of work, for which they should be recognised.

I also recognise the contribution of my predecessor, Senator Aodhán Ó Ríordáin, in advancing the issue during his tenure as Minister of State in the Department. At the time, I was Chairman of the Joint Committee on Justice and Equality and we presented the report on the recognition of Traveller ethnicity in April 2014. The rapporteur was Senator Pádraig Mac Lochlainn who is present and did sterling work. The current committee, under the chairmanship of Deputy Caoimhghín Ó Caoláin, presented a report in recent weeks. I also acknowledge his contribution and that of the current members of the committee, which was extremely useful and welcome. This is an issue on which all parties are united, which is important.

The key argument for what we have done today is that recognition of the distinct heritage, culture and identity of Travellers and their special place in Irish society will be hugely and symbolically important to their pride and self-esteem and overcoming the legacy of economic marginalisation, discrimination and low self-esteem, with which the community struggles. This is not to ignore the real problems that it faces, but such a symbolic gesture will create a new platform for positive engagement by the Traveller community and the Government in

together seeking sustainable solutions based on respect and an honest dialogue on these issues and challenges. To reiterate the point the Taoiseach made, this is a hugely important and symbolic gesture that is very important to Travellers, but it has no legislative implications, creates no new rights and has no implications for public expenditure. However, it is still hugely important. I am working to complete a new Traveller and Roma inclusion strategy and we are examining issues relating to health, employment, education and accommodation which colleagues have raised. I personally want to see real improvements in these areas. In that context, the recent ESRI social portrait of Travellers in Ireland which my Department commissioned and I launched recently is stark in showing just how poor health, life expectancy and education outcomes are for Travellers. Traveller NGOs will continue to lobby for improved interventions on these issues and I am determined to bring about real improvements in that regard.

Today is the culmination of a long-standing campaign by Travellers to have their identity, culture and unique position valued by their formal recognition as a distinct ethnic group. As the Taoiseach stressed, this is without prejudice to their being part of and self-identifying as part of the Irish nation. It is an historic day, but it is also a new beginning and the start of the work we need to do as a society to address the real and stark issues that face the Traveller community in areas such as accommodation, health, employment and education. I will present my plans to address these issues in the new inclusion strategy which we will, in consultation with other Departments and Traveller representatives, finalise shortly. The Tánaiste and I will present the strategy very soon. I look forward to working with Travellers as part of this ambitious work.

I congratulate and thank everyone for bringing about this historic occasion.

**An Leas-Cheann Comhairle:** Now that we have concluded statements, I have been in the House for many years and the sound of applause from the Visitors Gallery was never customary. However, this is not an ordinary debate but a very special one. I applaud and say, “Well done,” those in the Visitors Gallery and all involved with the Traveller community for the dignified manner in which they have conducted themselves.

### **Knowledge Development Box (Certification of Inventions) Bill 2016 [Seanad]: Second Stage (Resumed)**

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

**Deputy Eamon Ryan:** It is hard to move from the previous debate to this one. A colleague spoke today about moving from the sublime to the ridiculous, which is not quite fair because the Bill being discussed is important. However, the Minister will understand we need a minute or two to collect our thoughts in order that we can consider this legislation and get back to our day-to-day work.

With every fibre of my body, I support this legislation because its aim and the excellent intention behind it are very much akin to my own - that we start to develop our own indigenous industry and support, in particular, smaller innovative technology-based industries throughout the country and research and development that will help these companies and the economy to grow. The Minister’s intention is absolutely right in that regard. However, the mechanism used in the legislation to achieve this is the wrong one. It is not making the optimal use of our resources and not in tune with what we need to be doing to really stimulate innovation, research and development and the development of patents, copyright and inventions. I will use this

1 March 2017

chance on Second Stage to outline some of that thinking.

People have a keen interest in developing appropriate tax policies and innovation in Europe, but, from what I have read, it seems that the OECD and the European Commission have come out against the approach adopted in this legislation. They do not believe it to be targeted and I imagine they are concerned that it may be seen as a continuation of mechanisms such as the double Irish tax mechanism whereby intellectual property rights were often traded between Ireland, Holland and the Bahamas. I imagine it is feared that these mechanisms may, in a sense, be a variation of the loopholes that have been closed in trying to gain a competitive advantage over other countries in the application of tax law. I also think there is, rightly and validly, a real lack of evidence that they will have the desired effect of radically improving levels of research and development and innovation and that there are other mechanisms that could achieve that objective far more successfully.

As I understand it, the original application of a knowledge box mechanism for larger companies in the 2015 Finance Bill is already costing us some €50 million a year in tax forgone. Yesterday I was in my alma mater, UCD, where I once worked in the innovation space in the business faculty. I was there for a debate on the national planning framework. As the president of the college had a Minister in front of him, he availed of the occasion, even though it had nothing to do with what was being debated, to point out that in 2008 UCD had a staff-to-student ratio that placed it 80th in the world. It was based solely on the staff-to-student ratio, which is fairly easy to measure as it is not one that is subject to distortions that sometimes are controversial. As I understand it, in 2016 UCD's placing was 501 in the world. If we have €50 million that we are willing to forgo because we want to invest it in research and development and innovation, I would prefer if the money was allocated to universities and for the provision of support for research and development at third level in order to improve the staff ratio and quality and standing of higher education. I say this as a former Minister in a Department that was connected to innovation and the commercial sector. I was in office before many of the recent cutbacks were imposed. The most common complaint I used to hear from large multinational companies seeking to develop extensive research and development and indigenous companies was that investment in universities needed to increase and the quality of their output needed to improve. A broad question arises as to what we should do in that regard and I would ask it of the companies concerned, both large and small. Any company that meets the criteria to apply for the knowledge development box is successful because it has got out of the valley of death of development and innovation. As anyone who has established a company knows, once a company makes a profit, it has made it and will survive unless a strategic mistake is made.

The companies which meet the criteria should invest in third level education. Rather than introducing tax cuts, we should seek to generate additional revenue and hypothecate this income for the third level sector, even if the Department of Finance hates hypothecation. Many of the companies in question are making profits from patents and intellectual property. It is inappropriate that, according to figures provided by Professor Jim Stewart in Trinity College Dublin, American companies located here are paying effective tax rates of as little as 2%. It is wrong that the State does not achieve a return from companies that make money from intellectual property, especially as it is third level education, a public good, which creates intellectual property. Rather than giving tax breaks, we should invest in research and development.

Recently, the chief executive of Science Foundation Ireland, whom I strongly support, briefed Members of the Oireachtas in Buswells Hotel on SFI's activities. Not all of our past decisions were bad mistakes. In 2004 or 2005, the then Minister for Enterprise, Trade and

Employment, Mary Harney, made the strategic decision to refocus industrial strategy on investment in science research, specifically the biomedical-biopharma and digital sectors. The Green Party in government provided the third leg of this stool when we added clean energy, although this is still the weakest of the three legs. This strategy worked and was the right approach. Rather than introducing tax breaks, we should pursue this strategy further and use the revenue we would forgo as a result of the tax break to invest in Science Foundation Ireland and the range of other infrastructure required to support innovation. This does not always mean significant financial investment. It may be providing access to data and managing our resources to create innovation communities, cultures and connections. This is where innovation is taking place. The reason the silicon docks area of Dublin is working is not that certain companies have located there as a result of tax breaks, although that should also be acknowledged, but that a community of smaller companies is being supported by a network of angel investors and other non-formal investment mechanisms. It is this that creates innovation. Tax breaks will not do it, especially for the types of small companies the Bill seeks to benefit.

As I stated, we are already backing winners. If we want to support research and development, we must back losers. Most research and development does not reach the commercialisation stage. We are targeting the lucky few projects that have proved commercially viable and successful and will create a profit. We are handing a direct capital gain to companies that have already made it and ignoring the vast majority of small Irish companies whose profits are below the thresholds provided for in the Bill and which need investment in research and development if they are to emerge from their current unprofitability. The mechanism in the Bill, by its very nature, is not targeting in the right way.

It was interesting to listen to Deputy Richard Boyd Barrett speak about copyright yesterday. I pointed out to him that the original copyright law came from St. Columba when he said, “To every cow belongs its calf; to every book, its copy.” I presume this statement, which is often cited as the first copyright decision, dates back to the seventh century. We need to start reconsidering copyright and many of the principles around the new and evolving Internet digital economy.

The State needs to invest in getting the principles right, not only on copyright but also on rules of privacy, open access to data and data sharing. Rather than providing €50 million for the tax break proposed in this Bill, we should invest a similar amount in attracting the best digital and legal thinkers to advise the State on digital principles and how to make this country a safe and secure location to store digital information. This would set alight industries across different areas which are seeking such a location, particularly in a world of fake news where there is uncertainty about the protection of privacy and copyright. These are the issues in which we should invest to create the environmental culture in which the economy will flourish, rather than sticking with the old ways of providing tax breaks, which may have worked when the Shannon industrial development zone was established 50 years ago. We must be more sophisticated and thoughtful in terms of how we seek to develop an innovative environment.

I recently attended a conference organised by the Goethe Institute on surveillance, which is a major issue in terms of privacy and data protection. As an English speaking nation and a common law country that is subject to European regulation and has a strong, stable and democratic political system, an independent Judiciary and connections to American technology companies, Ireland is primed to become a safe haven for ethical, trusted digital industries. Denis Jennings, the former head of the computer science centre in University College Dublin, addressed the conference and made the case for what could be described as a digital Bill of Rights. He set out

1 March 2017

ten principles, proposing, for example, that citizens should have an ability to opt in to a State digital identity where their information would be stored or managed in a way they could trust. If anyone were to seek to use or interact with these data, this activity would be logged and audited and the process would provide the security that is currently absent on the social platform networks on which we all engage. People want a digital platform that guarantees security. The State should invest in this system rather than giving tax breaks in the belief that it is the clever approach.

Patent law tax breaks have been introduced in 12 other countries and London is probably ahead of the game by a couple of years. The tax break option is not enough, nor is it the best or wisest use of resources. It is not even in tune with the culture we need to adopt. We must invest in innovation and become one of the best places to locate on the basis of our judicial rules and support for education, culture and community, rather than tax breaks.

If the Bill is passed, as I presume it will be, we must try to achieve some of the cultural change that will be important in the way we implement the legislation. It will be interesting to have an opportunity to make inputs on Committee and Report Stages on how we operate. As I stated, we must create a safe, secure, open, transparent and well-regulated environment for enterprise and innovation.

Everything we do in regard to this particular tax break and the application of the knowledge box for the large multinationals should be done in as transparent a manner as possible. There should be an obligation for reporting on an annual basis stitched into the budget cycle in terms of the number of jobs created, the inventions, patents and copyright mechanisms that have been supported in the different sectors, the timelines, and the connections to other grants or supports we provide to ensure that we are not giving double tax advantages and grants via a whole range of different measures such that certain countries are accruing them. We also need to know who are the real beneficiaries and how this fits into the new European Commission and OECD rules around measuring tax where business activity takes place. Whatever one's views of the Apple tax judgment and whatever one thinks about the ethics or efficiency of our system or the appropriateness of it, in a vast majority of key places such as Brussels, London, the United States and elsewhere we are not seen in a favourable light in terms of how we have applied corporate tax breaks in recent years. We are seen as a tax haven.

If the world needs to move - I have a strong sense that it does - towards a more ethical version of capitalism, one not based on bending the rules and having favourable connections which allow companies effectively to get away without making any contribution to society, which I think it will do despite what is happening in Britain and America, then we need to be cleaner, more transparent and more ethical in everything we do. We should do that in the application of this particular tax break so that we work out what exactly we are gaining, where that gain is going and what we are losing in terms of what we could be investing in those other arms of innovation development that we badly need to address.

I studied business in UCD in the 1980s. I also worked in UCD in the same decade and I have had a consistent interest in the college and in the development of business innovation here. I am old enough to remember the Telesis report, the Culliton report and the Enterprise Statutory Group report. There are many reports which point to the need to develop Irish indigenous industry to ensure we are not over-reliant on foreign direct investment. We are still over-reliant on foreign direct investment. We need to change. We need a new innovative enterprise strat-

egy that is based on confidence in our commercial companies and their ability to grow, prosper and develop. They are as important a part of this country as are other communities, including the communities we saw here tonight. We need to support that community. The Green Party believes that this community will flourish in a green Ireland. We should do this by supporting our education system, creating cultural community supports around innovation and development, by investing in Science Foundation Ireland, by putting in place a set of digital rules in this country that are best practice in the world that are neither corporate nor State controlled and by providing an alternative to the excessive power and hegemony of some of the international social media companies which, I think, will lose the trust of the people because of the inappropriate controls and level of surveillance in which they are engaged. If we do that at the same time as we are doing this, our economy will fly.

**An Leas-Cheann Comhairle:** I understand Deputy Fiona O'Loughlin is sharing time with Deputy Eugene Murphy.

**Deputy Fiona O'Loughlin:** I welcome the Bill which I believe is very important. There is no doubt that our small and medium business enterprises are the backbone of the country. They are the backbone of the economy and they are of key importance to the development of towns, cities and regions. There is no doubt that entrepreneurs play a vital role in our society. It must be acknowledged that they kept the country going throughout the recession. They were the ones who worked hard, provided employment, took the risks and were able to pay their bills so that the State in turn could pay our gardaí, teachers, nurses and so on.

We need to develop a full set of policies that are strongly supportive of our SME structure. We need fully functioning support mechanisms for them. It is good to see that the economy is evolving. The business assets produced by investment in knowledge based capital such as intellectual property are becoming a significant driver of economic growth not only in Ireland but in all of the OECD countries. The overall aim of this legislation is to encourage Irish SMEs to invest in research and development activities by providing for a reduction in the tax they pay on earnings for the intellectual properties they create. There is a significant amount of research funding available for this measure. We need to encourage our businesses to avail of it, where possible. Currently SMEs in this country employ over 900,000 people, which is a decrease of 16% on the number of people employed in this sector ten years ago. Ten years ago, in 2007, there were 1.09 million people employed in this sector. The population is growing and developing yet our SME sector is down 16%. That is something for us to reflect on in terms of all the different areas in which we can develop supports for SMEs.

This Bill will help SMEs to avail of the knowledge development box taxation scheme on profits relating to research and development activity. It is worth reiterating that the reduced corporation tax rate will be 6.25%, which is half the current 12.5% rate. That is to be welcomed. When this scheme was announced in October 2014 the main target was multinationals. It is a shame that we have had to wait until now for the Government to come forward with primary legislation to enable SMEs to access that tax scheme. Fianna Fáil believes that we should not be focused only on the multinationals and that we need to have a balanced and equal approach to incentivising job creation in all sectors. This includes the indigenous sector as well as foreign direct investment. Given how exposed Irish exporters are to a hard Brexit this is yet another example of a slow response on the part of the Government before and after the UK referendum in taking every measure at its disposal to safeguard Irish SME business and employment, which is very dependent on the United Kingdom.

1 March 2017

This Bill amends the Irish Patents Act 1992. From 1 January, patent applications must be accompanied by a report incorporating a written opinion as to the patentability of an invention. It is noteworthy that this extends the knowledge box definition of intellectual property beyond patents and copyrighted software to what is known as the intellectual property equivalent of a patentable invention. It is good that this will permit Irish SMEs to include inventions that are certified as novel, non-obvious and useful.

With the United Kingdom planning to reduce its corporation tax to 17% by 2020, there is no doubt that the Irish Government needs to use every available tool to make the current regulatory landscape here more attractive to new businesses and entrepreneurs. Regrettably, budget 2017 failed this test. Fianna Fáil is disappointed that the United Kingdom will still have a more attractive CGT relief which applies 10% to entrepreneurial gains of up to £10 million sterling or €10.9 million, which is far in excess of our €1 million limit. In the meantime, Ireland has continued to plunge in the World Bank's rankings in terms of ease of doing business, having dropped to 18th place across 190 economies in the World Bank's 2017 report. The Taoiseach's target for 2016 was to make Ireland the best small country in the world in which to do business. Sadly, he has failed to achieve that. That said, Fianna Fáil welcomes this Bill and will support it. We look forward to making amendments to the Bill on Committee Stage to ensure what is provided for in it becomes a reality.

**Deputy Eugene Murphy:** I welcome the opportunity to contribute to the important debate on this long overdue Bill. It is helpful to discuss these issues with the Minister and share our ideas. The proposed taxation scheme for small and medium enterprise owners is a positive development, particularly given the challenges we are facing as a consequence of Brexit. For the past six to eight months, I have repeatedly highlighted these challenges which will have to be met by the Minister, the Government, every Member of this House and, above all, by small business owners throughout the State. Schemes like these, which offer small and medium enterprises a tax incentive, are excellent. The new measure offers a means of protecting jobs and potentially adding to overall employment levels, which is badly needed throughout the country.

Irish exports are under serious threat at this time. The Central Statistics Office figures for 2016, which were published last week, show that exports to Britain were down by almost €500 million. That has a lot to do with the fluctuations in sterling and, as a result, there are many small food businesses, in particular, whose owners have found recent months extremely difficult. The Government must come on board as quickly as possible with schemes and strategies to save them. In the coming months, unfortunately, we will see many of those businesses struggling greatly to survive. The fall in exports of €500 million is all coming from the food and drink sector. What is happening in this country as a result of Brexit is akin to a green light and red light situation. There is no doubt that some banks and insurance companies may decide to relocate to Dublin, Cork, Limerick or Galway. That is the green light aspect. The red light situation is the losses business owners in the west, midlands and Border counties will suffer because of all the difficulties created by Brexit.

It is important to acknowledge in this House, as I am sure the Minister and my party colleagues will agree, the contribution made by the SME sector to employment in this country, which amounts to in excess of 900,000 jobs. In this Chamber yesterday evening, however, we had an appalling attack on small business owners by Deputy Richard Boyd Barrett. Many of those business owners employ ten people or fewer. Right through the crash and the several crashes that came before it in this country, those people had to come up with a wage packet for their employees every week and had to pay their rates, VAT and tax every year. Does Deputy

Richard Boyd Barrett have any idea of the challenge small and medium-sized enterprises have faced over many years? I applaud SME owners, who have faced extremely difficult challenges at times, especially in the past six to eight years. Moreover, just as the tide seemed to be turning, we have ended up in the unfortunate situation where the United Kingdom is preparing to exit the European Union, with huge consequences for hundreds of thousands of small businesses in Ireland.

Deputy Richard Boyd Barrett seemed to argue in his contribution last night that many small entrepreneurs have co-opted ideas from universities. That is simply daft. Anybody has a right to patent an idea he or she has come up with, and nobody can subsequently lay claim to it. We must be very careful in what we say about people, whether we are on the right, left or centre politically. Deputy Richard Boyd Barrett, as we all know, is on the left. Most of us are personally acquainted with a small business owner and are aware that he or she has most likely struggled week after week, month after month, year after year, to survive the great challenge of recent years. It is unacceptable that those people should hear what was said about them last evening from any Dáil Member, irrespective of his or her political position. I am sure there are many small businesses in Deputy Richard Boyd Barrett's constituency, which is also the Minister's constituency. I have had people coming to my clinics in Roscommon-Galway whose food sector businesses are selling entirely into Northern Ireland, Wales, Scotland and England. These are not big players like Glanbia or the Kerry Group and their market is confined to the British Isles.

As Deputy Richard Boyd Barrett was making his attack, I felt how wrong it was to be saying things like that in our Parliament about people who have served our country well and made huge sacrifices in their own lives. Many small business owners will talk of how they worried during the recession about how they would find wage packets for their eight, ten or 11 staff and also pay their bills to the Revenue Commissioners. Many of them ended up with very little money for themselves. In many respects, they are true heroes. As my colleague, Deputy Fiona O'Loughlin, noted, if not for them, the recession would have had a more negative effect on the country. Perhaps Deputy Richard Boyd Barrett needs to be reminded that, as I said, more than 900,000 people are employed in the small and medium enterprise sector in this country. I am a great believer in fairness for everybody. I support fair treatment of workers and everybody else in society. Deputy Richard Boyd Barrett, however, seems to have a difficulty with anybody who tries to make a few bob. That is not how the system works in any country. I support all the small business owners who faced so many difficulties in recent years but always persisted. During the recession, when they could have let three or four workers go, they chose instead to keep them on because they were loyal workers who had been in their employment a long time. In many cases, they made personal sacrifices to avoid letting any of their workers go.

I understand there are 170 different supports for the SME sector. Some of them are very useful while others are less effective. Support for research and development is crucial because the world moves very quickly and products evolve all the time. If business owners cannot finance research, they will end up falling behind their competitors and may eventually go out of business. The amendment to the Patents Act 1992 is very important and offers a broadening of what may be patented. Meaningful supports for small business owners are very much welcomed on this side of the House. We must give every support possible to that sector.

I will give an example of the enterprise boards, which were replaced by the LEOs, from the small county of Roscommon. While I acknowledge the multinationals and large firms in Ireland, the backbone of our industry is the SME sector. The enterprise board in County

Roscommon existed for approximately 17 years. In that time, it created 1,700 part-time and full-time jobs. Were an employer to come to Roscommon, Galway, Longford or Westmeath and announce 1,700 full-time and part-time jobs, we would think that all of our Christmases had arrived together. It would be a fantastic announcement. I am making this point to prove how important small business has been for years. That is why I want to champion its cause. Many people employed in the sector would be supportive of what I am saying. The business is local, people do not need to travel a long way to get to work and it gives them an opportunity to work in their localities. In many respects, such workers take a greater role in the running of SMEs. Yesterday, Deputy Richard Boyd Barrett made a criticism of the SME sector, but it is crucial that Members stand up, call a spade a spade and say that his contribution was nonsense, given how many people are employed in the sector.

I welcome the Bill and those on this side of the House will support it. I hope that it will work positively for the sector, particularly as regards research and development. Let us continue to champion the SME sector. In some rural and isolated parts of the country, those eight, ten, 15 or 20 jobs are crucial, not only in terms of providing employment, but for the local economy.

**An Leas-Cheann Comhairle:** Before I call the Minister, I note that Deputy James Lawless has indicated that he would like to make another contribution. Unfortunately, the Standing Orders do not provide for a second contribution.

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** I welcome the supportive interventions from a number of Deputies, including Eugene Murphy, James Lawless and Fiona O'Loughlin, who indicated broad support for the content and aims of the Bill. Support for the Bill was not unanimous, however, and I wish to respond to a number of the points that have been raised. I will clarify Deputy Eamon Ryan's reference to an historical judgment. The fifth century judgment on copyright decreed, "To every cow belongs its calf; to every book its copy." This important and early decision was given by St. Columba.

During the debate, the knowledge development box, KDB, was referred to as a tax loophole and tax avoidance measure. It is neither. The KDB is a measure aimed at supporting and encouraging investment in research and development in Ireland and has been in place for patents and copyrighted software since 1 January 2016. The Bill will open up the KDB to SMEs.

The definition of an SME was referred to by some Deputies who were concerned that the levels involved - €7.5 million income and €50 million global turnover - were outside the reach of Irish SMEs. The Finance Act 2015 laid the groundwork for the application of the KDB to companies with income arising from intellectual property of less than €7.5 million. The levels are upper limits and were set independently by the OECD. In order to qualify for the KDB, a company, be it a micro, small or medium-sized enterprise, must have research and development spend that gives rise to intellectual property. The lower rate of corporation tax will apply to income specifically arising from that intellectual property. The focus of the certification scheme provided for in the Bill is specifically on SMEs. The KDB will support our smaller companies in being innovative, which I hope will in turn lead to further job creation.

During the debate last night, Deputy James Lawless referred to the research and development tax credit scheme and pointed to the learning that could be drawn from it as it related to SMEs. He mentioned that guidelines would be useful. Revenue will include a chapter on the KDB scheme for SMEs in its guidance notes. These detailed guidance notes are designed to assist companies in understanding how Revenue will apply the KDB legislation and avoid

claw-back from Revenue.

Deputy James Lawless also referred to the programme for research in third level institutions, PRTLTI, and his concern that the budget for 2017 was €14.4 million, which is a reduction on previous years' budgets. My Department's allocation in 2016 for the PRTLTI was €30.4 million, which included a Supplementary Estimate of €20 million in December 2016. The planning and design of a successor to cycle 5 of the PRTLTI is an action in Innovation 2020 and is being progressed by my Department, working closely with the Department of Education and Skills. My Department is preparing a proposal to seek funding for this successor in the context of the mid-term review of the capital plan. There will be more clarity on a successor to cycle 5 when the review is concluded and the funding envelope for this and other projects is finalised.

Regarding concerns about the level of tax forgone to the Exchequer under the KDB, the report on tax expenditures published with the budget in October 2015 provided an evaluation of the KDB scheme. The evaluation outlined the basis of the best estimate of tax forgone of €50 million. This amount is in respect of all aspects of the KDB, including the certification scheme aimed at SMEs.

In response to Deputy Eamon Ryan, all tax expenditures are reviewed on a regular basis in line with the Department of Finance guidelines on tax expenditure evaluation, which was published in October 2014. These rules apply to the KDB and an evaluation will take place within five years of the scheme's introduction.

Evidence from various studies shows that investment in research and development increases economic productivity and competitiveness and improves health, social and environmental outcomes. Firms with a persistent research and development strategy outperform those with no or irregular research and development investment programmes. Research and development is crucial for creating and maintaining high-value jobs and attracting new business. Depending on the product or process, however, research and development can be expensive and not all research and development is successful. A company may experience many failed attempts before it sees results from investment of time, money and resources, which can be considerable. The extension of the KDB to indigenous SMEs is expected to incentivise greater levels of creativity.

Deputy Richard Boyd Barrett was concerned that large companies would set up small companies to avail of the KDB for SMEs. I understand that such a restructuring is not possible under EU law. The Deputy should note that the KDB is open to all corporate taxpayers. However, the 6.25% corporate tax rate provided by the KDB only applies to income that is the result of substantive research and development carried out in Ireland. Deputies Richard Boyd Barrett and Eamon Ryan made the case that tax forgone on the KDB would be better put into universities to ensure the continuity of publicly funded research. I point to the fact that Science Foundation Ireland, SFI, an agency of my Department, invests approximately €160 million each year in academic researchers and research teams who are most likely to generate new knowledge, leading edge technologies and competitive enterprises in the fields of science, technology, engineering and mathematics.

Approximately half of SFI awards are investments in programmes for individual researchers and the other half is invested in collaborative awards with industry. In 2015, SFI directly supported 1,220 collaborations with industry. There were 711 multinational company, MNC, collaborations and 509 collaborations with SMEs, involving some 372 MNCs and 437 SMEs. Therefore, it is evident that smaller indigenous enterprises are also benefiting from SFI industry

collaborations. When a researcher collaborates in a project with industry, both parties benefit.

Enterprise Ireland also facilitates access by industry to academic researchers. That encourages the academic research community to respond more effectively to industry needs. Each year, approximately 1,500 such industry-academic research development and innovation, RDI, engagements are supported by Enterprise Ireland. Through those supports, researchers are exposed to industry needs, market considerations and commercialisation necessities and are encouraged to adopt those principles into the research they perform. As such, they are made more industry ready and are primed to be even more useful if and when they leave academia for work in Irish companies.

I will turn now to a secondary part of the Bill relating to patents. It is important our legislation and practice keep pace with international developments in the area of patents. Patents are important business assets in world economies. By amending our patents legislation to introduce substantive examination, Irish patents will be granted in line with international best practice. Deputy Maurice Quinlivan commented on the Patents Office relying on the UK patents office to provide a search report for patent examination. There is a long-standing arrangement with the Intellectual Property Office in the United Kingdom and it is common practice within the patenting world that smaller offices avail of the search facilities provided by bigger and better resourced offices. The Patents Office has three patent examiners and one senior examiner. The industry standard for a patent searching authority in the modern world of complex engineering and pharmaceutical patent application requires a patents office to have a minimum of 100 experienced patent examiners. The arrangement with the UK office will not need to be reviewed in light of Brexit as patents are not harmonised at EU level. Each national patents office is independent. The search service offered by the IPO in the United Kingdom can and will continue after Brexit.

Deputy Maurice Quinlivan also raised the issue of third parties making written observations on patent applications. Again, that is standard practice in patent regimes operating substantive examination. It is part of the robust assessment of patent applications and offers, for example, existing patent holders the opportunity to comment if they consider their patent is impinged upon by the application under consideration.

The Bill will place Ireland at the forefront of developments to build a strong base for innovation. It will also act as a stimulus for business. It sends a signal that the Government recognises the value of intellectual property, IP, and is committed to providing a supportive environment for the development of IP. On the issue of future costs of patents under the new regime, no decision has yet been taken but I assure the Deputy that the current practice of State subsidisation to encourage patenting by indigenous companies will continue. That is best practice and in line with international norms. We are supporting innovation at the early stages and not just when companies make profits, for example, by means of research and development tax credit grants and support through SFI and Enterprise Ireland collaboration between the universities and industry. I thank Deputies for their engagement and very useful contributions and for the informative debate on this Bill. I look forward to further constructive engagement on Committee Stage.

Question put and agreed to.

**Knowledge Development Box (Certification of Inventions) Bill 2016 [Seanad]: Referral to Select Committee**

**Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor):** I move:

That the Bill be referred to the Select Committee on Jobs, Enterprise and Innovation pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

**Estimates for Public Services 2017: Message from Select Committee**

**An Leas-Cheann Comhairle:** The Select Committee on Housing, Planning, Community and Local Government has completed its consideration of the following Revised Estimates for Public Services for the year ending 31 December 2017: Vote 34.

**Criminal Justice (Victims of Crime) Bill 2016: Order for Second Stage**

Bill entitled an Act to give effect to provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA; for that purpose to amend the Criminal Evidence Act 1992, the Criminal Justice Act 1993 and the Courts Service Act 1998; and to provide for related matters.

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I move: "That Second Stage be taken now."

Question put and agreed to.

**Criminal Justice (Victims of Crime) Bill 2016: Second Stage**

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I move: "That the Bill be now read a Second Time."

The Criminal Justice (Victims of Crime) Bill 2016 is groundbreaking legislation which I am pleased to introduce to the House today. It forms part of a series of legislative reforms I am advancing to improve victims' rights and their experience of the criminal justice system. Victims should be at the heart of the criminal justice system. This Bill, the Domestic Violence Bill, which complements it, and the Mediation Bill, which will be taken in the Houses this week, are all programme for Government commitments.

The three Bills introduce major and wide-ranging reforms that will widen access to justice in this country and ensure the justice system is on the side of the victim and the vulnerable. My Department has published 12 Bills since the Government was formed in May. Exactly one year on from last February's election, it is important to reflect on the legislative agenda we have progressed as a House, despite the new challenges of the Thirty-second Dáil.

I have said in this House previously that the needs of victims of crime have very often been overshadowed by a focus on apprehending and prosecuting perpetrators. We must ensure our response to criminal behaviour is a comprehensive one while putting the needs of victims at the forefront. It is time the rights of victims were given full recognition in the criminal justice system. The Bill will introduce for the first time statutory rights for victims of crime, marking a fundamental change in the approach to criminal law in Ireland. The main purpose of the Bill is to give effect to provisions of Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime. Under the Bill, a victim of a crime will have the right to receive information in clear and concise language on the criminal justice system and the range of services and entitlements available to victims, the progress of the investigation and court proceedings and the release, including temporary release, or escape from custody of an offender who is serving a sentence of imprisonment. Deputies will often have been approached by people who are dissatisfied about the fact that they have not been told how various investigations or court proceedings are developing. Victims will also have the right to an individual assessment to establish measures that may be necessary to protect them from secondary or repeat victimisation, intimidation or retaliation, something about which we hear all too often, and the right to request a review of a decision by the authorities not to initiate a prosecution in their case.

Before outlining the content of the Bill in more detail, I would like to provide some context for the legislation. Victims of crime do not always have a formal role in the criminal justice process in Ireland. They are not generally legally represented and, if they are not also witnesses, may have little access to information and little contact with the agencies tasked with bringing the offender to justice. The criminal justice system is a complex system of law and procedure which can be confusing and difficult to navigate, even for those familiar with its workings. This can be doubly challenging for the victim of a crime who may be vulnerable and traumatised by the crime and isolated and unguided as he or she attempts to engage with criminal justice agencies and systems. The central aim of the Bill is to go some way towards addressing this deficit by providing victims with information, support and assistance across all of their interactions with criminal justice agencies. The vital work being done by the wide range of non-governmental organisations in continuing to provide supports for victims of crime is something I warmly acknowledge. All Deputies will be very aware of the work that is happening in providing support, giving people emotional support, accompanying people to court and counselling and referral to other services. A huge amount of really important work is being done by the non-governmental organisations working in the area of victim support. I was very pleased to be able to secure a 17% increase in this year's budget for these organisations. A total of 58 organisations are in touch with the victims of crime office working across the country and providing the support I have outlined. I have also engaged closely with victims' groups in developing the Bill. I thank them for meeting me on quite a number of occasions to discuss the development of the Bill. On the State side, a victims' services group chaired by my Department has been in place since July 2015. It co-ordinates the work of the criminal justice agencies in preparing for and progressing towards full implementation of the directive. Quite a lot of work has been carried out by the various criminal justice agencies. Representatives of the courts, the Probation Service, the Irish Prison Service and An Garda Síochána have all been involved in this group working to ensure the directive and legislation will be implemented.

The Bill contains 30 sections and largely reflects the EU directive on victims of crime. Part 1 of the Bill is standard. It defines "victim" as any person "who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by an of-

fence". This is a broad and inclusive definition which reflects the victim-centred nature of the Bill and the EU directive. The victim is defined not in respect of the offence or the offender but rather by the effect which the crime has had on him or her. The victim benefits from the rights provided under the Bill, regardless of whether a formal complaint is made or a suspect has been identified.

Section 2 defines certain terms used in the Bill. Where a victim has died as a result of an offence, section 2 provides that the victim's family members may avail of the rights provided in the Bill. Section 3 allows the competent authorities to work with family members also.

Section 4 provides that the rights in the Bill shall not apply to criminal proceedings instituted before the commencement of the provisions concerned. This will ensure criminal proceedings already under way are not affected.

Part 2 of the Bill concerns the victim's right to information on his or her case. I have already said a fair bit about this provision. Section 6 sets out a wide range of information which victims must receive when they first make contact with An Garda Síochána or, in certain cases, the Garda Síochána Ombudsman Commission. Victims will be entitled to receive detailed information on the criminal justice process and the role of a victim within that process. This will include information on the procedure for making a complaint, where to direct inquiries and the circumstances in which they may be able to obtain protection measures or assistance by way of interpretation, translation, legal aid, compensation or expenses. All of the criminal justice agencies have been working out the implications of the directive for each agency. They all have an action plan on which they have been working and implementing for the past while. This is something that will improve with time; it will not happen overnight. We are talking about changes in culture also - reaching out to victims in a way that organisations might not have done previously.

Section 7 goes into detail on the information a victim will receive and when and how he or she can be given the information. Victims must be given information on any significant development in the investigation, including the arrest, charging or release on bail of a suspect and any trial and sentence imposed on an offender. Where an offender is imprisoned or detained as a result of the offence, the victim will be entitled to receive information from the Irish Prison Service, the Central Mental Hospital or a children's detention school. A person can let be it be known that he or she wants to have information, but at this point it is voluntary. There is now a statutory right to receive that information from the Irish Prison Service, the Central Mental Hospital or a children's detention school on any release of, including temporary release, or escape from custody by the offender. Deputies can see that this is all about keeping the victim informed of developments in a particular case he or she has been impacted by in order that he or she will be kept informed from the moment he or she makes contact with An Garda Síochána or a case is opened. The offender could move from prison to probation. Each of these organisations has a responsibility to give that information and keep the victim informed along the way.

Section 10 provides that, unless otherwise required under the Bill, information does not have to be disclosed where it could interfere with an investigation or future criminal proceedings or endanger any person or the security of the State.

Part 3 of the Bill concerns the protection of victims during investigations and criminal proceedings. It goes into detail on the formal complaint. Falling victim to a crime when one is away from home can be particularly difficult and there are a number of specific rights to address

the needs of victims of crime in member states other than the one in which they live. Under section 12, if an Irish resident makes a complaint about an offence which took place in another member state, An Garda Síochána must forward the complaint without delay to the member state in which the offence took place. In addition, section 13 provides that victims of crime in Ireland who are resident in another EU member state may have their statements taken immediately. There are many practical protections built in. Section 13 also sets out other measures for the protection of victims during interviews.

As I mentioned, this is a victim-centred Bill. As such, it focuses on the victim and his or her needs. Sections 14 to 18, inclusive, make provision for the assessment of victims and the implementation of protection and special measures identified by that individual assessment. The assessment must take into account the nature and circumstances of the crime but the focus is very much on the personal needs of the victim.

The protection needs which may be identified include: advice on personal safety and the protection of property; advice on safety orders and barring orders; and applications to remand an offender in custody or to seek conditions on bail. Special measures during investigations may include interviews being conducted by a specially-trained person - by the same person or by a person of the same sex - in premises specially designed for the purpose of conducting interviews. The Bill goes into a lot of detail about protection of the victims and how they should be dealt with by the different agencies.

There is also a section recognising the particular needs of children. The child victims of crime are particularly vulnerable. In determining the special measures which they may benefit from, the Garda must have regard to the best interests of the child and must take the views of the child and his or her parents into account. Of course, a child has to be accompanied by an adult if he or she is being interviewed.

Section 19 provides a power for the court to exclude the public where necessary and section 20 provides that the court may prevent unnecessary questioning regarding a victim's private life.

Sections 21 to 23, inclusive, make provision for the requirements of the EU directive relating to communication, translation and interpretation. Then there is a number of changes that will flow from this legislation that need to be made in some other legislation.

There are also various provisions being introduced which will facilitate evidence being given through live television link or through an intermediary - that is extended to all victims - and various other protections. For example, new provisions are introduced to facilitate a victim giving evidence from behind a screen or other device in order that the victim cannot see the accused and to prohibit the judge and lawyers from wearing wigs and gowns when a child victim is giving evidence.

The Criminal Justice Act 1993 is amended to extend the right to make victim impact statements to victims of all offences, or in certain circumstances their family members. The Bill also amends the Courts Service Act 1998 to require the Courts Service to make arrangements for the separation of victims and their families from offenders and their families in the course of criminal proceedings and, in any new court buildings, to provide separate waiting areas for victims. In the light of some of the old buildings used, this is clearly an issue about which people often speak to us. We are told how difficult it can be when a case is being heard and when the

victims and the accused are in the same area. This is a difficult situation. We have this situation in some of the courthouses, here in Dublin and elsewhere. The Bill recognises that we need to have the kind of facilities that respect the different situations in which people find themselves.

The Bill is a significant step forward in recognising the obstacles faced by victims of crime in the criminal justice system and providing victims with support and information to help them through what is often the most difficult process for them.

I hope that Deputies will feel that they can support this legislation. I look forward to hearing what Deputies have to say on this. I thank all of the criminal justice agencies which, as I say, have been working hard to develop their supports to victims and implement new procedures and arrangements so that they reach out to the victims with whom they come in contact.

Unfortunately, the Bill cannot prevent the terrible trauma and harm which many victims suffer as a result of the crimes perpetrated against them but I hope it will prevent further unnecessary trauma and re-victimisation of a person arising from his or her interaction with the criminal justice system.

I commend the Bill to the House.

**An Leas-Cheann Comhairle:** Tá an Teachta Jim O'Callaghan ag roinnt a chuid ama leis an Teachta Jack Chambers.

**Deputy Jim O'Callaghan:** Deputy Jack Chambers will be taking five minutes and I will be taking 15.

Fianna Fáil will be supporting this legislation, although we will be making some proposals which we think could improve it.

Historically, the criminal justice system in Ireland, and indeed, throughout the world, did not take into account the concerns or interests of victims. Traditionally, the criminal justice system was about one question only, namely, the ascertainment of the guilt or innocence of an accused person before the court. When a crime was committed, a complaint would be made by a victim to An Garda Síochána or sometimes gardaí would investigate without a complaint being made in circumstances where, for example, there was an obvious crime such as a murder. After that, An Garda Síochána, which has considerable powers, would commence an investigation. Gardaí could arrest persons or access and seize property. They would then put together a file and this would be sent to the Office of the Director of Public Prosecutions. The latter would then make a decision as to whether a prosecution could take place. Throughout that process, what would occur was the victim would simply be interviewed by the Garda and provide a statement. That statement would then be part of the evidence that would go in the file from the Garda to the Director of Public Prosecutions and the latter would make the decision as to whether to prosecute.

The Office of the Director of Public Prosecutions is an extremely important office. It is important but it is also controversial. The reason it is controversial is that many victims of crime in this country question why decisions have not been made to prosecute individuals for crimes that complaints have been made about. The Office of the Director of Public Prosecutions has a difficult task. On one hand, it would be untenable for the office to bring a case in circumstances where there is insufficient evidence to get that case before a jury. On the other, the Director of Public Prosecutions has a responsibility to ensure that if there is evidence of a reasonable com-

plaint against an individual, that should be put before a court and a jury to determine the guilt or innocence of the accused. However, it is in that particular circumstance, where a decision is made to prosecute or not to prosecute, that many citizens feel that they have been denied justice. That is the way the criminal justice system has proceeded historically, with the victim playing a very limited role in it.

Since probably the mid-1990s, the law has been gradually changing to take into account the circumstances of victims of crime. It is welcome that the trend started back in the 1990s and that it is continuing today. The publication of this legislation is the high mark of all victims legislation that we have had in this country to date.

In considering the circumstances of victims of crime, we need to recognise that there are two strands ongoing when the criminal justice process is in operation. The first is the important strand that seeks to determine whether an individual is innocent or guilty of a stated offence. We must not forget that the accused before a criminal trial has rights, particularly that of being presumed innocent until proven guilty. However, there is another strand and this involves the victim. Unfortunately, under our criminal justice system, that strand has lagged behind the first strand for far too long.

As stated, the law began to change in the 1990s. The first item of legislation that took into account the circumstance of victims was probably the Criminal Evidence Act 1992. That Act made it easier for witnesses to give evidence in physical or sexual abuse cases by allowing for a live television link with the court. It also made it easier for children to give evidence in court. After that, the Criminal Justice Act 1993 required a court to consider the effect of a violent or sexual offence on a victim when it is deciding the sentence. That victim impact statement has become a central part of the criminal justice system. It is an extremely valuable part of the criminal justice system in order to assist a court in determining the nature of a sentence that should be imposed on a person who has been found guilty of an offence.

It is something that is used widely in the courts and which should continue to be used because it is the opportunity for the victim to speak in court and to let the adjudicative body know the impact the crime had upon the victim.

It is also worth noting that in respect of that legislation in 1993, the Director of Public Prosecutions was given the entitlement to appeal sentences which were too lenient. That is another right that is to the benefit of victims who believe that they have gone through a lengthy criminal justice, undergone the difficulty of giving evidence and being challenged on their evidence, the accused has been found guilty and then a lenient sentence is imposed. There is that opportunity, therefore, for the DPP to appeal a sentence under the 1993 Act.

The Civil Legal Aid Act 1995 allowed the Legal Aid Board to provide legal aid or advice to a complainant in certain criminal cases involving prosecution for a range of sexual offences, including rape. It is highly important that complainants in criminal cases such as rape are given the support of the State to ensure their legal rights and obligations are protected should they have to give evidence before the court. The Domestic Violence Act 1996 provided protection where there is a violent family member and allows for the imposition of a safety order or a barring order. That is also to the benefit of victims of crime. The Bail Act 1997 allowed a court to refuse bail to a person if it is likely that the person may commit another serious offence while on bail.

It is important to note that in 2010, the then Minister for Justice and Law Reform, Dermot Ahern, launched a new charter outlining rights and entitlements for victims of crime, namely, the Victims Charter and Guide to the Criminal Justice System. That set out in an accessible way the range of support services and help lines available to the public, and it placed victims at the centre of the justice system. It gave definitive commitments to the victim of crime on behalf of a voluntary sector organisation, the Crime Victims Helpline, and it involved eight other criminal justice agencies such as the Director of Public Prosecutions and An Garda Síochána. It also gave clear contact points in each organisation if it did not live up to the expectations of the victim.

That victims charter and guide that was published in 2010 was developed in consultation with the criminal justice agencies and, as a result, there were very obvious and beneficial modernisations in the criminal justice system. For instance, we know that the Garda now has gay liaison officers. That is as a result of the charter introduced in 2010. We know the Garda now monitors racial incidents and has ethnic liaison officers. That is also as a result of the charter introduced in 2010.

It is important to note that the law and society have been changing over the past 30 years or so to take into account the interests of victims.

Among the many findings of the Garda Inspectorate report on crime investigation of 2014 was that of an inconsistent approach to updating victims of crime on the investigations that were ongoing. As the Tánaiste will be aware, Members debated here previously the O'Higgins report into certain events in the Cavan-Monaghan Garda district. What stood out from that report was that there were many examples of complaints that had been made by citizens to An Garda Síochána about offences that had been committed against them. It was disappointing, to say the least, that so many of those complaints were not thoroughly investigated. It was disappointing that so many of those complainants were not treated adequately by this State in having their complaints adequately investigated. A person who is a victim of crime and who makes a complaint to An Garda Síochána in the State has an entitlement to believe that crime will be adequately investigated. Such people have an entitlement to believe they will be updated as to how that investigation is ongoing and they have an entitlement to be told the current status of the potential prosecution. I am pleased to note that will be provided for in the legislation being brought through the House.

It is noteworthy that in the Garda Inspectorate report of 2014, there was a section entitled "Putting Victims at the Heart of the Garda Service". It is important to acknowledge that An Garda Síochána has accepted the findings of the Garda Inspectorate in respect of victims and efforts are being made by An Garda Síochána to ensure that victims are treated in a more humane, proper and thorough way than was the case in the past.

Other areas which may improve the welfare of victims but which are not included in the legislation are proposals that Fianna Fáil previously advanced concerning issues such as a victims surcharge. It may not be a matter for this legislation but it is appropriate that in the future we should consider whether there should be a financial demand upon a person convicted of a criminal offence against a victim so that that financial demand can be put in a fund for the benefit of that victim and the benefit of other victims of crime.

What is clearly happening in the criminal justice system is that we are moving away from the old Victorian assessment whereby a person is prosecuted, convicted and then sentenced

1 March 2017

for their crime and the only function of the State in the whole process is to punish and investigate the role played by the perpetrator. We must do more as a society for the victims of crime because of the harrowing impact crimes can have upon persons who are subjected to criminal attack.

The reason this legislation is being introduced is because of EU Directive 2012/29/EU passed by the European Union in 2012. The legislation we are considering has to transpose into Irish law the terms of that directive.

Before handing over to Deputy Jack Chambers I want to outline seven points I ask the Tánaiste to consider, and those of us on the committee on justice and equality will consider them by way of amendments should it be felt necessary to put them down.

The first point is in respect of the definition of “victim”. I note the Tánaiste stated the objective is to keep the definition as broad as possible. I agree with that approach. I would be slightly concerned, however, that it refers to the fact that the person must have suffered loss directly caused by an offence. We must be absolutely sure that does not mean that there has to be an offence established in law before the individual can be considered as a victim.

The second point is that under section 3 of the legislation, a family member can be nominated to be the point of contact with An Garda Síochána where there has been a death of a victim. Unfortunately, it has been the case in this country and others that family members sometimes can be responsible for the death of another family member. We need to ensure a family member who is a suspect does not become that point of contact or does not have access to information that could assist him or her in finding out about or interfering in the Garda investigation. Obviously, the intention of the legislation is not to permit that but we must be sure there is a mechanism whereby the Garda can deal with such a situation should it arise.

The third point is that section 6(8) states that the Garda may arrange for the victim to be referred to a service which provides support for victims. I refer to that because Article 8.2 of the victims directive provides that the member state “shall facilitate the referral of victims, by the competent authority ... to victim support services”. Consequently, we believe that that subsection should be amended to make it mandatory as opposed to making it discretionary.

The fourth point is that there is no reference in the legislation to the question of restorative justice and safeguards that should be introduced when restorative justice is being considered. It is instructive to note that reference to restorative justice was included in the scheme of the Bill when it was published. However, it seems to have vanished from the Bill. It is noteworthy that Article 4(1)(j) of the directive asserts that victims must be informed of the available restorative justice services and Article 12 provides that member states “shall take measures to safeguard the victim from secondary and repeat victimization ... to be applied when providing any restorative justice services”. We need to look at that again as to the reason restorative justice is missing from the Bill.

The fifth point is that section 8 deals with decisions regarding prosecutions of offences. This is an extremely contentious issue and it provides for a review. I welcome that but we must ensure that such a review which is provided by the Director of Public Prosecutions for the family is protected from any defamation action that could be made.

We need to regard it as being privileged under the Defamation Act.

Section 14 requires the Garda to conduct an assessment of a victim. I am concerned that every victim of a crime, including somebody whose mobile phone has been stolen, will be entitled to have an assessment carried out as this could clog up An Garda Síochána. Therefore, we need to look at this provision carefully.

Section 30 is to be welcomed. If the prosecuting authorities and the Garda do not comply with this statute, there must be some mechanism whereby they will be held to account. It is welcome that they cannot be sued or that there cannot be a damages claim for a breach of its provisions, but we need to take into account what the consequence will be if State agencies do not comply with the legislation.

**Deputy Jack Chambers:** With Deputy Jim O’Callaghan and the Minister, I fully support and welcome the publication and transposition of the directive. It is interesting, when we read the background information, to note that it began in the early noughties in the European Union with a Council framework decision and that it has taken a lengthy period for it to be properly transposed, formalised and put on a statutory footing in Irish law. What is unfortunate - this is something we see too often - is how long it takes to have positive ideas at EU level properly transposed or agreed to at member state level. It is welcome that Directive 2012/29/EU is being transposed.

To make a broad point, it is important that we have a framework placed on a statutory basis to put the victim of a crime at the centre of Irish law. We all know and have met victims of crime. We have all been victims of various criminal offences at various times in our lives. It is important that victims of crime have rights and be able to contact, and have positive interaction with, the various statutory agencies. As outlined, the fundamental tenet is communication and that reviews of decisions can be made at the various stages of the process. The recent O’Higgins report detailed serious deficiencies in how victims were provided with information. This uncertainty for victims is worrying and has a significant effect on them and their families. It is important, as Deputy Jim O’Callaghan stated, that the agencies of the State be accountable to victims and that they provide a proper mechanism and review process as a crime investigation is progressed.

This morning at a meeting of the Oireachtas Joint Committee on Justice and Equality Ms Maria McDonald spoke on behalf of the Victims Rights Alliance. She made an excellent presentation on penal reform in which she highlighted a number of important points. They are worth noting. The Victims Rights Alliance is very positive about the Bill and welcomes the Minister’s work in that regard, but, as Deputy Jim O’Callaghan mentioned, there are questions about restorative justice and why there is no statutory restorative justice scheme in place. The strategic review of penal policy acknowledges that the directive promotes the appropriate use of restorative justice services. This is in line with the delivery of such services in the State. The directive states “restorative justice” means “any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party”. It is important to address some of the concerns of the Victims Rights Alliance. While it welcomes the centralising of the victim in statutory rights, it is concerned that restorative justice has not been included and formalised as part of the process. As we all know, we only get one chance in the short to medium term to deal with legislation to transpose a directive. As it is unlikely that we will revisit this option properly and positively in the years to come, we, therefore, need to get this right and ensure we do not dilute the potential rights of victims as part of the legislation.

1 March 2017

The report of the Victims Rights Alliance states 72% of victims felt they had been revictimised by the criminal justice system, while more than 40% felt they had been revictimised by the accused. I hope the legislation and the work that will flow from it will reduce these alarming rates to ensure the victim will be put at the centre of the criminal justice system in the context of other balancing rights. This is important legislation which I hope we and the Minister will get right.

Debate adjourned.

The Dáil adjourned at 10.15 p.m. until 12 noon on Thursday, 2 March 2017.